

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

JUL 3 1 2014

JACQUELINE STEVENS
NORTHWESTERN UNIVERSITY
601 UNIVERSITY PLACE, DEPT OF POLITICAL SCIENCE
EVANSTON, IL 60208

Re: **ICE FOIA Case Number 2013FOIA17862**

Dear Ms. Stevens:

This letter is the final response to your Freedom of Information Act (FOIA) request, dated April 9, 2013 to the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), for all system and other records associated with ICE Risk Classification Assessment instrument.

To provide you with the greatest degree of access authorized by law, ICE has considered your request under both the FOIA, 5 USCS § 552, and the Privacy Act, 5 USCS § 552a. Information about an individual that is maintained in a Privacy Act system of records may be accessed by that individual¹ unless the agency has exempted the system of records from the access provisions of the Privacy Act.²

I have determined that portions of the 437 pages provided by ERO will be withheld pursuant to Exemption (k)(2) of the Privacy Act and Exemptions (b)(6), (7)(C) and (b)(7)(E) of the FOIA.

Privacy Act Exemption (k)(2) protects investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence.

ICE has applied Exemptions 6 and 7(C) to protect from disclosure of the names of ICE employees.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

¹ 5 USCS § 552a(d)(1).

² 5 USCS §§ 552a(d)(5), (j), and (k).

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

ICE has applied FOIA Exemption 7(E) to protect from disclosure law enforcement agency system check, agency case numbers, and administrative codes.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of law enforcement sensitive information could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have the right to appeal ICE's determination and should you wish to do so, please send your appeal following the procedures outlined in the DHS regulations at 6 Code of Federal Regulations § 5.9 and a copy of this letter to:

U.S. Immigration Customs Enforcement
Office of Principal Legal Advisor
U.S. Department of Homeland Security
Freedom of Information Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

Your appeal must be received within 60 days of the date of this letter. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

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Provisions of the FOIA and Privacy Act allow us to recover part of the cost of complying with your request. In this case, since the cost is below the \$14 minimum, there is no charge.³

If you need to contact the FOIA office about this matter, please call (866) 633-1182 and refer to FOIA case number **2013FOIA17862**.

Sincerely,

Catrina M. Pavlik-Keenan
FOIA Officer

Enclosure(s): (437) pages on CD

³ 6 CFR § 5.11(d)(4).