



Homeland
Security

April 25, 2016

SENT BY ELECTRONIC MAIL TO: tran@foia.org and foia@epic.org

John Tran, EPIC FOIA Counsel
Zaneta Kim, Student Intern
1718 Connecticut Ave NW
Washington, DC 20009

Re: 2015-HQFO-00706

Dear Mr. Tran:

This is the electronic final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated September 22, 2015, and received by this office on September 25, 2015. You are seeking the following records pertaining to the Priority Enforcement Program ("PEP") designed and implemented by DHS: 1. All records including, but not limited to, communications, memos, and reports regarding PEP prepared or sent by the Office of Civil Rights and Civil Liberties since November 20, 2014; 2. All records including, but not limited to, documents, communications and reports regarding PEP prepared or sent by the Assistant Secretary for Intergovernmental Affairs (IGA); and 3. All communications between the agency and the Los Angeles County Sheriff's Office and local officials in Los Angeles regarding PEP.

On October 5, 2015, in our acknowledgement letter to you, we advised that item one of your request was being transferred to CRCL, and that item three of your request was being transferred to ICE.

On March 9, 2016, via email, you amended your request advising that item two would be satisfied if our office searched for final records, such as reports or brochures regarding PEP that were either prepared by or sent by Phil McNamara of IGA since November of 2014.

A search of IGA for documents responsive to your request produced a total of 52 pages. Of those pages, I have determined that 51 pages of the records are releasable in their entirety and one page is partially releasable pursuant to Title 5 U.S.C. § 552: ((b)(6) and (b)(7)(C), FOIA Exemptions 6 and b7(C).

Enclosed are 52 pages with certain information withheld as described below:

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.

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.

You have the right to appeal ICE's withholding determination. Should you wish to do so, send your appeal 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, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. 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."

Provisions of FOIA allow DHS to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 CFR § 5.11(d)(4).

If you need to contact our office again about this matter, please refer to **2015-HQFO-00706**. This office can be reached at 1-866-431-0486 or 202-343-1743.

Sincerely,
/s/

Maura Busch
FOIA Program Specialist

Enclosure(s): Responsive Documents, 52 pages