



September 14, 2020

SENT VIA E-MAIL (ICE-FOIA@dhs.gov, foia@hq.dhs.gov)

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street SW, Stop 5009
Washington, D.C. 20536-5009

U.S. Department of Homeland Security
Chief Privacy Officer/Chief FOIA Officer
The Privacy Office
245 Murray Lane SW
STOP-0655
Washington, D.C. 20528-0655

**Re: Freedom of Information Act Request:
ICE and DHS Contracts with RELX Group and Thomson Reuters**

To Whom It May Concern:

This is a Request under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), on behalf of Mijente, Immigrant Defense Project (“IDP”), the Center for Constitutional Rights (“CCR”), and the Human Rights and Gender Justice Clinic (“HRGJ Clinic”) at the City University of New York School of Law (“CUNY Law School”),¹ (“Requesters”) to the U.S. Immigration and Customs Enforcement Agency (“ICE”) and the U.S. Department of Homeland Security (“DHS”), regarding contracts with commercial information technology and data service providers, *RELX Group*² and *Thomson Reuters*.³

We ask that you direct this request to all appropriate offices, components and/or directorates within ICE, including but not limited to the Acquisition Management; Enforcement and Removal Operations (“ERO”); National Criminal Analysis and Targeting Center of the ERO; Office of the Executive Associate Director of Homeland Security Investigations (“HIS”); Offices of the

¹ The Requesters recognize the significant contribution made by CUNY Law School HRGJ Clinic student-attorneys Jeri Milan and Stephani Antona to the preparation of this FOIA request.

² RELX Group describes itself as “a global provider of information-based analytics and decision tools for professional and business customers,” <https://www.relx.com/>.

³ Thomson Reuters describes itself as “a leading provider of business information services,” <https://investors.thomsonreuters.com/investor-relations>.

Information Systems Security Officer (ISSO); Information Systems Security Manager; Office of Intelligence; Office of Information Governance and Privacy; Office of the Principal Legal Advisor; Privacy Office; Office of Professional Responsibility; Office of Public Affairs; and Office of the Chief Information Officer. We further request that you direct this request to all appropriate offices, components and/or directorates within DHS, including but not limited to the Chief Privacy Officer, Privacy Office; Office of the Chief Information Officer; Chief Information Office; Office of Intelligence and Analysis; Office of Operations Coordination, Office of Policy; and Office of the General Counsel.

Purpose of Request

The purpose of this Request is to obtain information regarding DHS and ICE's relationship with, and use of services and/or products provided by, information technology and data service companies in the surveillance, intelligence gathering, and/or database management activities conducted as part of the agency's immigration enforcement operations. Records responsive to this Request will enhance public understanding of the role of information technology and data service companies in immigration enforcement activities. This Request is specifically directed at the agency's purchase from commercial data service providers, or so called "data broker firms,"⁴ RELX Group and Thomson Reuters, of information management and case management systems, subscription data services, data sharing services, analytical databases, integrated information databases, or other systems and tools used to search, collect, aggregate and analyze data regarding non-US citizens.

The Role of Data Brokers in the Agency's Human Rights Violations

The increasing use of "big data"⁵ in immigration enforcement activities and its potential role in associated human rights violations is a matter of great concern to Requesters and the general public. Requesters Mijente and IDP are especially concerned about violations of the rights of non-citizens by ICE as the discriminatory targeting of individuals for arrest and removal,⁶ arbitrary and

⁴ "Data brokers" are companies that collect information "including personal information about consumers, from a wide variety of sources for the purpose of reselling such information to their customers for various purposes, including verifying an individual's identity, differentiating records, marketing products, and preventing financial fraud." Sarah Lamdan, *When Westlaw Fuels Ice Surveillance: Ethics in the Big Data Policing Era*, 43 NYU Rev. L. & Social Change 255, 257 n.8 (2019) (quoting Fed. Trade Comm'n, *Protecting Consumer Privacy in an Era of Rapid Change: Recommendations for Businesses and Policymakers* 68 (2012)), <https://www.ftc.gov/sites/default/files/documents/reports/federal-trade-commission-report-protecting-consumer-privacy-era-rapid-change-recommendations/120326privacyreport.pdf>. "The U.S. federal government uses data brokers extensively for a wide variety of governmental activities." Robert Gellman & Pam Dixon, World Privacy Forum, *Data Brokers and The Federal Government: A New Front in The Battle for Privacy Opens* (2013), available at: http://www.worldprivacyforum.org/wp-content/uploads/2013/10/WPF_DataBrokersPart3_fs.pdf.

⁵ "Big data," as used here, is "shorthand for growing data sets and large quantities of digital information. ... In the context of law enforcement, the concept of big data policing encompasses a host of emerging technologies involving predictive analytics, mass surveillance, data mining, and other digital tracking capabilities." Lamdan, *supra* note 4, at 257.

⁶ See, e.g., Amnesty International, *ICE Raids Encourage Hate and Discrimination Toward Immigrants and Communities of Color*, July 11, 2019, available at: <https://www.amnestyusa.org/press-releases/ice-raids-encourage-hate-and-discrimination-toward-immigrants-and-communities-of-color/>.

prolonged detention,⁷ deplorable conditions of confinement,⁸ and forcible family separation directly impact the communities these organizations represent and work.⁹

This Request seeks information to better understand the role of information technology and data service companies Thomson Reuters and RELX Group in enabling, facilitating and/or otherwise contributing to such abuses.¹⁰ According to a detailed report authored by Requesters Mijente and IDP, with the National Immigration Project, DHS has amassed more than 230 million unique identities, including those of undocumented immigrants, lawful permanent residents and U.S. citizens, to help ICE build profiles of people to target for deportation.¹¹ Those targeted may be subjected to violations of their rights, including discriminatory persecution,¹² family

⁷ See Amnesty International, *USA ‘You Don’t Have Any Rights Here’: Illegal Pushbacks, Arbitrary Detention & Ill-Treatment of Asylum-Seekers in the United States* (2018), available at: <https://www.amnesty.org/download/Documents/AMR5191012018ENGLISH.PDF>.

⁸ For example, the government’s own investigations have raised concerns about immigration detention conditions. During its latest round of unannounced inspections at four ICE detention facilities, the DHS Office of Inspector General found that detainees suffer from unsafe and unhealthy conditions such as inappropriate segregation practices, poor conditions at two facilities that present health risks, improper provision of clothing and toiletries at one facility that hinders detainee abilities to maintain acceptable personal hygiene practices, lack of in-person visitation at one facility that diminish detainee morale and social ties, and food service issues at all facilities endangering detainee health and welfare. See DHS Office of the Inspector General, *Concerns about ICE Detainee Treatment and Care at Four Detention Facilities* (June 3, 2019), available at: <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>; see also DHS Office of the Acting Inspector General, *Management Alert – DHS Needs to Address Dangerous Overcrowding and Prolonged Detention of Children and Adults in the Rio Grande Valley* (July 2, 2019), available at: https://www.oig.dhs.gov/sites/default/files/assets/2019-07/OIG-19-51-Jul19_.pdf.

⁹ See Jasmine Aguilera, “Here’s What to Know About the Status of Family Separation at the U.S. Border, Which Isn’t Nearly Over,” *Time*, Oct. 25, 2019, available at: <https://time.com/5678313/trump-administration-family-separation-lawsuits/>.

¹⁰ According to publicly available sources, ICE has over \$63 million in existing or potential contracts with Thomson Reuters subsidiary West Publishing Corporation for CLEAR services through HSI, in addition to contracts through ERO specifically for access to its license plate reader database. See Mijente, The Nat’l Immigration Project & Immigrant Def. Project, *Who’s Behind ICE?: The Tech and Data Companies Fueling Deportations* 56 n.5 (Aug. 23, 2018) [hereafter “*Who’s Behind ICE?*”], available at: https://mijente.net/wp-content/uploads/2018/10/WHO%E2%80%99S-BEHIND-ICE_-The-Tech-and-Data-Companies-Fueling-Deportations-_v1.pdf. See also Sam Biddle, “Thomson Reuters Defends its Work For Ice, Providing ‘Identification And Location of Aliens,’” *The Intercept*, June 27, 2018, available at: <https://theintercept.com/2018/06/27/thomson-reuters-defends-its-work-for-ice/>. For its part, RELX Group, formerly called Reed Elsevier, purchased Accurint in 2004, which has since become one of the country’s largest public records databases.

¹¹ See *Who’s Behind ICE?*, *supra* note 10. See also Mijente, *The War Against Immigrants: Trump’s Tech Tools Powered by Palantir* (Aug. 2019), available at: https://mijente.net/wp-content/uploads/2019/08/Mijente-The-War-Against-Immigrants_-Trumps-Tech-Tools-Powered-by-Palantir_.pdf.

¹² See *supra* note 6.

separation,¹³ arbitrary detention,¹⁴ torture,¹⁵ intrusions on privacy,¹⁶ and other significant threats to individual human rights.¹⁷

Furthermore, as members of the legal community, the CCR, IDP and the HRGJ Clinic have a particular interest in understanding how lawyers' and law students' use of paid legal subscription services provided by RELX Group and Thomson Reuters, including *LexisNexis* and *Westlaw*, may supply or contribute data – including client information and attorney work product – that is conveyed to DHS and ICE by the companies as part of the data services they are contracted to provide the agency.¹⁸ For example, Thomson Reuters' privacy statement explains that the company shares user information with a range of entities, including “within the Thomson Reuters group, with our business partners and third-party service providers.”¹⁹ Requesters are part of a nationwide legal community that has substantial interest in knowing if their information is being shared with the U.S. government, including ICE and DHS, and how it is being used.

More broadly, the Requesters and the public have a strong interest in knowing the extent to which companies such as Thomson Reuters and RELX Group that work as government contractors are complying with – or breaching – domestic and international standards regarding transparency, privacy protection, and due diligence to prevent and mitigate adverse human rights impacts.

¹³ See *supra* note 9.

¹⁴ See, e.g., Amnesty International, *USA ‘You Don’t Have Any Rights Here’: Illegal Pushbacks, Arbitrary Detention & Ill-Treatment of Asylum-Seekers in the United States*, *supra* note 6; see also Anjali Mehta, Ashley Miller and Nikki Reisch, “Arbitrary Detention of Asylum Seekers Perpetuates the Torture of Family Separation,” *Just Security*, Mar. 15, 2019, available at: <https://www.justsecurity.org/63255/arbitrary-detention-asylum-seekers-prolongs-torture-family-separation/>.

¹⁵ See Jose Olivares, “How Solitary Confinement Kills: Torture and Stunning Neglect End in Suicide at Privately Run ICE Prison,” *The Intercept*, Aug. 29, 2019, available at: <https://theintercept.com/2019/08/29/ice-solitary-mental-health-corecivic/>; see Ian Urbina, “The Capricious Use of Solitary Confinement Against Detained Immigrants,” *The Atlantic*, Sept. 6, 2019, available at: <https://www.theatlantic.com/politics/archive/2019/09/ice-uses-solitary-confinement-among-detained-immigrants/597433/>; Beth Van Schaack, “The Torture of Forcibly Separating Children from their Parents,” *Just Security*, Oct. 18, 2018, available at: <https://www.justsecurity.org/61138/torture-forcibly-separating-children-parents/>.

¹⁶ See Drew Harwell and Tony Romm, “ICE is Tapping into a Huge License-Plate Database, ACLU Says, Raising New Privacy Concerns About Surveillance,” *The Washington Post*, Mar. 13, 2019, available at: <https://www.washingtonpost.com/technology/2019/03/13/ice-is-tapping-into-huge-license-plate-database-aclu-says-raising-new-privacy-concerns-about-surveillance/>.

¹⁷ See, e.g., Grace Meng, Human Rights Watch, *ICE Raids on US Immigrant Families Risk Serious Abuses* (July 12, 2019), available at: <https://www.hrw.org/news/2019/07/12/ice-raids-us-immigrant-families-risk-serious-abuses-0#>; see also Amnesty International, *The Nightmarish Detention of U.S. Immigrants*, available at: <https://www.amnestyusa.org/the-nightmarish-detention-of-us-immigrants/>; Human Rights Watch, ACLU, National Immigrant Justice Center, Detention Watch Network Report, *Code Red: The Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention* (2018), available at: https://www.hrw.org/sites/default/files/report_pdf/us0618_immigration_web2.pdf;

Robert Moore, “Human Rights Groups Allege ICE, Private Detention Companies, Provide Poor Care To LGBTQ Migrants and Those with HIV,” *The Washington Post*, Mar. 13, 2019, available at: <https://www.washingtonpost.com/technology/2019/03/13/ice-is-tapping-into-huge-license-plate-database-aclu-says-raising-new-privacy-concerns-about-surveillance/>.

¹⁸ See Lamdan, *supra* note 4, at n.1. See also Joe Hodnicki, “Does Wexis Use Legal Research User Data in Their Surveillance Search Platforms,” *Law Library Blog*, July 16, 2018, available at: <https://llb2.com/2018/07/16/does-wexis-use-legal-search-user-data-in-their-surveillance-search-platforms/>.

¹⁹ See Thomson Reuters, *Privacy Statement*, May 25, 2018, available at: <https://www.thomsonreuters.com/en/privacy-statement.html>.

Request for Information

We request the specified records below, dating from February 1, 2015 to the present, including records that come within the possession of DHS and ICE prior to your final response to this FOIA request. In addition to the executed agreements (contracts) themselves, the Requesters seeks records held by any office, component or directorate of ICE or otherwise held by DHS that describe, refer or relate to the executed agreements (contracts) or policies, guidelines, and procedures pertaining to the performance of those agreements.

- a. Most recent copies of the following executed agreements:²⁰
 1. Contract #70CMSD19P00000129. The contract is between Thomson Reuters Special Services LLC and Office of Professional Responsibility, an office under ICE, for threat risk mitigation and monitoring services.²¹
 2. Contract #70CMSD18P00000145. The contract is between Thomson Reuters Special Services LLC and HSI, an office under ICE, for risk mitigation services.²²
 3. Contract #70CDCR18P00000048. The contract is between Thomson Reuters Special Services LLC and ERO, an office under ICE, for subscription data services.²³
 4. Contract #70CMSD19C00000001. The contract is between Thomson Reuters Special Services LLC and ICE for data access and analyst services.²⁴

²⁰ “Executed agreements” is defined as any and all DHS and ICE agreements executed between an office, component or directorate of ICE and a subsidiary or affiliate of the parent companies Thomson Reuters and RELX Group during the time period indicated. Procurement and award information regarding the referenced contracts has been released on publicly available websites, such as the SAM.gov and the Federal Procurement Data System (“FPDS”) websites, available at: <https://beta.sam.gov> and <http://www.fpds.gov>, respectively. We are not requesting information that is already publicly available in regards to these contracts.

²¹ Modifications to contract #70CMSD19P00000129 can be found on FPDS, available at: <https://www.fpds.gov/ezsearch/search.do?indexName=awardfull&templateName=1.5.1&s=FPDS.GOV&q=70CMSD19P00000129>. According to FPDS, the ceiling value of this contract is \$3,399,990. This contract was awarded to Thomson Reuters Special Services LLC on a basis other than full and open competition, pursuant to the Federal Acquisition Regulation (FAR) sections 13.501 and 6.302-1. The Sole Source Justification (SSJ) was publicized on the SAM.gov website, <https://beta.sam.gov/opp/2c6015570f344879a4c7bcd3b6eb6108/view#general>.

²² Modifications to contract #70CMSD18P00000145 can be found on FPDS, available at: <https://www.fpds.gov/ezsearch/search.do?indexName=awardfull&templateName=1.5.1&s=FPDS.GOV&q=70CMSD18P00000145>. According to FPDS, the ceiling value of this contract is \$4,002,547.

²³ Modifications to contract #70CDCR18P00000048 can be found on FPDS, at: <https://www.fpds.gov/ezsearch/search.do?indexName=awardfull&templateName=1.5.1&s=FPDS.GOV&q=70CDCR18P00000048>. According to FPDS, the ceiling value of this contract is \$6,790,488. This contract was awarded to Thomson Reuters Special Services LLC on a basis other than full and open competition, pursuant to the FAR 6.302-1. The Statement of Work (SOW) and SSJ were publicized on the SAM.gov website, available at: <https://beta.sam.gov/opp/71911de5fa638ed0a391f01f520c0e2a/view#general>.

²⁴ Modifications to contract #70CMSD19C00000001 can be found on FPDS, available at: <https://www.fpds.gov/ezsearch/search.do?indexName=awardfull&templateName=1.5.1&s=FPDS.GOV&q=70CMSD19C00000001>. According to FPDS, the ceiling value of this contract is \$9,527,513.

5. Contract #HSCEMD16C00002. The contract is between Thomson Reuters Special Services LLC and HSI, an office under ICE, for web of science subscription services.²⁵
 6. Contract #HSCEMD17F00008, under GSA Schedule: GS02F026DA. The contract is between West Publishing Corporation and HSI for Consolidated Lead Evaluation and Reporting (CLEAR) System access/subscription.²⁶
 7. Contract #70CDCR18P00000017. The contract is between West Publishing Corporation and ERO for access to license plate reader database.²⁷
 8. Contract #70CMSD18P00000146. The contract is between LexisNexis Special Services Inc. and HSI, an office under ICE, for risk mitigation services.²⁸
 9. Blanket Purchase Agreement GS00F178DA-70CMSD20A00000001 between LexisNexis Special Services and ICE.²⁹
 10. Delivery Order #70CDCR19FR0000063, under contract #03310319D0028. The contract is between RELX Inc. and ICE for LexisNexis Accurint bundle subscriptions.³⁰
 11. Contract #HSCECR15P00009. The contract is between Reed Elsevier, Inc. (now known as RELX Group) and ERO for computer licenses.³¹
- b. Statements of Work, Statements of Objectives, solicitation documents, addenda, riders, or other documents attached or appended to or otherwise associated with the above-listed contracts;
 - c. Communications, correspondence or directives regarding contract renewal, supplemental agreements, addendums, riders, etc. of the above-listed contracts;
 - d. Records that describe, refer or relate to policies, guidelines, and procedures pertaining to the performance of the agreements listed above; and

²⁵ Modifications to contract #HSCEMD16C00002 can be found on FPDS, available at: <https://www.fpds.gov/ezsearch/search.do?indexName=awardfull&templateName=1.5.1&s=FPDS.GOV&q=HSCEMD16C00002>. According to FPDS, the ceiling value of this contract is \$6,018,183.

²⁶ Modifications to contract #HSCEMD17F00008 can be found on FPDS, available at: <https://www.fpds.gov/ezsearch/search.do?indexName=awardfull&templateName=1.5.1&s=FPDS.GOV&q=HSCEMD17F00008>. According to FPDS, the ceiling value of this contract is \$18,812,202.

²⁷ Modifications to contract #70CDCR18P00000017 can be found on FPDS, available at: <https://www.fpds.gov/ezsearch/search.do?indexName=awardfull&templateName=1.5.1&s=FPDS.GOV&q=70CDCR18P00000017>. According to FPDS, the ceiling value of this contract is \$5,848,488.

²⁸ Modifications to contract #70CMSD18P00000146 can be found on FPDS, available at: <https://www.fpds.gov/ezsearch/search.do?indexName=awardfull&templateName=1.5.1&s=FPDS.GOV&q=70CMSD18P00000146>. According to FPDS, the ceiling value of this contract is \$6,962,280.

²⁹ Available at: <https://govtribe.com/award/federal-idv-award/blanket-purchase-agreement-gs00f178da-70cmsd20a00000001>

³⁰ Modifications to delivery order #70CDCR19FR0000063 can be found on FPDS, available at: <https://www.fpds.gov/ezsearch/search.do?indexName=awardfull&templateName=1.5.1&s=FPDS.GOV&q=70CDCR19FR0000063>. According to FPDS, the ceiling value of this contract is \$192,280.

³¹ Modifications to contract #HSCECR15P00009 can be found on FPDS, available at: <https://www.fpds.gov/ezsearch/search.do?indexName=awardfull&templateName=1.5.1&s=FPDS.GOV&q=HSCECR15P00009>. According to FPDS, the ceiling value of this contract is \$2,049,597.

- e. And other record that specifically discusses the contractual relationship between the companies Thomson Reuters and RELX Group, and/or their subsidiaries or affiliates, and ICE, including but not limited to: data, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training modules or materials, and studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

The Requesters

Mijente Support Committee is a national organization that coordinates and organizes with its members in several states to address issues relating to immigration enforcement and Latinx political participation. Among the campaigns run by Mijente Support Committee is #NoTechForICE, launched in 2019 (<https://notechforice.com/>).

Immigrant Defense Project is a non-profit organization whose mission is to promote fundamental fairness for immigrants accused or convicted of crimes. IDP works to protect and expand the rights of immigrants who have contact with the criminal legal system, including: 1) working to transform unjust deportation laws and policies; 2) minimizing the harsh and disproportionate immigration consequences of contact with the criminal legal system; and 3) educating and advising immigrants, their criminal defenders, and other advocates. IDP disseminates information about the immigration system to the public in accessible ways and is a leader in providing training and support for legal practitioners, community based organizations, and community members. IDP provides expert information and community-based education on ICE tactics, including surveillance practices, and possible legal and policy remedies.

The **Center for Constitutional Rights** (“CCR”) is a non-profit, public interest legal and advocacy organization that engages in the fields of civil and international human rights. CCR’s diverse issue areas include litigation and advocacy around immigration, as well as racial and ethnic profiling. One of CCR’s primary activities is the publication of newsletters, know-your-rights handbooks, legal analysis of current immigration law issues, and other similar materials for public dissemination. These and other materials are available through CCR’s Development, Communications, and Advocacy Departments. CCR operates a website, <http://ccrjustice.org>, which addresses the issues on which the Center works. CCR staff members often serve as sources for journalist and media outlets, including on issues related to racial justice, police brutality, racial discrimination, and the right to dissent. In addition, CCR regularly issues press releases, has an active social media presence with thousands of followers, and also issues regular email updates sent to over 50,000 supporters about developments and news pertaining to CCR’s work.

The **HRGJ Clinic** is a division of Main Street Legal Services, Inc. at CUNY School of Law. The HRGJ Clinic advocates before international and regional human rights bodies and national and local courts and legal institutions on issues involving gender discrimination and sexual violence,

reproductive justice, economic and social rights, children's rights and anti-militarism. By addressing problems through the lens of human rights, the HRGJ Clinic uses international human rights law and institutions to challenge and expand rights protections in both domestic and international fora. *See* <https://www.law.cuny.edu/academics/clinics/hrgj/>.

Fee Waiver Request

The Requesters are entitled to a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) on the grounds that “disclosure of the requested records is in the public interest because it is likely to contribute significantly to the public understanding of the activities or operations of the government and is not primarily in the commercial interest of the requester.” Requesters meet the requirements for a fee waiver because the subject of the request concerns the operations or activities of the government, the disclosure of the information is likely to contribute to a significant public understanding of government operations or activities, the Requesters’ primary interest is in disclosure; and they have no commercial interest in the information. *See* 6 C.F.R. 5.11(b).

The Request concerns the means and methods employed by information technology and data service companies have assisted or are assisting ICE/DHS by supplying data and technology to locate, track and target non-U.S. citizens for detention and/or deportation. These surveillance activities have allegedly aided, abetted, facilitated or otherwise contributed to violations of human rights due to government intrusion on privacy, arbitrary detention, and family separation—matters that are of current interest to the public.³² The contracts requested with provide the public with information regarding the means and methods used by these contractors in collecting, sharing and managing massive amounts of personal data and diverse sets of information that enable ICE/DHS database and surveillance infrastructure. The requested records also concern how components of a government agency, DHS/ICE, are expending public resources through public contracts with commercial entities, the stated objectives of those expenditures, the parameters of the contracted services, and any risks those activities pose to the rights of members of the public. The public has a right to know how public funds are used.³³ Finally, the requested materials will help the Requesters and the public to draw key findings whether these contractors contribute to the government’s human rights violations because of their business activities and practices. These are matters of significant public interest.

As described in above, the Requesters are non-profit organizations dedicated to educating the public and advocating for civil rights, human rights, and immigrant rights, and have undertaken this work in the public interest and not for any private commercial interest. Similarly, the primary purpose of this FOIA request is to obtain information to further the public's

³² *See, .e.g.*, Sarah Lamdan, “Defund the Police, and Defund Big Data Policing, Too,” *Jurist*, June 23, 2020, available at: <https://www.jurist.org/commentary/2020/06/sarah-lamdan-data-policing/>; McKenzie Funk, “How ICE Picks Its Targets in the Surveillance Age,” *The New York Times*, Oct. 2, 2019, available at: <https://www.nytimes.com/2019/10/02/magazine/ice-surveillance-deportation.html?smid=nytcore-ios-share>. *See also Who’s Behind ICE?*, *supra* note 10.

³³ *See Racal-Milgo Government Systems, Inc. v. SBA*, 559 F. Supp. 4, 6 (D.D.C. 1981) (general policy considerations strongly favor the disclosure of awarded government contracts to allow the public “to evaluate the wisdom and efficiency of federal programs and expenditures”).

understanding of federal immigration actions and policies, and their effects on immigrant communities. Access to this information is crucial for Requesters and the communities they serve to evaluate government procedures and actions, as well as their potential detrimental effects. Additionally, Requester HRGJ Clinic qualifies for a fee waiver because of its status as “an educational or noncommercial scientific institution whose purpose is scholarly or scientific research” 6 C.F.R. §5.11(b)(4), and are not sought for commercial use but for the public interest. The HRGJ Clinic is part of CUNY Law School, an “educational institution” that “operates a program of scholarly research.”³⁴

Requesters will make any information that they receive as a result of this FOIA request available to the public, including the press, at no cost. Disclosure in this case therefore meets the statutory criteria, and a fee waiver would fulfill Congress’ legislative intent in amending FOIA. See *Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of waivers of noncommercial requesters.’”).

In the alternative, if no fee waiver is granted and the fees exceed \$100.00, please contact the Requesters to obtain consent to incur additional fees. Processing fees should be limited pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) (“[F]ees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by ... a representative of the news media.”).

Expedited Processing

This Request warrants expedited processing because there is a “compelling need” for the information. 5 U.S.C. § 552(a)(6)(E)(i)(I). A “compelling need” is established when there exists an “urgency to inform the public about an actual or alleged Federal Government activity,” and when the requester is a “person primarily engaged in disseminating information,” 6 C.F.R. § 5.5(d)(ii);

There is an urgent need to inform the public of the nature of the contracts ICE currently holds with information technology and data service companies such as Thomson Reuters and RELX Group and their subsidiaries and affiliates. Requesters Mijente and Immigrant Defense Project represent and work for communities whose members are being arrested, detained, and deported every day, in part on the basis of information collected, analyzed and provided to ICE/DHS by information technology and data services companies. President Trump’s 2018 “zero tolerance” policy,³⁵ which resulted in the forcible separation of immigrant parents and children at the Southern border, sparked increased public interest and concern about the human rights abuses associated with ICE enforcement activities, and the involvement of private information technology and data service companies in ICE operations. As a result, there have been a growing number of public challenges

³⁴ CUNY Law’s Philosophy & Mission provides: “CUNY School of Law provides law students with clinical training and traditional doctrinal legal education to create lawyers prepared to serve the public interest.” available at: <https://www.law.cuny.edu/about/philosophy/>.

³⁵ Office of the Attorney General Press Release, “Memorandum for Federal Prosecutors Along the Southwest Border,” Apr. 6, 2018, available at: <https://www.justice.gov/opa/press-release/file/1049751/download>.

to the contracted work between such companies and ICE.³⁶ Mijente and IDP, along with Law Students Against ICE and Researchers Against Surveillance have recently written a letter and issued a petition, asking Thomson Reuters and RELX Group to end their contracts with ICE.³⁷

Notably, the U.S. Commission on Civil Rights released a report on October 24, 2019, which details some of the human rights violations occurring in detention centers across the country, exemplifying the potential impacts of data-enabled immigration enforcement and the potential consequences of delaying a response to this Request.³⁸ Such violations have continued. ICE's reliance on huge databases, computer programs, analysis of big data, and shareable cloud-based storage provided by tech companies facilitates unprecedented levels of surveillance of immigrant communities.³⁹ Members of the public, particularly immigrants targeted by ICE, but also customers of Thomson Reuters and RELX Group, have a right to transparency between private industry and ICE regarding "big data" immigration law enforcement. Due to the immense public and media attention to these issues, the public interest is particularly well-served by the expedited processing of the requested documents.⁴⁰

As shown above, all four requester organizations are primarily engaged in disseminating information to the public regarding issues of immigrant rights and human rights violations on a regular basis, through diverse mechanisms to a broad array of supports and the general public. *See* 6 C.F.R. § 5.5 (“[A] requester who is not a full-time member of the news media must establish that he or she is a person who primarily engages in information dissemination, though it need not be his or her sole occupation.”). Furthermore, Requester HRGJ is a clinic within a public interest law school dedicated to transforming the law to include those who are otherwise excluded and

³⁶ *See* Cora Currier, “Lawyers and Scholars to LexisNexis, Thomson Reuters: Stop Helping ICE Deport People,” *The Intercept*, Nov. 14, 2019, available at: <https://theintercept.com/2019/11/14/ice-lexisnexis-thomson-reuters-database/>; Andrew Flanagan, “Hundreds Of Musicians Pledge To Cut Ties With Amazon In ‘No Music For ICE’ Letter”, *NPR*, Oct. 24, 2019, available at: <https://www.npr.org/2019/10/24/773121764/hundreds-of-musicians-pledge-to-cut-ties-with-amazon-in-no-music-for-ice-letter>; Nitasha Tiku, “Employees Ask Github to Cancel ICE Contract: ‘We Cannot Offset Human Lives With Money,’” *The Washington Post*, Oct. 9, 2019, available at: <https://www.washingtonpost.com/technology/2019/10/09/employees-ask-github-cancel-ice-contract-we-cannot-offset-human-lives-with-money/>; Aarti Shahani, “Employees Demand Google Publicly Commit To Not Work With ICE,” *NPR*, Aug. 20, 2019, available at: <https://www.npr.org/2019/08/20/752670444/employees-demand-google-publicly-commit-to-not-work-with-ice>; Rachel Sandler, “Amazon, Microsoft, Wayfair: Employees Stage Internal Protests Against Working With ICE,” *Forbes*, July 19, 2019, available at: <https://www.forbes.com/sites/rachelsandler/2019/07/19/amazon-salesforce-wayfair-employees-stage-internal-protests-for-working-with-ice/#50a2c3753e94>; Laura Sydell, “Tech Workers Demand CEOs Stop Doing Business With ICE, Other U.S. Agencies,” *NPR*, July 14, 2018, available at: <https://www.npr.org/2018/07/14/628765208/tech-workers-demand-ceos-stop-doing-business-with-ice-other-u-s-agencies>.

³⁷ *See* #NoTechForICE, and <https://notechforice.com/lawletter/>.

³⁸ U.S. Commission on Civil Rights, *Trauma at the Border: The Human Cost of Inhumane Immigration Policies*, Oct. 24, 2019, available at: <https://www.usccr.gov/pubs/2019/10-24-Trauma-at-the-Border.pdf> (finding that immigrant detainees confirm traumatic experiences as a result of enduring inhumane conditions at detention facilities and cruel treatment by DHS personnel).

³⁹ *See generally* *Who’s Behind ICE?*, *supra* note 10.

⁴⁰ *See Brennan Ctr. for Justice at New York Univ. Sch. of Law v. United States Dep’t of State*, 300 F. Supp. 3d 540, 548 (S.D.N.Y. 2018) (“[G]iven the ‘great public and media attention that the Government’s [entry restrictions] have garnered,’ the public interest is served ‘by the expedited release of the requested documents.’” (internal citations omitted)).

marginalized, obtaining and disseminating the requested information is in furtherance of the school's inherent purpose. *See Am. Civil Liberties Union v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24 (D.D.C. 2004) (holding that a public interest research organization was a representative of the news media for expedited process purposes).

Format of Production

Please search for responsive records regardless of format, medium, or physical characteristics, and including electronic records. Please provide the requested documents on a rolling basis in the following format:

- Produced via FTP, CD, CD-ROM or DVD, if possible;
- Electronically searchable wherever possible;
- Each paper record in a separately saved file;
- "Parent-child" relationships maintained, meaning that the Requester must be able to identify the attachments with emails, and addenda, riders or annexes with the "parent" documents to which they are appended;
- Any data records in native format (i.e. Excel spreadsheets in Excel);
- Emails should include BCC and any other hidden fields;
- With any other metadata preserved.

Conclusion

Requesters certify that the above information is true and correct to the best of their knowledge pursuant to 6 C.F.R. § 5.5(e)(3). If this Request is denied in whole or in part, the Requesters ask that DHS and/or ICE justify all deletions from requested records by reference to specific exemptions to FOIA. Requesters expect DHS and ICE to release all segregable portions of otherwise exempt material and reserves the right to appeal a decision to withhold any records or to deny the application for expedited processing and waiver of fees. *See* 5 U.S.C. § 552(b).

If you have any questions regarding the processing of this request, please do not hesitate to contact Ian Head at the email or address below. Thank you for your prompt attention.



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On behalf of all Requesters