

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

September 8, 2026

Daniel J. Freeman
Democratic National Committee
430 South Capitol Street SE
Washington, DC 20003
202-863-8000
freemand@dnc.org

RE: DEMOCRATIC NATIONAL COMMITTEE v. CASE 1:26-cv-00825
ICE FOIA Case Number 2026-ICLI-00042
Second Interim Response

Dear Mr. Freeman:

This is the second response to your client's Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE) dated October 17, 2025, which is now the subject of the above litigation. Your client's request was originally assigned request number 2026-ICFO-02081. In the FOIA request your client is seeking: all records relating to the deployment, posting, or positioning of United States Immigration and Customs Enforcement (ICE) personnel within, at, or in proximity to polling places, ballot drop boxes, or election offices, including but not limited to during early voting periods, on the date of an election, or between the date of an election and certification of the results of such election from January 20, 2025 to the date the request is processed.

ICE has considered your request under the FOIA, 5 U.S.C. § 552, and processed potentially responsive documents. A search of the Office of the Chief Information Officer (OCIO), the Office of Public Affairs (OPA), the Office of Enforcement and Removal Operations (ERO), the Office of the Executive Secretariat (OES), the Office of Policy, the Office of Homeland Security Investigations (HSI), the Office of Management and Administration (M&A), the Office of the Principal Legal Advisor (OPLA), and the Office of the Director located records that were potentially responsive to your request. For this production, ICE reviewed 1000 pages of potentially responsive records. ICE has determined that 722 pages were non-responsive, and 278 pages were deemed responsive, and they will be released in full or disclosed in part pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), (b)(7)(E) and (b)(7)(F) as described below. Thus, a total of 278 pages of records are being produced and have been bates numbered 2026-ICLI-00042 577 through 2026-ICLI-00042 854.

ICE has applied *Exemption 5* to protect from disclosure intra-agency documents that contain the recommendations, opinions, and conclusions of agency employees. The disclosure of these

communications would discourage the expression of candid opinions and inhibit the free and frank exchange of information and opinions among agency personnel on important agency decision-making by having a chilling effect on the agency's deliberative process.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I have determined that portions of the responsive documents qualify for protection under the deliberative process privilege, the attorney-client privilege, and the attorney work-product privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel. The attorney work-product privilege protects documents and other memoranda prepared by an attorney in contemplation of litigation. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

ICE has applied FOIA *Exemptions 6 and 7(C)* to protect from disclosure the names, e-mail addresses, and phone numbers of ICE and DHS employees contained within the documents, as well as the names, and other personally identifiable information of other individuals contained within the records.

FOIA Exemption 6 exempts from disclosure information in personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes when production of such could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interests in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate.

ICE has applied FOIA Exemption 7(E) to protect from disclosure internal agency case numbers or guidelines contained within the document.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

ICE has applied *Exemption 7(F)* to protect records or information compiled for law enforcement purposes [the disclosure of which] could reasonably be expected to endanger the life or physical safety of any individual.

FOIA Exemption 7(F) protects the names and identifying information of law enforcement agents, non-law enforcement federal employees, local law enforcement personnel, and other third persons in connection with particular law enforcement matters because it "could jeopardize the safety of individual(s) as it would likely result in harassment and/or retaliation, to possibly include physical assaults, directed toward individual(s) identified in the investigation and resulting in a threat not only to the named individual but also the safe operation of the institution.

If you have any questions about this letter, please contact Assistant U.S. Attorney Andrew Vaden at Andrew.Vaden@usdoj.gov.

Sincerely,
MARCUS K FRANCIS SR
Marcus K. Francis Sr.
Supervisory Paralegal Specialist

Digitally signed by
MARCUS K FRANCIS SR
Date: 2026.09.08
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Enclosure: 278 pages