

EXHIBIT F

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August 11, 2011

BY EMAIL

Hon. Shira A. Scheindlin
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: NDLON et al. v. ICE et al., No. 10 CV 3488 (SAS)
(KNF)

Dear Judge Scheindlin:

We represent Plaintiffs in the above-referenced Freedom of Information Act ("FOIA") action. In the Court's Opinion and Order dated July 11, 2011 (the "July 11 Order"), the Court ordered Defendants to submit revised *Vaughn* indexes providing further justifications for their withholding of certain documents.

Pursuant to the Order, on August 8, 2011, Defendants provided Plaintiffs with two indexes labeled Supplemental Vaughn Index I ("Supp. Vaughn I") and Supplemental Vaughn Index II ("Supp. Vaughn II") (collectively, "Supplemental Vaughns" or "Supp. Vaughns"). Supp. Vaughn I contains additional justifications for certain records withheld by ICE. Supp. Vaughn II lists documents ICE continues to withhold, but that Defendants did not include in previous *Vaughn* indexes.¹ Defendants also provided the Declaration of ICE Deputy FOIA

¹ Plaintiffs expect that Defendants will release to Plaintiffs those records that were subject to the Court's Order but that Defendants have omitted from the Supplemental Indexes. For example, Plaintiffs note that the Draft Public Affairs Guidance Memo and certain versions of the October 1, 2010 Memorandum do not appear on Defendants' Supplemental Vaughn Indices. In addition, Plaintiffs assume, for purposes of this correspondence, that Defendants will comply with those

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Officer Ryan Law ("Law Declaration" or "Law Decl.")² Supplemental Vaughns I, II and the Law Declaration are attached as Exhibits A-C, respectively.

A. Defendants Have Failed to Show that October 2, 2010 Memorandum Should Not Be Released

Plaintiffs maintain that the October 2, 2010 Memorandum (the "Oct. 2 Memo") provides the legal basis and rationale for the policy that Secure Communities is a mandatory program for states and localities. Despite the Court's invitation to do so, Defendants have neither explained the role of the Oct. 2 Memo in the deliberative process, nor identified any other document evidencing the legal basis and rationale for the policy that Secure Communities is a mandatory program for states and localities. Thus, more than a year after Plaintiffs submitted their original FOIA request, Defendants continue to withhold the legal basis for its policies from the public

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parts of the Order not specifically discussed herein. For example, Defendants include an entry on the Supplemental Vaughn Indices indicating that the names of federal and state employees and third parties continue to be withheld. Plaintiffs presume that Defendants, consistent with the Court's order, intend to release the names of agency heads or high-level subordinates and the titles and places of work of all federal employees and third parties.

² Plaintiffs question whether the Law Declaration meets even the minimum requirements of the Order. For example, Defendants rely heavily on the Law Declaration to show that confidentiality has been maintained with respect to documents withheld under the attorney client privilege. However, the heart of the Law Declaration is the blanket assertion that "ICE personnel involved in attorney client communications that ICE withheld from Plaintiffs under FOIA Exemption (b)(5) have reviewed all such communications for the purpose of determining whether confidentiality has been maintained. Each of those personnel have responded that confidentiality has in fact been maintained." Ex. C ¶ 4. Among other shortcomings, the Law Declaration provides no details regarding which ICE personnel were asked to review their communications or how the ICE personnel determined that confidentiality had been maintained with respect to these documents.

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and fail to provide even this Court with the information necessary to evaluate the legitimacy of that withholding.

As the Court acknowledged in the July 11 Order, records containing the legal basis or rationale for an agency policy are not protected by the deliberative process or attorney client privileges and should be released. *See* July 11 Order at 61-62; *see also Coastal States Gas Corp. v. Dep't of Energy*, 617 F.2d 854, 866 (D.C. Cir. 1980) (noting that records may lose the protection of FOIA Exemption 5 when they are adopted "formally or informally, as the agency position on an issue [are] used by the agency in its dealings with the public"). After reviewing multiple versions of the document in camera, this Court found that Defendants failed to establish the role that the memorandum played in the deliberative process (July 11 Order at 60), or to establish that confidentiality has been maintained, a prerequisite for the attorney client privilege to apply. *Id.* at 63. Accordingly, the Court granted Defendants another opportunity to meet these burdens. *Id.* The Court also invited Plaintiffs to provide additional information regarding whether this document reflected "secret law." *Id.* at 63-64. As directed by this Court, Plaintiffs provide today additional evidence that Defendants have adopted as their stated policy the legal analysis of the Oct. 2 Memo.

Defendants still fail to meet the burden that the Oct. 2 Memo is privileged. The only additional information offered in the Supplemental Vaughns to support nondisclosure of the Oct. 2 Memo is the following description: "draft language and comments circulated by client program office to OPLA seeking legal review of sufficiency and direction. The draft memo on SC participation was drafted by OPLA as advice to the client in response to a client request for

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guidance on the mandatory v. voluntary question of participation in SC.”³ This entry does not clarify whether the memorandum was written or solicited to “justify an already existing policy or to lend support in an intra-agency debate about shifting the policy.” See July 11 Order, at 60. Indeed, Defendants have failed to describe the document’s role in the decision-making process and thus withdraw their claimed exemption under deliberative process for the Oct. 2 Memo. Moreover, Defendants have failed to establish that the legal analysis in the memorandum is based on confidential information provided by the client to agency counsel, or to what extent “the legal analysis contained within the document was shared outside the agency, including with state and local governments and/or with other agencies and branches of the federal government.” July 11 Order at p. 62. On this basis alone, the Oct. 2 Memo should be ordered released.

Even assuming *arguendo* that Defendants have met their burden to establish that the attorney-client privilege applies, the document would be subject to disclosure if it is adopted “formally or informally, as the agency position on an issue or is used by the agency in its dealings with the public.” *Coastal States Gas Corp.*, 617 F.2d at 866 (D.C. Cir.1980); *Afshar v. Dep’t of State*, 702 F.2d 1125, 1143 (D.C. Cir. 1983) (citing *NLRB v. Sears*, 421 U.S. 132, 161 (1975)) (noting that once views have been adopted the rationale of deliberative process inhibiting frank and honest deliberations does not apply because “agency employees will generally be encouraged rather than discouraged by public knowledge that their policy suggestions have been

³ See Ex. A (Supp. Vaughn I), listing the following documents (each with the “ICE-FOIA 10-2674.” prefix): 0002522-23; 0002548-55; 0002666-75; 0002676-85; 0002686-93; 0002713-21; 0003162-69; 0003740-48; 0003754-59; 0010794-800; 0010815; 0010839-49; 0011360-65; 0012494-503; 0013854-60; 0010589-92.

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adopted by the agency.”) (internal punctuation omitted); *see also id.* at 1139 (citing *NLRB v. Sears*, 421 U.S. at 151) (noting that the “desirability of disclosing such [working law]” is “powerfully supported by affirmative disclosure requirements of [FOIA].”) (internal punctuation omitted). Underlying the rule that any policy or rationale for a policy adopted by an agency cannot be withheld from the public is the notion that an agency cannot develop “a body of ‘secret law,’ used by it in the discharge of its regulatory duties and in its dealings with the public, but hidden behind a veil of privilege because it is not designated as ‘formal,’ ‘binding,’ or ‘final.’” *Coastal States Gas Corp.*, 617 F.2d at 868.

In the Second Circuit, there is no bright-line test for establishing that a particular document has been adopted or incorporated by reference. *Nat’l Council of la Raza v. Dep’t of Justice*, 411 F.3d 350, 358 (2d Cir. 2005). Rather, the Court “must examine *all* relevant facts and circumstances in determining whether express adoption or incorporation by reference has occurred.” *Id.* at 357, n.5 (citing cases) (emphasis in original); *Bronx Defenders v. Dep’t. of Homeland Sec.*, No. 04 CV 8576, 2005 WL 3462725, *5 (S.D.N.Y. Dec. 19, 2005) (citing *Sears*, 421 U.S. at 161) (once the document is adopted as a rationale for a decision, even implicitly “the memorandum becomes part of the public record.”).

In this case, all the relevant evidence, including public statements by Defendants and local officials that met with representatives from Defendants ICE and DHS demonstrate that the Oct. 2 Memo contains the rationale and legal basis for the mandatory position. Defendants have not contradicted this evidence. Indeed, in a September 29, 2010 email from Beth Gibson, the Assistant Deputy Director of ICE, Ms. Gibson describes the purpose of the Oct. 2 Memo as gathering the legal support for the shift to Defendants’ mandatory policy—after the decision to

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shift to the mandatory formula had already been made: "In terms of specific meeting get backs,-- OPLA is gathering the legal support for the "mandatory" nature of participation in 2013"⁴ On October 6, 2010, Secretary Napolitano stated publically that Secure Communities was a mandatory program. The legal rationale articulated in the Oct. 2 memo permitted the Secretary to, for the first time, make such an unequivocal statement about Secure Communities' mandatory nature. At that time, the Secretary and other agency spokespeople cited a "mandate" and authority for federal information-sharing as the legal basis for the mandatory policy. Since Secretary Napolitano's statement, Defendants have echoed this policy statement—and the legal basis for this policy—repeatedly in the media and in communications to state and local officials.⁵

⁴ See Ex. D (ICE FOIA 10-2674.0002997-3001, at ICE FOIA 10-2674.0003000: Email from Beth Gibson, Subject: Re: SCAAP, Sept. 29, 2010) (referencing titles of memos including the Oct. 2 memo "SC is drafting revised language to describe the shift from the current 'voluntary' formula to the '2013' formula"). See also, Ex. E (ICE FOIA 10-2674.0013173, August 2, 2010 Email from Randi Greenberg: ("Secure Communities has a meeting on Wednesday (8/4/10) with some Representatives from California on the ability to "opt out" of SC participation. As we continue to do refine our implementation strategy, Mr. Venturella has asked us to look into a legal mandate, provision, law, etc. that would allow ICE/DHS to request fingerprint information from the FBI for law enforcement and/or criminal justice purposes, regardless of whether states and locals can opt in or out. SC did some research on this topic months ago, though we never went anywhere with it. We're hoping that OPLA might now be able to weigh in and provide legal references and/or a legal interpretation of the references listed below. My guess is there is additional legislation out there that we don't know about but are hoping that you do!")); Ex. F (ICE FOIA 10-2674.0005568-5571, Email from Randi Greenberg, Branch Chief, Secure Communities, ICE, Sept. 30, 2010, Re: Another Calif. County Seeking to Retroactively Opt Out of SC; ("There is no legislation that makes SC mandatory. Rather, there is legislation (in various forms) that makes IDENT/IAFIS interoperability mandatory. SC utilizes IDENT/IAFIS interoperability. SC receives Congressional appropriations for Secure Communities specifically, and then is responsible for reporting on ICE-wide Criminal Alien Enforcement efforts."))

⁵ See e.g., ARL Now, *ICE Director: Arlington Can't Opt Out of Secure Communities*, ARLNow.com, Oct. 11, 2010, available at <http://www.arlnow.com/2010/10/11/ice-director->

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As recently as August 5, 2011, John Morton, Director of ICE, sent a letter to all Governors in states participating in Secure Communities (the "Morton Letter", attached as Exhibit G), reiterating the mandatory position, and stating that:

I seek to clarify an issue that has been the subject of substantial confusion: whether a memorandum of agreement (MOA) between ICE and a state is necessary to operate the program in that state. *ICE has determined* that an MOA is not required to activate or operate Secure Communities for any jurisdiction. Once a state or local law enforcement agency voluntarily submits fingerprint data to the federal government, no agreement with the state *is legally necessary* for one part of the federal government to share it with

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arlington-cant-opt-out-of-secure-communities/ ("U.S. Immigration and Customs Enforcement Director John Morton tells the Associated Press that local governments cannot withdraw from Secure Communities, because the program is between states and the federal government. Secure Communities checks the immigration status of those booked into local jails by comparing fingerprints sent to the FBI's criminal database to an ICE immigration database. Because the fingerprints are first sent to the state, which then sends them to the FBI, local communities can't opt out, Morton said."); *See* Ex. I (ICE FOIA 10-2674.0003149-3153), Draft Letter to The Honorable Barbara M. Donnellan, County Manager, Arlington, (explaining that by 2013, "[a]ll fingerprints checked against federal criminal records in the FBI's Integrated Automated Fingerprint Identification System (IAFIS) will also be checked against federal immigration records in DHS's Automated Biometric Identification System (IDENT), and ICE will be automatically notified of matches to IDENT data. Such information sharing is mandated by Congress and in accord with the recommendations of the 9/11 Commission."); Felde, Kitty, Southern California Public Radio, *Opting out of Secure Communities: Law, Technology make it Tough to not Enforce Controversial Immigrant-Focused Program*, Jun. 9, 2011 available at <http://www.scpr.org/news/2011/06/09/27158/law-and-technology-make-it-tough-opt-out-secure-co/> (John Morton says "the backbone of Secure Communities is information sharing between the Department of Justice and the Department of Homeland Security" referencing post September 11th laws including the Patriot Act and appropriations bills); Ex. J. (ICE FOIA 10-2674.0011848), Email about Cook County, Il inquiry, Sept. 21, 2010 (ICE official discussing response to inquiry from Cook County official, and noting that this may turn out to be a "mole-hill" instead of a "mountain" and just be a case of identifying for the attorney the FBI's authority to share info with ICE (28 USC 534, IDENT SORN, FBI's related SORN) and citing various appropriation act where Congress wanted this info-sharing ability be made available to local law enforcement (e.g. S.Rep. 108-280 from 2004).

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another part. For this reason, ICE has decided to terminate all existing Secure Communities MOAs [with states]. (emphasis added)

See Ex. G.

Along with the Morton Letter, ICE Director Morton also provided a fact sheet stating: “Under the Secure Communities program, the FBI, *as mandated by statute*, automatically sends these fingerprints to DHS to check against its immigration databases.” *See Ex. H* at 1 (emphasis added). With these and other statements, Defendants indicate that the legal basis or rationale for the policy that Secure Communities is mandatory for states and localities is articulated in the Oct. 2 Memo.⁶ As the Court emphasized, Defendants have informed Plaintiffs that there is no final version of that memorandum, nor have they pointed to any other document that contains the legal basis for the mandatory position. July 11 Order, at 6. Therefore, the Oct. 2 Memo is the only authority that the agency could have relied on and adopted as the legal basis and rationale for the mandatory policy.

As this Court has noted, withholding this information from the public affected by these policies would defy both the letter and spirit of FOIA. *See* July 11 Order at 31 (citing *Dep’t of the Interior v. Klamath Water Users Protective Ass’n*, 532 U.S. 1, 9 (2001)). In light of this principle, this Court should order Defendants to release the withheld versions of the Oct. 2 Memo.

⁶ The public references to the factual basis and analysis of the Oct. 2 Memo belie any claim that the memorandum is based on “confidential” information provided by the client to the attorney. If the “confidential” information is about government programs and policies that the public knows about or should know about under FOIA, the rationale of protecting client confidences should not apply, and the government should be allowed to misuse the attorney client privilege to withhold the legal basis for its policies from the public.

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B. Additional Deficiencies in Defendants' Supplemental Vaughns

Plaintiffs also note that Defendants have included in their Supplemental Vaughns descriptions of documents purportedly withheld on the basis of non-responsiveness because the documents were dated after the Court-ordered search cut-off date.⁷ It is well within this Court's discretion to require Defendants to produce these documents. *See, e.g., Am. Civil Liberties Union v. Dep't of Def.*, Nos. 04 Civ. 4151, 05 Civ. 9620, 2008 WL 4755209, *1 (S.D.N.Y. Oct. 29, 2008) (“[T]he Court, in its discretion, may require the Government to produce responsive documents that postdate the cut-off date if they are known . . . and easily produced . . .”). Documents identified on the Supplemental Vaughn indices are clearly known to Defendants and may be easily produced. Accordingly, Plaintiffs respectfully request that the Court order Defendants to release any information identified in the Supplemental Vaughn indices that is related to Secure Communities and withheld based solely on the cut-off date.

In addition, Plaintiffs challenge certain entries in the Supplemental Vaughn II (entries that were not included in previous Vaughn indexes).⁸ Plaintiffs respectfully request the Court order the Defendants produce the documents provided in Exhibit K for the reasons in the Court's July 11 Order. The descriptions provided by Defendants demonstrate the withheld record or information do not appear to comply with the Court's July 11 Order, given that many include

⁷ *See* Ex. B (Supp. Vaughn II), listing the following documents, as non-responsive due to date of creation outside of date range (each with the “ICE-FOIA 10-2674.” prefix): 0006746-52; 0006757; 0008852-60; 0011599-602; 0011630-31; 0011692-94; 0011695-96.

⁸ Exhibit K, attached hereto, lists the specific entries Plaintiffs wish to challenge.

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discussions of how to respond to media inquiries or how to explain the opt-out policy to the public. *See* July 11 Order, at 31.

We thank the Court for consideration of these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony J. Diana", with a long horizontal flourish extending to the right.

Anthony J. Diana

cc: Christopher Connolly, Joseph N. Cordaro and Christopher Harwood
Assistant United States Attorneys, Southern District of New York (*by e-mail*)

Therese Craparo, Lisa R. Plush, Jeremy D. Schildcrout, Mayer Brown LLP (*by e-mail*)

Bridget P. Kessler, Immigration Justice Clinic Benjamin N. Cardozo School of Law (*by e-mail*)

Sunita Patel, Gitanjali Gutierrez, Center for Constitutional Rights (*by e-mail*)

EXHIBIT A

NDLON v. ICE, et al. Civil Action No. 10-3488 (S.D.N.Y.)

Supplemental Vaughn Index

Pursuant to the Court's Opinion and Order dated July 11, 2011, this index contains a supplemental description of certain records withheld in full or in part by ICE pursuant to FOIA Exemptions. Any portion of a document that is reasonably segregable from the information subject to an exemption has been released. Unless otherwise indicated, documents listed have been withheld in part.

Bates Number	Date of Document	Description of Document	Exemption(s)	Description of Information Withheld
ICE FOIA 10-2674.0002912-0002976	9/20/10	Email from OPLA containing attachments with drafts of documents in preparation for client meetings	(b)(5) Deliberative Process (b)(5) Attorney Client Privilege	Draft language and attorney recommendations sent by ELD OPLA. Confidentiality of the redacted information has been maintained.
ICE FOIA 10-2674.0003140-0003143	11/05/2010	Emails between SC and OPLA.	(b)(5) Deliberative Process; (b)(5) Attorney Client	Discussion and comments regarding proposed changes to Kansas MOA. Comments discuss possible inclusion or exclusion of specific language regarding racial profiling, including legal and policy implications. Emails also include discourse on possible reasons states and localities might wish to opt-out as well as opt-out permissibility. Confidentiality of the redacted information has been maintained.
ICE FOIA 10-2674.0003149-.0003153	Undated	Draft of letter from David Venturella to Barbara Donnellan, County Manager, Arlington County, VA	(b)(5) Attorney-client privilege	Comments and suggested revisions from OPLA attorneys in response to client request for review. Confidentiality of the redacted information has been maintained.
ICE FOIA 10-2674.0003211-.0003219	Undated	Draft of letter from David Venturella to Miguel Marquez, County Counsel, Santa Clara County, CA	(b)(5) Attorney-client privilege	Comments and suggested revisions from OPLA attorneys in response to client request for review Confidentiality of the redacted information has been maintained.

ICE FOIA 10-2674.0003457-0003460	Undated	Memo from Marc Rapp, Assistant Director of Secure Communities, for Assistant Secretary John Morton	(b)(5) Deliberative Process	Analysis and recommendations from the Secure Communities program management office (PMO) to the Assistant Secretary regarding the PMO's views on the mandatory or voluntary nature of participation in Secure Communities. This memo and the views contained therein were never officially adopted by the agency and were never explicitly referred to in information released outside of the agency.
ICE FOIA 10-2674.0003461-0003463	Undated	Memo from Marc Rapp, Assistant Director of Secure Communities, for Assistant Secretary John Morton	(b)(5) Deliberative Process	Analysis and recommendations from the Secure Communities program management office (PMO) to the Assistant Secretary regarding the PMO's views on the mandatory or voluntary nature of participation in Secure Communities. This memo and the views contained therein were never officially adopted by the agency and were never explicitly referred to in information released outside of the agency.
ICE FOIA 10-2674.0003496 to .0003498	10/13/2010	Email between OPLA attorneys concerning draft language from the Office of Public Affairs regarding a media inquiry	(b)(5) Deliberative Process, attorney-client privilege	Comments from agency counsel concerning a proposed statement as to the nature of state and local participation. The comment expresses the advice of the attorney and was not officially adopted or used in any official agency communications. Confidentiality of the redacted information has been maintained.
ICE FOIA 10-2674.0003582 to .0003583	Undated	Draft letter to Rep. Zoe Lofgren with OPLA comments	(b)(5) attorney-client privilege	Comments from agency counsel regarding proposed response language to Rep. Zoe Lofgren. The proposed language suggested a new approach to the voluntary/mandatory issue that was never adopted by the agency. Confidentiality of the redacted information has been maintained.
ICE FOIA 10-2674.0011149-.0011151	08/03/2010	Email communication between client program office and OPLA attorney	(b)(5) Attorney-client privilege	Advice from agency counsel in response to client request for legal review. Confidentiality of the redacted information has been maintained.

<p>ICE FOIA 10-2674.0012488 to .0012493</p>	<p>undated</p>	<p>Draft of an OPLA memo on the status of participation in SC, dated October 1, 2010</p>	<p>(b)(5) attorney-client privilege</p>	<p>The draft memo on SC participation was drafted by OPLA as advice to the client in response to a client request for guidance on the mandatory v. voluntary question of participation in SC.</p> <p>Confidentiality of the redacted information has been maintained.</p>
<p>ICE FOIA 10-2674.0013984 to .0013896</p>	<p>10/04/2010</p>	<p>Email exchange between senior ICE leadership and OPLA, including a draft of an OPLA memo on the status of participation in SC, dated October 1, 2010</p>	<p>(b)(5) Attorney Client privilege</p>	<p>Draft language circulated by client program office to OPLA seeking legal review of sufficiency and direction. The draft memo on SC participation was drafted by OPLA as advice to the client in response to a client request for guidance on the mandatory v. voluntary question of participation in SC.</p> <p>Confidentiality of the redacted information has been maintained.</p>
<p>ICE FOIA 10-2674.0002509-2521, .0002534-2547, .0003008-3022, .0003023-3026, .0009132-9145 .0013893-13897</p>	<p>Various dates</p>	<p>Draft versions of OPLA memo on the status of participation in SC, dated October 1, 2010</p>	<p>(b)(5) Attorney Client privilege</p>	<p>The draft memo on SC participation was drafted by OPLA as advice to the client in response to a client request for guidance on the mandatory v. voluntary question of participation in SC.</p> <p>Confidentiality of the redacted information has been maintained.</p>
<p>ICE FOIA 10-2674.0002522-2523, .0002548-2555, .0002666-2675, .0002676-2685, .0002686-2693, .0002713-2721, .0003162-3169, .0003740-3748, .0003754-3759, .010794-10800, .010815, .010839-10849, .011360-11365 .012494-12503 .013854-13860</p>	<p>Various dates</p>	<p>Draft versions of OPLA memo on status of participation in SC, dated October 2, 2010</p>	<p>(b)(5) Attorney Client privilege</p>	<p>Confidentiality of the redacted information has been maintained.</p> <p>Draft language and comments circulated by client program office to OPLA seeking legal review of sufficiency and direction. The draft memo on SC participation was drafted by OPLA as advice to the client in response to a client request for guidance on the mandatory v. voluntary question of participation in SC.</p> <p>Confidentiality of the redacted information has been maintained.</p>

ICE FOIA 10-2674-0010589-0010592	08/05/2010	Email communication between OPLA attorneys concerning legal issues regarding SC participation	(b)(5) attorney-client privilege	Discussion between OPLA attorneys of legal issues affecting SC participation in response to a client request for legal advice. Confidentiality of the redacted information has been maintained.
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<p>ICE FOIA 10-2674.0003386-.0003389 ICE FOIA 10-2674.0003472-.0003475 ICE FOIA 10-2674.0003476-.0003480 ICE FOIA 10-2674.0003487-.0003495 ICE FOIA 10-2674.0003496-.0003498 ICE FOIA 10-2674.0003499-.0003507 ICE FOIA 10-2674.0003569-.0003581 ICE FOIA 10-2674.0003582-.0003583 ICE FOIA 10-2674.0003584-.0003589 ICE FOIA 10-2674.0003590-.0003600 ICE FOIA 10-2674.0003697-.0003698 ICE FOIA 10-2674.0003699-.0003707 ICE FOIA 10-2674.0003708-.0003717 ICE FOIA 10-2674.0003718-.0003721 ICE FOIA 10-2674.0003722-.0003725 ICE FOIA 10-2674.0003726-.0003730 ICE FOIA 10-2674.0003736-.0003739 ICE FOIA 10-2674.0003740-.0003748 ICE FOIA 10-2674.0003749-.0003753 ICE FOIA 10-2674.0003754-.0003759 ICE FOIA 10-2674.0003775-.0003779 ICE FOIA 10-2674.0009137-.0009145 ICE FOIA 10-2674.0009198 ICE FOIA 10-2674.0010589 .0010592 ICE FOIA 10-2674.0010639 .0010641 ICE FOIA 10-2674.0010752 ICE FOIA 10-2674.0010795 ICE FOIA 10-2674.0010812 ICE FOIA 10-2674.0010813 ICE FOIA 10-2674.0010815 ICE FOIA 10-2674.0010816 ICE FOIA 10-2674.0010817</p>	<p>Various dates</p>	<p>(b)(5) attorney-client privilege</p>	<p>Confidentiality of the redacted information has been maintained.</p>
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<p>ICE FOIA 10-2674.0010818 ICE FOIA 10-2674.0010819 ICE FOIA 10-2674.0010820 ICE FOIA 10-2674.0010824 ICE FOIA 10-2674.0010825 ICE FOIA 10-2674.0010833 ICE FOIA 10-2674.0010839 ICE FOIA 10-2674.0010840 ICE FOIA 10-2674.0010842 ICE FOIA 10-2674.0010843 ICE FOIA 10-2674.0010844 ICE FOIA 10-2674.0010845 ICE FOIA 10-2674.0010846 ICE FOIA 10-2674.0010847 ICE FOIA 10-2674.0010848 ICE FOIA 10-2674.0010849 ICE FOIA 10-2674.0011149-0011151 ICE FOIA 10-2674.0003211-.0003219 ICE FOIA 10-2674.0002210-.0002212 ICE FOIA 10-2674.0002034-.0002035 ICE FOIA 10-2674.0002030-.0002033 ICE FOIA 10-2674.0002027-.0002029 ICE FOIA 10-2674.0002024-.0002026 ICE FOIA 10-2674.0002022-.0002023 ICE FOIA 10-2674.0003162-.0003169 ICE FOIA 10-2674.0002509-.0002521 ICE FOIA 10-2674.0002522-.0002533 ICE FOIA 10-2674.0002534-.0002547 ICE FOIA 10-2674.0002548-.0002555 ICE FOIA 10-2674.0002594-.0002597 ICE FOIA 10-2674.0002651-.0002656 ICE FOIA 10-2674.0002661-.0002665 ICE FOIA 10-2674.0002666-.0002675 ICE FOIA 10-2674.0002676-.0002685</p>	<p>Various dates</p>		<p>(b)(5) attorney- client privilege</p>	<p>Confidentiality of the redacted information has been maintained.</p>
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<p>ICE FOIA 10-2674.0002686-.0002693 ICE FOIA 10-2674.0002713-.0002721 ICE FOIA 10-2674.0002903-.0002911 ICE FOIA 10-2674.0002912-.0002976 ICE FOIA 10-2674.0002977-.0002992 ICE FOIA 10-2674.0002993-.0002996 ICE FOIA 10-2674.0002997-.0003001 ICE FOIA 10-2674.0003002-.0003007 ICE FOIA 10-2674.0003008-.0003022 ICE FOIA 10-2674.0003023-.0003026 ICE FOIA 10-2674.0003140-.0003143 ICE FOIA 10-2674.0003146-.0003148 ICE FOIA 10-2674.0003149-.0003153 ICE FOIA 10-2674.0003154-.0003157 ICE FOIA 10-2674.0012488-.0012493 ICE FOIA 10-2674.0010825 ICE FOIA 10-2674.0011366-.0011374 ICE FOIA 10-2674.0011833-.0011847 ICE FOIA 10-2674.0011848-.0011849 ICE FOIA 10-2674.0012487 ICE FOIA 10-2674.0012488-.0012493 ICE FOIA 10-2674.0010794-.0010800 ICE FOIA 10-2674.0009132-.0009145 ICE FOIA 10-2674.0012494-.0012503 ICE FOIA 10-2674.0011360-.0011365</p>	<p>Various dates</p>	<p>(b)(5) attorney-client privilege</p>	<p>Confidentiality of the redacted information has been maintained.</p>
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EXHIBIT B

NDLON v. ICE, et al. Civil Action No. 10-3488 (S.D.N.Y.)

Supplemental Vaughn Index

Pursuant to the Court's Opinion and Order dated July 11, 2011, this index contains a description of the records were withheld in full or in part by ICE pursuant to FOIA Exemptions and that were not included on ICE's original index. Any portion of a document that is reasonably segregable from the information subject to an exemption has been released. Unless otherwise indicated, documents listed have been withheld in part.

Bates Number	Date of Document	Description of Document	Exemption(s)	Description of Information Withheld
Multiple entries throughout	Various dates	Various documents across the production	(b)(6), (b)(7)(C)	Names, phone numbers, and email addresses of federal and state employees and other third parties appearing in agency records
ICE FOIA 10-2674.0002046	Undated	Responses to questions from Congressional Research Service	Non-responsive	Responses to questions that did not pertain to the opt out issue.
ICE FOIA 10-2674.0002052-0002055	Undated	Attachment to email string between PMO staff	Non-responsive	Joint report from DOJ and DHS on law enforcement grants for technology upgrades
ICE FOIA 10-2674.0002088-0002091	Undated	Executive Steering Committee PPT slides	Non-responsive	Draft ESC slides on topics not pertaining to the opt-out issue
ICE FOIA 10-2674.0002200-0002201	Undated	Draft recommendations on an addendum to the MOA between ICE and the states for SC participation	(b)(5) Deliberative Process	Options on participation and opt out. These options were not formally adopted by the agency and no addendum to the MOA was ever developed.
ICE FOIA 10-2674.0002294	10/12/2010	Email between PMO staff	(b)(6), (b)(7)(C) (b)(7)(E)	Names of federal employees and contractors and a link to internal agency web resources.

ICE FOIA 10-2674.0002412-0002413	08/03/2009	Draft memo regarding proposals for DRO participation in interoperability deployment coordination	(b)(5) Deliberative Process	Draft memo that describes and identifies possible problems encountered by the PMO during deployment of SC. The memo also makes two proposals for increased DRO participation. The memo was never officially adopted by the agency and were never explicitly referred to in information released outside of the agency
ICE FOIA 10-2674.0003945	05/28/2010	Email communication between PMO staff on definitions of participation options	(b)(5) Deliberative process	Suggested draft language defining the participation options for SC from an agency contractor to the PMO branch chief for communications and outreach
ICE FOIA 10-2674.0004464-.0004465	07/30/2010	Email communication between PMO staff and FBI on whether participation in SC is mandatory	(b)(5) Deliberative process	Intra-agency discussion on the definition of mandatory participation.
ICE FOIA 10-2674.0004879-.0004881	09/07/2010	Email communication between PMO staff regarding Oregon Hispanic Commission questions	(b)(6), (b)(7)(C)	Names of agency employees. No other redactions.
ICE FOIA 10-2674.0005092-.0005095	09/21/2010	Email communication	(b)(6), (b)(7)(C)	Names of agency employees. No other redactions.
ICE FOIA 10-2674.0005097	10/07/2010	Email communication regarding Congressional briefings by the Office of Congressional Relations	Non-responsive	Summary of non-Secure Communities briefing issues
ICE FOIA 10-2674.0005363 to .0005364	09/24/2010	Email communication between PMO and other agency staff	(b)(5) deliberative process	Suggestion from agency employee to other agency employees about dissemination of sensitive information in subsequent delegation meetings.
ICE FOIA 10-2674.0005394 to .0005409	09/27/2010	Media analysis for Monday, September 27, 2010	(b)(5) deliberative process	Erroneous redaction. The redacted portion is identical to the unredacted "Recommendations" section that appears on .0005393.
ICE FOIA 10-2674.0006167 to .0006174	08/25/2010	Email communication between agency staff and NY State Association of Chiefs of Police	Non-responsive	Comment on material unrelated to opt-out.
ICE FOIA 10-2674.0006746 to .0006752	11/10/2010 10/19/2010	Email communication	Non-responsive	Out of date range for the request
ICE FOIA 10-2674.0006757	11/10/2010	Email communication	Non-responsive	Out of date range for the request

ICE FOIA 10-2674.0007067 to .0007068	10/13/2010	Email communication	(b)(6), (b)(7)(C)	Names of agency employees. No other redactions.
ICE FOIA 10-2674.0007521-22	08/25/2010	Email communication among PMO staff and agency contractors	(b)(5) deliberative process	Suggestions on language to be used in draft public affairs guidance
ICE FOIA 10-2674.0007523-28	08/25/2010	Email communication among PMO staff and agency contractors	(b)(5) deliberative process	Suggestions on language to be used in draft public affairs guidance
ICE FOIA 10-2674.0008164-66	10/12/2010	ICE OCR Close of Business report	Non-responsive	Portions of report that discuss non-SC topics
ICE FOIA 10-2674.0008453	01/07/2010	Key messages briefing from SC and OSLC for DOJ	(b)(7)(E)	An email address for law enforcement agencies to respond to a survey on SC.
ICE FOIA 10-2674.0008852-60	10/16/2010	PMO email	Non-responsive	(b)(5) was mistakenly applied to the email address Out of date range
ICE FOIA 10-2674.0008853-60	Undated	Misprinted document	Non-responsive	Document is blank
ICE FOIA 10-2674.0008854-60	April 2010	Template for SC Frequently asked questions	(b)(6), (b)(7)(C)	Names of agency employees. No other redactions.
ICE FOIA 10-2674.0008868-69	Undated	Email communication	(b)(6), (b)(7)(C)	Names of agency employees. No other redactions.
ICE FOIA 10-2674.0009857-58	09/30/2010	Email communication between OPLA attorneys and PMO staff	(b)(5) attorney-client privilege	Legal advice from OPLA attorney to PMO staff
ICE FOIA 10-2674.0009863-	09/20/2009	Email communication between agency contractor and ICE public affairs employees	(b)(5) deliberative	Contractor suggestions on language to be used on a press release.

66 ICE FOIA 10- 2674.0009883- 84	09/15/2010	Email communication between OPLA attorneys	process (b)(5) attorney- client privilege	Discussion of legal issues between OPLA attorneys, including examination of information provided to OPLA by the client PMO.
ICE FOIA 10- 2674.0009886- 89	Undated	Draft of letter from David Venturella to Miguel Marquez, County Counsel, Santa Clara County, CA	(b)(5) attorney- client privilege	Comments and suggested revisions to letter by OPLA attorney in response to client request for legal review.
ICE FOIA 10- 2674.0009917- 20	07/27/2010	Email communication between OPA staff	(b)(5) deliberative process	Discussion among OPA staff on how to handle a request for an interview from Greta Van Susteren
ICE FOIA 10- 2674.0009953- 54	09/28/2010	Email communication between SC PMO and OPA	(b)(5) deliberative process	Suggested comments from OPA to SC PMO regarding a response to a media inquiry on "opting out" that did not represent final agency response
ICE FOIA 10- 2674.0009955- 56	09/28/2010	Email communication between SC PMO and OPA	(b)(5) deliberative process	Suggested comments from OPA to SC PMO regarding a response to a media inquiry on "opting out" that did not reflect the final agency response.
ICE FOIA 10- 2674.0009995- 9997	08/02/2010	Email communication between SC PMO and OPLA	(b)(5) attorney- client privilege	Information provided by client PMO to OPLA attorney in the course of seeking legal advice.
ICE FOIA 10- 2674.0010003-5	09/06/2010	Email communication between OPLA attorneys on opt out issue	(b)(5) attorney- client privilege	Discussion of opt out issue between OPLA attorneys based on information provided to OPLA by the client PMO.
ICE FOIA 10- 2674.0010154- 55	10/12/2010	Email communication between ICE OPA staff	(b)(5) deliberative process	Discussion of suggested response to request for information that did not reflect final agency response.
ICE FOIA 10- 2674.0010162	08/31/2010	Email communication between SC PMO and OPA	(b)(5) deliberative process	Suggested comments from OPA to SC PMO regarding a response to a media inquiry on "opting out" that did not reflect the final agency response.
ICE FOIA 10- 2674.0010163- 10164	08/31/2010	Email communication between SC PMO and OPA	(b)(5) deliberative process	Suggested comments from OPA to SC PMO regarding a response to a media inquiry on "opting out" that did not reflect the final agency response.
ICE FOIA 10- 2674.0010174- 76	09/02/2010	Email communication between OPLA attorneys on opt out issue	(b)(5) attorney- client privilege	Discussion of opt out issue between OPLA attorneys based on information provided to OPLA

					by the client PMO.
ICE FOIA 10-2674.0010197	09/28/2010	Email communication between SC PMO, ICE senior leadership, and OPA	(b)(5) deliberative process	Suggested comments from OPA regarding a response to a media inquiry on "opting out" that did not reflect the final agency response.	
ICE FOIA 10-2674.0010198-201	09/29/2010	Email communication between SC PMO, ICE senior leadership, and OPA	(b)(5) deliberative process	Suggested comments from OPA regarding a response to a media inquiry on "opting out" that did not reflect the final agency response.	
ICE FOIA 10-2674.0010234-36	09/01/2010	Email communication between ICE OPA staff	(b)(5) deliberative process	Discussion of suggested response to request for information that did not reflect final agency response.	
ICE FOIA 10-2674.0010247-48	08/26/2010	Email communication between OPLA attorneys	(b)(5) attorney-client privilege	Attorney comments and analysis of official SC "opt out" message which appears unredacted. Comments were mistakenly marked "(b)(2)(high), (b)(7)(E)".	
ICE FOIA 10-2674.0010260	09/30/2010	Email communication between OPLA attorneys on mandatory memo drafted by OPLA	(b)(5) attorney-client privilege	Legal advice and analysis by OPLA attorneys in response to a client request for legal review.	
ICE FOIA 10-2674.0010349	10/04/2010	Draft version of OPLA memo on the status of participation in SC, dated October 1, 2010 and email correspondence circulating memo among OPLA attorneys.	(b)(5) attorney-client privilege	Draft memo on SC participation drafted by OPLA as advice to the client in response to a client request for guidance on the mandatory v. voluntary question of participation in SC.	
ICE FOIA 10-2674.0010354-63	10/02/2010	Draft version of OPLA memo on the status of participation in SC, dated October 2, 2010.	(b)(5) attorney-client privilege	Confidentiality of the redacted information has been maintained. Draft memo on SC participation drafted by OPLA as advice to the client in response to a client request for guidance on the mandatory v. voluntary question of participation in SC.	
ICE FOIA 10-2674.0010367-73	09/29/2010	Email communication between SC PMO and OPA	(b)(5) deliberative process	Confidentiality of the redacted information has been maintained. Suggested comments from OPA to SC PMO regarding a response to a media inquiry on "opting out" that did not reflect the final agency response.	
ICE FOIA 10-2674.0010374-79	09/29/2010	Email communication between SC PMO and OPA	(b)(5) deliberative process	Suggested comments from OPA to SC PMO regarding a response to a media inquiry on "opting out" that did not reflect the final agency response.	

ICE FOIA 10-2674.0010380-82	09/30/2010	Email communication between SC PMO, ICE senior leadership, and OPA	(b)(5) deliberative process	Discussion on erroneous comments made by ICE staffer in response to a media request.
ICE FOIA 10-2674.0010395-99	09/29/2010	Email communication between SC PMO, ICE senior leadership, and OPA	(b)(5) deliberative process	Suggested comments from OPA regarding a response to a media inquiry on "opting out" that did not reflect the final agency response.
ICE FOIA 10-2674.0010400-05	10/01/2010	Email communication between OPLA attorneys	(b)(5) attorney-client privilege	Legal advice and analysis by OPLA attorneys in response to a client request for legal review.
ICE FOIA 10-2674.0010406	Undated	Draft of letter from David Venturella to Miguel Marquez, County Counsel, Santa Clara County, CA	(b)(5) attorney-client privilege	Comments and suggested revisions to letter by OPLA attorney in response to client request for legal review.
ICE FOIA 10-2674.0010407-12	10/02/2010	Draft version of OPLA memo on the status of participation in SC, dated October 2, 2010.	(b)(5) attorney-client privilege	Draft memo on SC participation drafted by OPLA as advice to the client in response to a client request for guidance on the mandatory v. voluntary question of participation in SC.
ICE FOIA 10-2674.0010415	09/02/2010	Email communication between SC PMO, ICE senior leadership, and OPA	(b)(5) deliberative process	Confidentiality of the redacted information has been maintained.
ICE FOIA 10-2674.0010417-19	10/07/2010	Email communication between ICE senior leadership and OPA	(b)(5) deliberative process	Suggested comments from OPA regarding a response to a media inquiry on "opting out" that did not reflect the final agency response.
ICE FOIA 10-2674.0010420-23	10/13/2010	ICE OCR Close of Business report	Non-responsive	Internal discussions related to setting up local media interviews with the Miami Field Office Director.
ICE FOIA 10-2674.0010424-28	09/29/2010	ICE OPA Close of Business report	Non-responsive	Portions of report that discuss non-SC topics
ICE FOIA 10-2674.0010862	10/15/2010	Email communication	(b)(6), (b)(7)(C)	Names of agency employees. No other redactions. (b)(5) was mistakenly applied to an employee name in a signature block.
ICE FOIA 10-2674.0010863	10/01/2010	Email communication	(b)(6), (b)(7)(C)	Names of agency employees. No other redactions. (b)(5) was mistakenly applied to all employee names in the email.

ICE FOIA 10-2674.0010864	10/05/2010	Email communication on Briefing Book material for Director Morton	Non-responsive (b)(6), (b)(7)(C)	Portions of correspondence that discuss non-SC topics (b)(5) was mistakenly applied to all employee names in the email.
ICE FOIA 10-2674.0010870-74	05/18/2010	Briefing Book material for Director Morton	Non-responsive	Portions of correspondence that discuss non-SC topics
ICE FOIA 10-2674.0011108	06/18/2010	Email communication between PMO staff on response to congressional request	(b)(6), (b)(7)(C) (b)(7)(E)	Names of federal employees and contractors and a link to internal agency web resources.
ICE FOIA 10-2674.0011124	06/18/2010	Email communication between PMO staff on response to congressional request	(b)(6), (b)(7)(C) (b)(7)(E)	Names of federal employees and contractors and a link to internal agency web resources.
ICE FOIA 10-2674.0011129-31	07/28/2010	Email communication between PMO staff on response to congressional request	(b)(6), (b)(7)(C) (b)(7)(E)	Names of federal employees and contractors and a link to internal agency web resources.
ICE FOIA 10-2674.0011134	07/28/2010	Email communication between PMO staff on response to congressional request	(b)(6), (b)(7)(C) (b)(7)(E)	Names of federal employees and contractors and a link to internal agency web resources.
ICE FOIA 10-2674.0011137-38	07/28/2010	Email communication between PMO staff on response to congressional request	(b)(6), (b)(7)(C) (b)(7)(E) (b)(5)	Names of federal employees and contractors and a link to internal agency web resources. Suggested comment is redacted as deliberative in that it does not reflect final agency response.
ICE FOIA 10-2674.0011153-54	08/03/2010	ICE OCR Close of Business report	(b)(6), (b)(7)(C) (b)(7)(E)	Names of federal employees and contractors and a link to internal agency web resources.
ICE FOIA 10-2674.0011162-64	08/04/2010	ICE OCR Close of Business report	(b)(6), (b)(7)(C) (b)(7)(E)	Names of federal employees and contractors and a link to internal agency web resources.
ICE FOIA 10-2674.0011203	09/08/2010	Email communication between PMO staff on Interoperability schedule review weekly meeting notes	(b)(6), (b)(7)(C) (b)(7)(E)	Names of federal employees and contractors and a link to internal agency web resources.
ICE FOIA 10-2674.0011450-54	09/07/2010	OCR Monthly Activity Report, August 2010	Non-responsive	Portions of report that discuss non-SC topics
ICE FOIA 10-2674.0011488-90	10/08/2010	ICE OCR Close of Business report	Non-responsive	Portions of report that discuss non-SC topics

ICE FOIA 10-2674.0011491-93	10/14/2010	ICE OCR Close of Business report	Non-responsive	Portions of report that discuss non-SC topics
ICE FOIA 10-2674.0011494-97	10/13/2010	ICE OCR Close of Business report	Non-responsive	Portions of report that discuss non-SC topics
ICE FOIA 10-2674.0011498-500	10/12/2010	ICE OCR Close of Business report	Non-responsive	Portions of report that discuss non-SC topics
ICE FOIA 10.2674.0011501-02	10/01/2010	ICE OCR Close of Business report	Non-responsive	Portions of report that discuss non-SC topics
ICE FOIA 10-2674.0011503-05	10/07/2010	ICE OCR Close of Business report	Non-responsive	Portions of report that discuss non-SC topics
ICE FOIA 10-2674.0011506-07	09/30/2010	ICE OCR Close of Business report	Non-responsive	Portions of report that discuss non-SC topics
ICE FOIA 10-2674.0011599-602	11/16/2010	ICE OCR Close of Business report	Non-responsive	Out of date range
ICE FOIA 10-2674.0011630-31	11/08/2010	Email communication from PMO	Non-responsive	Out of date range
ICE FOIA 10-2674.0011680-82	05/18/2010	ICE OCR Close of Business report	Non-responsive	Portions of report that discuss non-SC topics
ICE FOIA 10-	11/08/2010	Email communication from PMO	Non-responsive	Out of date range

2674.0011692-94							
ICE FOIA 10-2674.0011695-96	11/05/2010	Email communication from PMO		Non-responsive		Out of date range	
ICE FOIA 10-2674.0011702-4	10/14/2010	Summary of briefings/meetings		Non-responsive		Portions of report that discuss non-SC topics	
ICE FOIA 10-2674.0011707-8	09/30/2010	ICE OCR Close of Business report		Non-responsive		Portions of report that discuss non-SC topics	
ICE FOIA 10-2674.0011725-29	09/07/2010	Draft OCR Monthly Activity Report, August 2010		Non-responsive		Portions of report that discuss non-SC topics	
ICE FOIA 10-2674.0011754-57	08/13/2010	Email communication on OCR Close of Business report for August 12, 2010		Non-responsive		Portions of report that discuss non-SC topics	
ICE FOIA 10-2674.0011869-72	09/29/2010	Email communication between OPLA attorneys		(b)(5) attorney-client privilege		Legal advice and analysis by OPLA attorneys in response to a client request for legal review.	
ICE FOIA 10-2674.0011873	02/22/2010	Email communication among PMO staff and agency contractors		(b)(5) deliberative process		Suggestions from contractor on list of NGOs for proposed agency meetings.	
ICE FOIA 10-2674.0011877-79	02/22/2010	Email communication among PMO staff and agency contractors		(b)(5) deliberative process		Suggestions from contractor on list of NGOs for proposed agency meetings. Suggested responses drafted by contractor to a letter from Washington D.C. police chief. The suggested language does not reflect the final agency response.	
ICE FOIA 10-2674.0011880-85	02/22/2010	Email communication among PMO staff and agency contractors		(b)(5) deliberative process		Suggestions from contractor on list of NGOs for proposed agency meetings. Suggested responses drafted by contractor to a letter from Washington D.C. police chief. The suggested language does not reflect the final agency response.	

ICE FOIA 10-2674.0012930	Undated	Draft answers to questions posed by Rep. Jim Holm of the House Appropriations Committee	Non-responsive	Portions of draft answers that discuss non-opt-out, non-SC specific topics
ICE FOIA 10-2674.0012933	Undated	Draft answers to questions posed by Rep. Jim Holm of the House Appropriations Committee	Non-responsive	Portions of draft answers that discuss non-opt-out, non-SC specific topics
ICE FOIA 10-2674.0013049	06/21/2010	Email communication between PMO staff on response to congressional request	(b)(6), (b)(7)(C) (b)(7)(E)	Names of federal employees and contractors and a link to internal agency web resources.
ICE FOIA 10-2674.0013178-80	08/02/2010	ICE OCR Close of Business report	Non-responsive	Portions of report that discuss non-SC topics
ICE FOIA 10-2674.0013438-47	10/20/2009	Email exchange among PMO staff attaching copy of mandatory v. voluntary memo and draft interoperability implementation plan.	Non-responsive	Portions of plan that discuss non-opt-out issues
ICE FOIA 10-2674.0013456	11/09/2009	Email communication	(b)(6), (b)(7)(C)	Names of federal employees and contractors.
ICE FOIA 10-2674.0013467-75	Undated	OPA ICE "Hot Button Issues" Statements	Non-responsive	Portions of document that discuss non-SC topics
ICE FOIA 10-2674.0013581	01/13/2010	Email exchange among PMO staff attaching Q&A to Hatch staffers	(b)(5) deliberative process (b)(7)(E)	Comment from PMO staff on proposed answer that contained law enforcement sensitive material
ICE FOIA 10-2674.0013683	02/03/2010	Email circulating updated SC FAQ from January 2010	(b)(6), (b)(7)(C)	Names of federal employees and contractors. Some names were mistakenly marked as "non-responsive"
ICE FOIA 10-2674.0013824-	11/04/2009	Email circulating draft agenda for DHS-NGO working group meeting	Non-responsive	Portions of document that discuss non-SC topics