

ICE Clarification Request FOIA Number 2019-ICFO-44628

ice-foia@dhs.gov

Tue 7/2/2019 9:12 AM

To: Ford, Kara <KaraFord@eversheds-sutherland.us>

July 02, 2019

Kara Ford
Eversheds Sutherland, LLP
1114 Avenue of the Americas
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New York, NY 10036

RE: ICE FOIA Case Number 2019-ICFO-44628

This e-mail is in regards to your June 17, 2019 ICE FOIA request for 1. All records created since January 1, 2015 that contain or constitute "Privacy Complaint Files" as referenced in the NARA Request (DAA-0567-2016-0002) dated January 4, 2017. 2. All records created since January 1, 2015 that contain or constitute "Compliance Review Files" as referenced in the NARA Request (DAA-0567-2016-0002) dated January 4, 2017. 3. All records created since January 1, 2015 that contain or constitute "Disclosure Advice Records" as referenced in the NARA Request (DAA-0567-2016-0002) dated January 4, 2017. 4. All records created since January 1, 2015 that contain or constitute "Rulemaking Files" as referenced in the NARA Request (DAA-0567-2016-0002) dated January 4, 2017. 5. All records created since January 1, 2015 that contain or constitute "Requests for System Waivers and Exceptions" as referenced in the NARA Request (DAA-0567-2016-0002) dated January 4, 2017. 6. All records created since January 1, 2015 that contain or constitute "Information Sharing Agreement Files" as referenced in the NARA Request (DAA-0567-2016-0002) dated January 4, 2017. 7. All records created since January 1, 2015 that contain or constitute "Testing Questionnaire Files" as referenced in the NARA Request (DAA-0567-2016-0002) dated January 4, 2017. 8. All records created since January 1, 2015 that contain or constitute "Investment Reviews" as referenced in the NARA Request (DAA-0567-2016-0002) dated January 4, 2017. 9. All records, including but not limited to, memoranda, policies, procedures, guidance, guidelines, training modules, and directives, that constitute or apply to the use of Social Media Operational Use Templates, SMOUT, or Templates used by OHS, including by components CBP, ICE, or USCIS. 10. All records that contain, constitute, or reference "Rules of Behavior" submitted pursuant to a SMOUT used by CBP, ICE, or USCIS. 11. All versions, including draft versions, of the SMOUT or Template from July 24, 2012 through November 2, 2018. 12. All versions, including draft versions, of the OHS Management Directive 110-01, Privacy Policy for Operational Use of Social Media. 13. All records created since January 1, 2015 that contain or constitute "Data Access Request Analysis" or "DARA" as referenced in the NARA Request (DAA-0567-2016-0002) dated January 4, 2017..

After careful review of your FOIA request, we determined that your request is **too broad in scope**, did not specifically identify the records which you are seeking, or only posed questions to the agency. Records must be described in reasonably sufficient detail to enable government employees who are familiar with the subject area to locate records without placing an unreasonable burden upon the agency. For this reason, §5.3(b) of the DHS regulations, 6 C.F.R. Part 5, require that you describe the records you are

seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipients, and subject matter of the records, if known, or the ICE program office you believe created and/or controls the record. The FOIA does not require an agency to create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify specific records.

Please resubmit your request containing a reasonable description of the records you are seeking. Upon receipt of a perfected request, you will be advised as to the status of your request.

If we do not hear from you within 30 days from the date of this letter, we will assume you are no longer interested in this FOIA request, and the case will be administratively closed. Please be advised that this action is not a denial of your request and will not preclude you from filing other requests in the future.

Sincerely,

ICE FOIA