



**U.S. Immigration
and Customs
Enforcement**

October 13, 2016

Nikki Gramian
Acting Director, Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Re: Management's Response for OGIS Draft Report, "Office of Government Information Services Compliance Review of Immigration and Customs Enforcement Freedom of Information Act Program", dated October 6, 2016

Dear Ms. Gramian:

Thank you for the opportunity to review and comment on the subject draft report. U.S. Immigration and Customs Enforcement (ICE) appreciates the Office of Government Information Services' (OGIS) work in planning and conducting its review and issuing this report on agency Freedom of Information Act (FOIA) policies and procedures and identifying procedures and methods for improving FOIA compliance.

ICE is pleased to note the OGIS recognition that ICE's FOIA program is meeting its mission of ensuring openness and transparency to better serve those seeking more information about ICE and its operations.

ICE, as its actions have shown, remains fully committed to improving the efficiency of its FOIA operations. FOIA leadership had already identified many of the points raised in the OGIS recommendations as issues of interest, and had begun addressing them prior to OGIS commencing its review.

The draft report contained four recommendations with which ICE concurs. Please see the attached for our detailed response to each recommendation.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Should you have any questions, please contact Michael Moy, Senior Portfolio Manager, at (202) 732-6263. We look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Carver', with a long horizontal flourish extending to the right.

Jonathan Carver
Chief Financial Officer

cc: Catrina Pavlik-Keenan, Director, FOIA Office, ICE
Fernando Pineiro, Deputy Director, FOIA Office, ICE
Robert De Antonio, Branch Chief, Audit Liaison Office, ICE

**Attachment: ICE Management Response to Recommendations
Contained in OGIS' Compliance Review of the ICE FOIA Program**

OGIS recommended that:

Recommendation 1: Develop a process to electronically transmit misdirected requests to USCIS. This recommendation is not a compliance issue per se, but could increase efficiency of the FOIA process.

Response: Concur. Prior to the OGIS compliance review, the ICE FOIA office had already begun transmitting misdirected electronically submitted FOIA requests to USCIS and other DHS components through e-mail and replies back to the requestor using the same template language as the office's referral letters, advising the requestor that their FOIA request was referred to another DHS component.

The office will look into the recommendation of electronically transmitting hard copy misdirected FOIA requests; however, we believe that it is often a more tedious and time consuming task to scan the mail than it is to send the original copies of the request to the correct component as we currently do.

We request that this recommendation be considered resolved and open pending completion of the aforementioned activities. ECD: December 31, 2016.

Recommendation 2: Comply with OIP guidance encouraging agencies to use FOIA metadata tag with all posted records released under FOIA.

Response: Concur. ICE FOIA will work to ensure that future records posted in the ICE FOIA Library be compliant with OIP's guidance on the use of a FOIA metadata tag.

We request that this recommendation be considered resolved and open pending completion of the aforementioned activities. ECD: December 31, 2016.

Recommendation 3: Cite in its response letters to requestors which Exemption 3 statute it is relying on to withhold information.

Response: Concur. ICE FOIA will work with the DHS Director of FOIA Technology to ensure that the office's template letters include the Exemption 3 statute.

We request that this recommendation be considered resolved and open pending completion of the aforementioned activities. ECD: December 31, 2016.

Recommendation 4: Provide requestors with at least 30 working days to respond to a still interested inquiry, as per DOJ guidance, and that the FOIA Office confirm to the requester in writing that a request is closed as a result of a discussion.

Response: Concur. ICE FOIA will work to ensure its administrative closure policies are in compliance with DOJ's guidance.

We request that this recommendation be considered resolved and open pending completion of the aforementioned activities. ECD: December 31, 2016.