



# Homeland Security

September 5, 2005

Mary Rose Oakar, President  
Kareem W. Shora, Director, Legal Policy  
Anti-Discrimination Committee  
4201 Connecticut Avenue, NW, Suite 300  
Washington, DC 20008

Re: Appeal No. 05-551 American-Arab

Dear President Oakar and Director Shora:

I am writing in further reference to your appeal from the action of the Bureau of Immigration and Customs Enforcement (ICE) on your request for the nationalities of 230 individuals detained as a result of an ICE enforcement initiative that was discussed in a November 4, 2004 press release. The Chief of the Information Disclosure Unit of the Office of Investigations withheld this information on the basis of Exemption 7(A) of the Freedom of Information Act, 5 U.S.C. § 552(b)(7)(A).

After carefully considering your appeal, I have decided to affirm the initial action taken on your request. The records at issue meet the threshold requirement for application of Exemption 7 of the FOIA because they were compiled for law enforcement purposes. The fact that nationality information on those arrested may exist in other records does not support the conclusion that it is not law enforcement information in this context. See John Doe A enc v John Doe Co oration 493 U. S. 146, 154-55 (1989). In fact, as part of the law enforcement operation discussed in the press release of November 4, 2004, ICE arrested individuals from thirty different countries. Release of information pertaining to the nationalities of these individuals could harm ongoing or prospective law enforcement activities by, among other things, revealing where ICE focuses its resources. Release would thus enable analysts to discern trends in ICE enforcement operations, to the detriment of those efforts. In my judgment, therefore, this information was properly protected not only on the basis of Exemption 7(A), but also on the basis of Exemption 7(E) of the FOIA. Cf. Ctr. for Nat'l Sec. Studies v. United States Dept of Justice, 331 F.3d 918, 929 (D.C. Cir. 2003) (affirming invocation of Exemption 7(A) to protect detainee names because disclosure could reveal substantive and geographic focus of investigation).

If you are dissatisfied with my action on your appeal, you are entitled to seek judicial review consistent with 5 U.S.C. § 552(a)(4xB).

Sincerely,  
Nuala O Connor Kelly Chief Privacy Officer