



**Homeland
Security**

Privacy Office, Mail Stop 0655

November 26, 2019

SENT BY ELECTRONIC MAIL TO: bryan@amjlaw.com

Bryan Stephen Johnson
Attorney
1918 Union Boulevard
Bay Shore, NY 11706

Re: 2017-HQFO-00451

Dear Mr. Johnson:

This is the electronic final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated February 24, 2017, and received by this office on February 24, 2017. You are seeking all of Dimple Shah's, Acting Assistant Secretary for International Affairs for Policy, emails from January 20, 2017 to the current date using the following search terms "asylum", "credible fear", "reasonable Fear; "unaccompanied alien children."

A search of Office of Chief of Information Officer for documents responsive to your request produced a total of 123 pages. Of those pages, I have determined that 12 pages of the records are releasable in their entirety, 60 pages are partially releasable, 51 pages are being withheld in full pursuant to Title 5 U.S.C. § 552 (b)(5) and (b)(6).

Enclosed are 72 pages with certain information withheld as described below:

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 determined that portions of the responsive documents qualify for protection under the Deliberative Process Privilege and the Attorney-Client 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-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.

FOIA Exemption 6 exempts from disclosure 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.

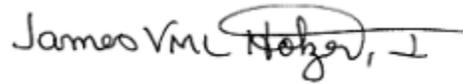
In addition, as portions of these records originated from Department of Justice (DOJ) and the Department of Human Services (HHS), two pages of these records were referred to DOJ and five pages of records were referred to HHS for their review and direct response to you. Those records were forwarded to MRUFOIA.requests@usdoj.gov and to FOIArequest@hhs.gov.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

If you need any further assistance or would like to discuss any aspect of your request, please contact the analyst below who processed your request and refer to **2017-HQFO-00451**. You may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner.

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink that reads "James VML Holzer, J." The signature is written in a cursive style with a horizontal line extending from the end.

James Holzer
Deputy Chief FOIA Officer

Enclosure(s): Responsive Documents, 72 pages