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INTRODUCTION

Currently before the Court in this case are issues concerning ICE's compliance with this Court's orders determining that requested records concerning the tables and fields in two of its databases, the Enforcement Integrated Database (EID) and the Integrated Decision Support Database (IIDS), are not exempt and must be produced to the plaintiffs. ICE has labeled its papers addressing this issue a "motion for summary judgment," but the time for filing motions for summary judgment in this case has long passed. This Court has ruled on the motions; conducted an evidentiary hearing and resolved the disputed issues of material fact that it had identified in its summary judgment rulings; and ordered ICE to produce records concerning the contents of its databases, including data dictionaries and code lookup tables, subject to the Court's rulings that limited portions of their contents may be withheld under Exemption 7(E). Based on the parties' proposal, this Court ordered a single round of briefing to resolve issues raised by ICE's redactions, with the page limits used for summary judgment memoranda and replies—not a further round of summary judgment motions. *See* Minute Order (Dec. 18, 2022).

ICE's brief, together with the supporting declaration of Tadgh Smith, who was also ICE's witness at the evidentiary hearing, fails to demonstrate that ICE's extensive redaction of information from the EID and IIDS Data Dictionaries and Code Lookup Tables conforms with the Court's orders, the findings summarized in the Court's opinion following the evidentiary hearing, or Mr. Smith's own testimony at the evidentiary hearing. Instead, ICE's memorandum and Mr. Smith's new

declaration show that ICE has withheld information that the Court ordered produced; that ICE seeks to relitigate this Court's findings about the proper scope of exempt information concerning the structure of the databases and linkages within them; and that ICE is now asserting new theories of exemption never before offered in its summary judgment motions or the evidentiary hearing. Those theories are not only waived, but also unsupported by Mr. Smith's declaration, contradicted by this Court's findings, and inconsistent with information in the record that reveals some of what ICE is withholding.¹

Specifically, ICE's redactions from the data dictionaries and code lookup tables are contrary to this Court's rulings, and are otherwise unjustified, in the following respects:

First, although this Court found that Exemption 7(E) permits ICE to withhold the actual names of what the Court's opinion refers to as linkage fields in the databases (and what ICE now refers to as "primary keys" and "foreign keys"), ICE has withheld not only those names, but also plain-English *translations* of the names

¹ ICE submitted with its "summary judgment motion" a statement of material facts not in dispute. Because, as explained above, this Court did not call for submission of further summary judgment motions to resolve issues about the judgment it has already issued, plaintiffs do not separately respond to this statement, as they would in summary judgment practice. As will become evident, however, plaintiffs contest the facts asserted by Mr. Smith as to what the government has withheld and whether it comports with this Court's rulings. Many of the other averments in the Mr. Smith's declaration and the government's statement of facts are statements of legal conclusion or are immaterial because they address issues the Court has already resolved, such as its ruling that concerns about "phishing" attacks provide no independent basis for withholding the contested information. *See Long v. ICE*, 464 F. Supp. 3d 409, 423 n.14 (D.D.C. 2023).

and descriptions of the information in the fields, as well as identifications of the type of data contained in the fields. Those withholdings not only exceed the bounds of Exemption 7(E) as already established by this Court, but also contradict Mr. Smith's testimony at the evidentiary hearing that such information poses no significant risk of circumvention of the law. Mr. Smith's new declaration on the point provides no basis for reconsidering the rulings this Court already issued based on his admissions at the evidentiary hearing. And it fails to acknowledge that ICE still regularly releases some of the same information in its periodic releases of data to TRAC.

Second, although this Court held that disclosure of codes, code translations, and code lookup tables generally poses little or no risk and that such information must be disclosed if it can be segregated from exempt information, ICE has withheld fields in data tables that identify codes used in the tables. ICE's apparent ground for this withholding is that code fields in data tables are "linkage fields" or "foreign keys" that link to the code lookup tables that in turn provide the translations for the codes. Those withholdings circumvent the Court's ruling that the code lookup tables are not exempt: The code lookup tables are useless without an understanding of what data tables make use of the codes for which they provide translations. And Mr. Smith's new declaration provides no rationale for treating codes in data tables the same as the names of the primary and foreign keys that provide links between data tables. His assertions that linkage field names must be withheld because they "identify how data in one table is linked with data in another table" and thus "provid[e] a roadmap for accessing information contained within the data tables," Smith Dec. 4, is

inapplicable to fields that merely specify codes whose translations are provided in a separate lookup table.

Third, Mr. Smith now supplies three new rationales for redacting certain information from the data dictionaries and code tables: that they refer to other separate databases that in some instances either were the source of or received certain data in the IIDS and EID; that they refer to joint operations between ICE and other law enforcement agencies; and that they disclose other ongoing operations and elements of law enforcement by ICE that are not known to the public. These newly minted rationales for withholding information responsive to the requests at issue were never mentioned in ICE's motions for summary judgment or at the evidentiary hearing, and are long since waived. They are also extremely unpersuasive. For example, a comparison with previously produced materials including the partial, graphical IIDS schema contained in plaintiff's Exhibit DDD, reveals that much of the information ICE has withheld on the claimed basis that it would reveal "linkages" to other databases is the word "EID" as part of field or table names in the IIDS Data Dictionary—even though ICE makes no secret of the fact that the source of much of the data in the IIDS is the EID. Similarly, ICE's withholdings of information concerning joint operations appear to include names of many matters that are widely known to the public and do not constitute joint operations, and its withholdings of ongoing "sensitive" ICE activities include a grab-bag of innocuous matters, including the descriptions of fields that keep track of information concerning former ICE field office directors.

ARGUMENT

I. ICE’s withholdings of information concerning “linkage” fields exceed what this Court’s rulings permit.

This Court’s post-hearing opinion and its oral rulings during a succession of status conferences that followed that opinion found that ICE had established that the actual names of fields that “link” data tables in the EID and IIDS may be withheld under Exemption (7)(E) because that information would assist a potential malicious actor who already had obtained access to the database in carrying out an attack on the database. *See Long*, 464 F. Supp. 3d at 424. The parties agree that the fields within the databases that provide such links are those that are termed “primary keys” and “foreign keys.” A “primary key” is a field within each table that provides a unique identifier for each row of data within the table (often a number generated when that row is first populated with data). Other tables may provide cross-references to information in that table by including its primary key as one of their own fields—a “foreign key.” The foreign key “links” information in a particular row in the table where it is used to information in a specific row in the table where that key is the primary key.

For example, an EID table called “Case,” with information about ICE removal cases, has as its primary key a field with a system-generated unique identifier for each case; every row in the table would correspond to a different case, each with its own unique identifier in the column for the primary key.² Some of the other fields in

² A data table in the EID or IIDS can be visualized as a spreadsheet in which the fields are columns and each row is a distinct instance of the subject of the table—
(footnote continued)

the table are foreign keys that point to data in other tables. For example, the “Case” table includes a field with a heading that translates in plain English as “Attorney ID,” which is the primary key for another table called “Attorney,” and contains rows of data concerning different attorneys (for example, their names and the names of their law firms), each of which uses “Attorney ID” as the unique, system-generated identifier for each different attorney. The actual names of these fields are different from the plain-English translations: The primary key for the “Case” field is “CSE_ID,” and the primary key for the “Attorney” field is “ATY_ID.”³

This Court held in its post-hearing opinion, and clarified in a series of subsequent status conferences, that the *names* of linkage fields may be withheld on the basis of Exemption 7(E), but that other information about the contents of the EID and IIDS set forth in their data dictionaries—tabular listings and descriptions of the

in the example here, a distinct case. Each column presents a piece of information about the case defined by the field.

The data dictionaries are also spreadsheet tables in which each row corresponds to a distinct field in the database, and the columns provide information about the field: what table it is part of; its name; its definition, what logical data type it contains (a date, a number, or a character string of specified length), and whether a “null” entry in the field is valid.

The code lookup tables, too, are spreadsheets in which each table is a type of code used in one or more of the data tables, and each row provides information about each of the different combinations of letters and numbers used in the code, with columns for the alphanumeric codes themselves, their definitions, and information about when and by whom they were created and updated.

³ Information about the “CASE” field from both the EID Data Dictionary and Exhibit AA, introduced at the evidentiary hearing, is presented in Exhibit PPP, filed herewith. See 5th Long. Dec. ¶¶ 15–16.

tables and fields the databases comprise—must be segregated from the material that is subject to withholding. *See* 464 F. Supp. 3d at 424–25. The government’s counsel accurately described the Court’s rulings during the status conference of August 4, 2021:

My reading of the Court’s opinion, the Court opined that when the agency undertakes a segregability review, the *only information* that should be redacted from these data dictionaries is information that *directly provides the linkage* that the Court ruled was withholdable. The same information that is the schema that would be in graphical form, how it’s depicted in the kind of data dictionary, that can be redacted, because that presents the [thieves’ map] problem that the Court remarked on several pages of its opinion. Everything else should be be[] produced in the data dictionaries to identify the field names and table names.

Aug. 4, 2021 Tr. 7 (emphasis added).

ICE’s redactions from the data dictionaries (and from two of the EID Code Lookup Tables) of information ostensibly related to primary and foreign keys, which the government asserts are authorized under this Court’s rulings, far exceed the limited scope of withholdings of actual linkage field *names* that those rulings permit. Although the withholdings described in paragraph 9(A) of Mr. Smith’s declaration (and cross-referenced in the rows of the Vaughn indices referred to in that paragraph) purport to correspond to the exemption claims sustained by this Court, they go further in four significant respects, described in detail below. Of these, the most systematic are the first three: the withholding of definitions and data types of linkage fields rather than merely their names in the EID and IIDS Data Dictionaries; the withholding of plain-English descriptive names of such fields in the EID Data

Dictionary; and the withholding of names, definitions, and data types of codes that are fields in data tables described in the EID and IIDS Data Dictionaries.

1. ICE's withholdings of information about linkage fields in the data dictionaries are not limited to *names* of primary and foreign keys, but also include "definitions and data types." Smith Dec. 4; 5th Long Dec. ¶ 9. Definitions are the English-language descriptions of the information in the fields in the data dictionaries. In the EID "Case" table example, for instance, the primary key is described as "[a] system-generated unique identifier for a case," and the foreign key "Attorney ID" is defined as "[a] system generated unique identifier of the attorney assigned to the case." The "data type" for both is "number." In the EID Data Dictionary produced by ICE in this case, these definitions and data types are redacted, as Mr. Smith's declaration indicates, and similar redactions occur throughout both the EID and IIDS Data Dictionaries. *See* Exh. PPP.

This court's rulings, however, never found that English-language descriptions of the information contained in linkage fields, or specifications of the type of data those fields contain, were subject to withholding under Exemption 7(E). *See* 464 F. Supp. 3d at 424. The reason was that, in his hearing testimony, Mr. Smith conceded that this type of information was not likely to be harmful if released. Rather, Mr. Smith repeatedly testified that the threats he described were created by the release of actual names of linkage fields, not by descriptions of the type of information or the form of data that they contained. According to Mr. Smith, it was the actual names of fields that would permit would-be attackers to practice navigating within the

database and construct queries that could be used for malicious purposes. Mr. Smith conceded that other information about the nature of the information the database contains was not exempt. *See* May 8 Evidentiary Hearing Tr. 41–43; 56, 60–63, 75–79, 98–99.

In light of this Court’s rulings, based on the evidence presented at the hearing, that ICE may withhold *names* of linkage fields, it is far too late for ICE now to assert that additional linkage-related information may also be withheld. ICE had its opportunity to provide evidentiary support for such an assertion, had it chosen to do so, at the evidentiary hearing, or to seek reconsideration or review of this Court’s decision, but it failed to do so. Moreover, even if it were timely, Mr. Smith’s new assertion that release of definitions and data types of primary and foreign keys pose threats similar to those he previously ascribed to release of *names* of linkage fields is unsupported: He simply asserts, without explanation, that “names, definitions and data type” all provide the same “map” that this Court’s order analogized to the information provided by the release of names, Smith Dec. 4, without acknowledging his previous testimony explaining that plain-English descriptions of the information in linkage fields do not pose the same threat. ICE’s withholding of definitions and data types for linkage fields in the EID and IIDS Data Dictionaries does not comport with this Court’s rulings.

2. In addition to redacting information other than field names for primary and foreign keys, ICE has redacted plain-English translations of those field names in the version of the EID Data Dictionary it produced. *See* 5th Long Dec. ¶ 10. The EID Data

Dictionary (unlike the IIDS Data Dictionary) does not include actual field names, which typically include more or less cryptic abbreviations linked by underbars (_), but instead common English equivalents, such as “Attorney ID” in place of “CSE_Aty_ID.” Again, Mr. Smith’s hearing testimony focused on the difference between production of actual names of linkage fields, which he claimed would facilitate attacks on the databases by providing the information needed for SQL attacks, and production of plain English equivalents, which he acknowledged ICE considered acceptable. May 8 Tr. 62.

Moreover, as both Mr. Smith and Dr. Long testified at the hearing, ICE’s releases of data provide such translations of linkage field names in column headings, which are essential to an understanding of the data. May 8 Tr. 61, 140. Indeed, ICE continues to release plain-English equivalents of names of primary and foreign key fields in the column headings of its data releases to this day. For example, a recent data release of IIDS data concerning detainers includes eight column headings (the eight columns to the far right in the spreadsheet setting forth the data) that provide modified versions of the names of primary or foreign key headings, including “Government Employee Id,” “Detainer Id,” and “EID Person Id.” See Exh. QQQ (filed herewith); 5th Long Dec. ¶¶ 21–26. Although the *contents* of those columns are redacted because they contain personal identifiers, the English-language names of the linkage fields are not. That continuing practice confirms that English-language descriptors other than the actual *names* do not fall within the rationale of this Court’s rulings.

Again, the government's withholding of information about linkage fields other than the *actual* names that this Court held, based on the government's hearing testimony, could be withheld is a belated attempt to relitigate the Court's order rather than to comply with it. And, again, Mr. Smith's declaration does not acknowledge his previous testimony about the important difference between actual names of linkage fields and modified plainer-English versions, nor attempt to provide an explanation for why the latter pose the same threat he formerly ascribed to the former. ICE's withholding of the modified, plain-English names of linkage fields (that is, primary and foreign keys) in the EID Data Dictionary does not comply with this Court's rulings.

3. In addition to withholding information about primary and foreign keys that link different data tables, ICE has also withheld, in the EID and IIDS Data Dictionaries, field names in data tables representing codes that are translated in separate code tables, as well as the definitions and logical data types for those fields. ICE's apparent rationale is that the names of the codes are "foreign keys" when used in data tables and provide "linkages" to the code lookup tables, where the code names function as "primary keys."

This Court's post-hearing opinion, however, explicitly recognized that codes used in the databases, as well as their translations and the lookup tables in which they appear do not fall within the scope of Exemption 7(E) because "codes, code translations, and code lookup tables—do not appear to uniformly pose ... a [material] risk." 464 F. Supp. 3 at 425. The Court's ruling was based on evidence that ICE

routinely released the names of codes, together with translations derived from the look-up tables, when it provided data extracted from the databases to TRAC. *See id.* at 425. Mr. Smith’s hearing testimony confirmed that codes “could be released without creating an unacceptable threat to the security of the EID and IIDS databases.” *Id.* at 424. Mr. Smith specifically testified that fields that provide the names of the codes used to record information in the databases do not create the kinds of linkages whose disclosure in his view would create a threat. *See* May 8 Tr. 64–65, 96–97. Rather, as he testified, the identification of the name of a code used in a data table merely “enables people to understand what the data is,” *id.* at 65, by allowing a cross-reference to the look-up table where the code is translated. Consistent with ICE’s own recognition that the disclosure of code names does not create a threat to the databases—and with this Court’s holding in its post-hearing opinion—ICE continues to this day to release the names of codes in column headings when it releases spreadsheets of data from the IIDS to TRAC. *See* Exh. QQQ (providing code names in a number of column headings).

Nonetheless, ICE has invoked this Court’s rulings about linkage fields to justify the systematic redaction of fields providing names and other information about codes in the data dictionaries for the EID and IIDS. Specifically, ICE has redacted field names, definitions, and logical data types within data tables in the EID and IIDS Data Dictionaries where the field names are codes that are defined in separate code lookup tables. *See* 5th Long Dec. ¶ 11. For example, a comparison of the “Cases” table in the EID Data Dictionary with the corresponding table in Exhibit

AA reveals that ICE has withheld the names of five fields that refer to codes defined in code tables included in the EID Code Lookup Table production. The codes in question refer to case categories, case statuses, reasons final orders in a case are not executable, country from which an alien departed, and port of entry from which an alien departed. *See* Exh. PPP; 5th Long Dec. ¶ 16. These redactions, all listed in row 4 of the EID Vaughn Index, are explained in Mr. Smith’s declaration as being justified as removal of information regarding foreign or primary keys. Smith Dec. 4. Similarly, in the EID Data Dictionary’s listing of fields in the “Detention Facilities” table, a comparison with Exhibit AA shows that ICE redacted the name, description, and data type for the “Detention Facility Function Type Code” (listed in Exhibit AA as “DTF_DFFTC_CD”)—even though, at the evidentiary hearing, Mr. Smith specifically testified that the code, when used as a field in a data table, was not a linkage-type field. May 8 Tr. 97–98.⁴ Nonetheless, the redactions of the name and description of this code from the Detention Facilities Table (as well as redactions of other similar fields) are all listed in row 4 of the EID Data Dictionary Vaughn Index and attributed by Mr. Smith’s declaration to the justifications offered withholding of linkage fields. *See* Smith Dec. 4; 5th Long Dec. ¶¶ 12–14.

⁴ Mr. Smith further testified that release of the actual name of the code could create a threat, but that the release of a plain-English description of the code, of the type found in the EID Data Dictionary released by ICE in response to this Court’s orders, would not. Nonetheless, ICE withheld plain-English versions of the name of the code, and its plain-English definition, from the listing of the fields in the “Detention Facilities” table.

Even if it were not now too late for ICE to try to contest the Court's holdings that information about codes is generally not exempt, ICE's withholding of code names, descriptions, and data types from the data dictionaries' listings of the fields in data tables is not justified by the reasoning set out in Mr. Smith's declaration. Mr. Smith asserts that the reason for withholding foreign keys is that they "identify how data in one table is linked with data in another table." Smith Dec. 4. But when a code is listed as a field in a data table, it does not identify a link to another *data* table: It only references a *code lookup table* that does nothing more than provide the translation key for the information recorded in that field in the data table. *See* May 8 Tr. 63-64; *see also* 464 F. Supp. 3d at 418. Mr. Smith's declaration identifies no threats posed by the release of such information, nor does it explain why it is being withheld in light of his hearing testimony that the release of such information does not pose the threats he attributed to release of linkage fields.

Moreover, ICE's new position that fields in data tables that refer to codes defined in code lookup tables may be withheld as "linkage" fields is not even internally consistent. With respect to true linkage fields—that is, those that serve as primary keys for data tables and contain unique identifiers for each row of those tables, and are used as foreign keys in other data tables that reference them—ICE's position is that it must withhold primary *as well as* foreign keys. In the EID "Case" table, for example, ICE has withheld "Case ID" as the primary key, as well as "Attorney ID" as a foreign key; correspondingly, in the "Attorney" table it withholds "Attorney ID" as the primary key; and in other tables that use "Case ID" as a field, it

withholds that information as a foreign key. But ICE's treatment of code names as linkage fields is inconsistent with that practice: It withholds them as if they are foreign keys when they are listed as fields in *data* tables in the data dictionaries, but *not* as if they are primary keys when listed in the descriptions of *code* tables in the data dictionaries (or in the code lookup tables themselves).

For example, in the "Case" table in the EID Data Dictionary, ICE has withheld the "Case Category Code" as if it were a foreign key. *See* Exh. PPP. But in the EID Data Dictionary's description of the "Case Category Code" table, ICE has provided the fields that give the plain-English name of the code, its definition, and its logical data type—even though, if ICE's analogy of codes to primary and foreign keys held true, it should have withheld those fields on the theory that they provided the name and description of a primary key. Similarly, the plain-English version of the name of the "Case Category Code" is given in the EID Code Lookup Table for that code. The provision of that information belies ICE's newly minted theory that providing code names, descriptions, and data types is equivalent to providing such information for the kinds of linkage fields referred to in this Court's previous rulings.

ICE's withholding of code fields from the data dictionaries' descriptions of data tables thus does not serve its purported objective in withholding information about linkage fields. It serves only to obscure essential information about what data a field in the database records, and the meaning of the codes used to record the data—without which the information is unintelligible. ICE's withholding of fields identifying and providing information about the codes used in data tables in the EID

and IIDS Data Dictionaries does not comport with this Court's rulings that the names of linkage fields in the databases can be withheld.

4. In addition to the three ways described above in which ICE's withholdings of information about linkage fields in the data dictionaries has exceeded the bounds permitted by this Court's rulings, ICE has also redacted information from fields in both the data dictionaries and code tables on the purported ground that it provides linkage information, even though the redacted fields by nature do not specify links between data tables in the EID and IIDS.

The names, descriptions, and data types of fields (including linkage fields) in the EID and IIDS are provided in columns C, D, and E of the EID Data Dictionary and IIDS Data Dictionary. Nonetheless, paragraph 9(A) of Mr. Smith's declaration, which explains ICE's claimed redactions of linkage-field information, shows that ICE redacted information from *other* columns on this basis, and in other instances redacted parts of the information in columns C or D concerning various fields that are obviously not names or descriptions of primary or foreign keys. *See* Smith Dec. 4 (referring to rows 2, 6, 8, 9, 10, and 13 of the EID Data Dictionary Vaughn Index and rows 3, 9, and 11 of the IIDS Data Dictionary Vaughn Index); *see also* 5th Long Dec. ¶¶ 5–8.

Specifically, the redactions in rows 2, 6, and 8 of the EID Data Dictionary Vaughn Index are not redactions of information identifying linkage fields, but include redactions of words from the plain-English *table* names in column B of the EID Data Dictionary, such as “[REDACTED] CODE,” “AGENCY [REDACTED]

APPREHENSION STATION,” and “ASSAULT [REDACTED].” Whatever the contents of the redacted portions, context indicates they are not names of primary or foreign keys, nor do they otherwise function to establish linkages with fields in other tables. Moreover, comparison with Exhibit AA suggests that the redacted word in “AGENCY [REDACTED] APPREHENSION STATION” is “IDENT,” a reference to a well-known federal database of fingerprint and other biometric identification information, and the redacted words in “ASSAULT [REDACTED]” are “SIGNIFICANT INCIDENT REPORT,” referring to a form used by ICE to report (among other things) violent events. The redactions have nothing to do with identifying primary or foreign keys. *See* 5th Long Dec. ¶ 6. The redactions in rows 9 and 10 of the EID Data Dictionary Vaughn Index, also said by Mr. Smith to relate to primary or foreign keys, include redactions of parts of field names in various tables that are clearly not primary or foreign keys. For example, a comparison to Exhibit AA reveals that the first item listed in row 9 is the redaction of “SIGNIFICANT INCIDENT REPORT” from the name of a field referred to as “ASSAULT [REDACTED] CREATE BY.” *Id.* The withholdings in row 10 include the redaction of field names whose descriptions indicate they are calendar dates (and so obviously not primary or foreign keys) and the redaction one word—shown by comparison to Exhibit AA to be the word “ORACLE”—in a field name indicating that the field includes a government employee’s username (which again obviously does not reveal

linkages within the EID).⁵ *Id.* And the redactions in row 13 of the EID Data Dictionary Vaughn Index are of field descriptions (column D of the EID Data Dictionary) for fields where the field name (column C) has either been provided or, in two instances, where the field name was withheld on a basis other than that it was a primary or foreign key. If the name of such a field is not claimed as a primary or foreign key name, its description cannot be withheld on the basis that it describes the attributes of a primary or foreign key.

Similarly, the redactions shown in rows 3, 9, and 11 of the IIDS Data Dictionary Vaughn Index, which Mr. Smith's declaration states would reveal the "attribute name, definition and data type" of primary or foreign keys in the IIDS, do not appear justifiable on that basis. Row 3 of the IIDS Data Dictionary Vaughn Index identifies only partial redactions of *table* descriptions for hundreds of tables in the IIDS Data Dictionary (which are set forth in column B of that dictionary). *See* 5th Long Dec. ¶ 7. Neither the hearing record in this case, nor Mr. Smith's declaration, explains how table descriptions reveal the identity of primary or foreign keys, which are *field* names. Row 9 in the IIDS Data Dictionary Vaughn lists partial redactions from the descriptions of various fields for which the field names are provided; the fields themselves are not primary or foreign keys, as their names and descriptions indicate. The redactions appear to be references to other databases or activities, which are not always readily inferable from context, but they do not appear to refer

⁵ The other withholdings identified in row 10 are redactions of an unknown word from the end of the name of fields called "ATD ADDRESS ENTERED BY [REDACTED]" and "ATD ADDRESS UPDATED BY [REDACTED]."

to specific database linkage fields. For example, in cells D315–D318 of the IIDS Data Dictionary, which is listed in row 9 of the IIDS Data Dictionary Vaughn Index, it appears that ICE has redacted the word “bond” in the phrase “when a [REDACTED] was posted,” which is part of the description of four consecutive fields in a table called “BOND_DIMENSION.” *Id.* ¶ 7. Even if there is some reason for redacting that word, which seems doubtful, it cannot possibly be that it would reveal a primary or foreign key linking to another table in the database. As for the redactions in row 11 of the IIDS Data Dictionary Vaughn Index, they consist entirely of the redaction of a single word in the name of an IIDS table that is repeated in 56 consecutive entries in the IIDS Data Dictionary: “[REDACTED]PERSON_DIMENSION.” A comparison to Exhibit DDD from the evidentiary hearing shows that what ICE has redacted is “EID_” from the table name “EID_PERSON_DIMENSION.” Although the EID_PERSON_DIMENSION table contains a few fields that are primary and foreign keys (the names of which for the most part have ironically *not* been redacted, such as “CITIZENSHIP_COUNTRY_ID”) the table name, whether redacted or not, does not reveal IIDS primary or foreign keys, or any other kinds of linkages within the IIDS. Its reference to the EID merely indicates the source of the data reproduced in the IIDS. *Id.*

Finally, Mr. Smith’s declaration states that ICE withheld names and descriptions of EID primary and foreign keys from the EID Code Lookup Tables, “as outlined [in] Row 12 and 19 of the EID Code Lookups Vaughn Index.” Smith Dec. 4. But the code tables for the EID do not include linkage fields at all: Their fields

typically consist of the codes themselves, provided in a column for which the heading is the code name (which is not withheld as a primary key, as explained above); the definitions of the codes, typically in a single column but sometimes in multiple columns; information about the dates the codes were created, updated, and effective; and the identification of what entity within ICE created and updated the codes. The cited rows of the EID Code Lookup Tables Vaughn Index refer to the partial or complete redaction of the code description and code “create by” columns for two codes, “Agency Facility Role Code” and “Alert Classification Code.” Mr. Smith offers no explanation of how either the redacted material from the descriptions of those codes or the redacted “create by” information would reveal EID primary or foreign keys showing connections between EID data tables.

* * *

In sum, ICE has exceeded the bounds of this Court’s rulings that *names* of linkage fields in the EID and IIDS are within Exemption 7(E) by (1) redacting descriptions and data types of such fields from columns D and E of the EID and IIDS Data Dictionaries; (2) redacting the plain-English substitutes for the actual names of primary and foreign keys that appear in column C of the EIDS Data Dictionary; (3) redacting code names, their descriptions, and their data types from columns C, D, and E of both data dictionaries; and (4) invoking this Court’s ruling regarding linkage fields to redact other information, which does not reveal names of primary or foreign keys or the “linkages” that they represent, from various fields of the data dictionaries and from two of the EID Code Lookup Tables. Compliance with this Court’s rulings

requires that the redactions described in paragraph 9(A) of Mr. Smith's declaration be lifted, except to the extent that ICE has redacted the actual names of linkage fields in column C of the IIDS Data Dictionary.

II. ICE's newly claimed reasons for withholding other information from the data dictionaries and code tables are waived and unsupported.

A. ICE failed to assert the new grounds for withholding in its summary judgment motions and in the evidentiary hearing.

Paragraphs 9(B), (C), and (D) of Mr. Smith's declaration assert three new grounds to justify redactions from the data dictionaries and code tables: that they contain references to other databases that Mr. Smith claims would expose those databases to attacks, *see* Smith Dec. 6–8; that they disclose confidential information about the existence of joint law enforcement activities with other agencies that would jeopardize those activities, *see id.* at 8–10; and that they disclose information about “current and active sensitive elements in the databases” that reveal confidential information about ongoing ICE operations, *id.* at 10.

These grounds for withholding information about tables, fields and codes in the EID and IIDS were not previously asserted by ICE in the multiple rounds of summary judgment motion practice that preceded the evidentiary hearing. Nor were they asserted in Mr. Smith's testimony during the evidentiary hearing or in ICE's post-hearing briefing or argument, which focused on the claimed threats to the databases themselves said to result from revealing information concerning their structure, and in particular the internal linkages between the data tables within each database. And they were not raised in the multiple status conferences that led to the Court's direction that ICE produce the data dictionaries and code tables now at issue.

As this Court noted in its post-hearing opinion, “‘there have been a number of mile posts in this case where evidence could have been and should have been submitted,’ and ... it was not the court’s intention to leave the record open ‘beyond the opportunity that was given at the end of the hearing to receive additional evidence.’” 464 F. Supp. 3d at 426. Had ICE wished to assert bases beyond the claimed threats of cyberattack on the EID and IIDS that would be posed by release of information regarding the contents and structure of those databases, it could have done so at any point before the Court issued its definitive rulings on the exemptions the agency claimed. Yet despite “multiple bites at the apple,” *id.*, the agency failed to do so until long after the close of summary judgment motions practice, after the evidentiary hearing held to address the issues of fact remaining following the Court’s summary judgment rulings, after the Court’s ruling on ICE’s claims of exemption in its post-hearing opinion, and after the Court’s subsequent oral rulings explaining the application of the findings in the post-hearing opinion to the data dictionaries and code lookup tables. Under these circumstances, ICE has waived its newly asserted grounds for exemption by failing to assert them in a timely manner together with those on which the Court ruled in its summary judgment and post-hearing rulings. *See Maydak v. U.S. Dep’t of Justice*, 218 F.3d 760, 765 (D.C. Cir. 2000). “Courts in this district routinely apply [*Maydak*’s] principles in exercising discretion over whether to accept belated invocations of FOIA exemptions during the pendency of district court proceedings.” *Woodward v. U.S. Marshals Serv.*, 2022 WL 17961289, at *7 (D.D.C. Dec. 27, 2022). As with ICE’s untimely assertions of harm from release of

the 9-page document addressed in this Court’s post-hearing opinion, the Court therefore should “not reach the ... question of ‘whether there is a reasonable risk of circumvention of law from the disclosure,’” 469 F. Supp. 3d at 426 n.19, of the withheld information that is the subject of paragraphs 9(B) through (D) of Mr. Smith’s declaration.

B. The government’s claims of harm attributable to release of references to other databases rests on a mischaracterization of the nature of the information withheld.

Paragraph 9(B) of Mr. Smith’s declaration asserts that ICE has withheld portions of the data dictionaries and code tables that reveal “connections” and “linkages” to other ICE databases that could expose those databases to attack. But despite Mr. Smith’s attempt to borrow the term “linkage”—used at the evidentiary hearing and in this Court’s post-hearing opinion to describe the kinds of field names within the EID and IIDS that may be subject to Exemption 7(E)—it is apparent that ICE has not withheld information that would serve as a “thieves’ map” to other databases, but has instead indiscriminately redacted references to other databases in the EID and IIDS Data Dictionaries and Code Lookup Tables, even though the existence of those databases is widely known, as is the fact that the EID, and especially the IIDS, contain information that originated in or refers to the contents of other databases.

The redactions in this category from the IIDS data dictionaries are particularly extensive, and their nature can be inferred from a comparison of the redacted IIDS Data Dictionary to the partial IIDS schema contained in Exhibit DDD. That comparison reveals that a very large proportion of the withholdings from the IIDS

Data Dictionary that fall within Mr. Smith's category B consist simply of the redaction of "EID" when it is used in a table or field name or description to signify that the source of the data is the EID.⁶ *See* 5th Long Dec. ¶ 35. Because, as ICE has repeatedly explained in this case and in other public statements, the IIDS is an extract of the EID that ICE periodically creates for reporting purposes, the references to "EID" in the IIDS do not reveal any confidential information about the relationship of the databases, and they do not disclose information about the structure of the EID or the existence or relationship of the tables and fields it comprises beyond what its own data dictionaries reveal. Nor do they provide any mechanism that would allow a person who obtained access to the IIDS to connect to the EID.

Although the majority of redactions from the IIDS claimed as revealing other databases are references to the EID, others refer to other well-known databases, such as the IDENT database of fingerprints and biometric data used by a number of federal agencies. *See* 5th Long Dec. ¶ 37. Still others refer to databases that are no longer in use, such as ICE's former DACS database, the contents of which were migrated to the EID. *See id.* ¶ 38. In none of these cases does the mere reference to the database either provide a map to the structure of the database or a connection allowing access

⁶ For example, the very first entries in row 4 of the IIDS Data Dictionary Vaughn Index, which Mr. Smith's declaration says were withheld because they reveal connections to other databases, refer to a set of IIDS field names that start with "[REDACTED]CADEC_CREATED_BY" (cells C11–C15 in the IIDS Data Dictionary). Comparison to Exhibit DDD shows that the IIDS contains a field called "EID_CADEC_CREATED_BY." The field appears to contain information copied from the "Case Action Decision Edit Code" table that appears in the EID Data Dictionary and EID Code Lookup Tables. *See* 5th Long Dec. ¶ 36.

to it. The redacted information reveals nothing more than that ICE makes use of information in other databases for a variety of purposes.

Moreover, some of the information withheld on the basis of this claimed reason for exemption does not refer to current databases at all, but simply to other capital-letter acronyms. *See* 5th Long Dec. ¶ 40. In the IIDS, for example, ICE attributed redaction of “ATD”—an abbreviation used by ICE for “Alternatives to Detention”—to the need to protect identities of other databases. *See id.* ¶ 37.

Examples from the EID Data Dictionary (where the withholdings on this basis are fewer in number than in the IIDS Data Dictionary because the latter’s ubiquitous use of “EID” in field and table names has no analogue in the EID itself) also illustrate the incorrect withholding of information that does not disclose the existence of databases. Mr. Smith’s declaration states that withholdings in rows 5 and 11 of the EID Data Dictionary Vaughn Index are claimed as being based in whole or in part on disclosure of database names. A sampling readily reveals that the redactions attributed by Mr. Smith to the need to protect linkages of databases include redactions that have nothing to do with this asserted interest. For example:

- The first claimed withholding in row 5 of the Vaughn Index is for cells C133–D133 of the EID Data Dictionary. A comparison of those entries to the corresponding entries in Exhibit AA shows that ICE redacted the word “NSEERS” from a field name describing “NSEERS REQUIRED INFORMATION” and the words “ENFORCE” and “NSEERS” from a description of how this information would be used. NSEERS is not an

existing government database, but a *discontinued* program for registering certain non-citizens in the wake of the 9/11 attacks, and “ENFORCE” is a suite of software applications used to access data in the EID. *See* 5th Long Dec. ¶ 38.

- The first claimed withholding in row 11 of the EID Data Dictionary Vaughn Index is for cells C1303–D1303 of the EID Data Dictionary. A comparison of those cells with Exhibit AA shows that ICE has redacted the words “TAXPAYER IDENTIFICATION” from the field name “SOCIAL SECURITY NUMBER TAXPAYER IDENTIFICATION NUMBER” and the acronym “TIN” from the accompanying definition. *See* 5th Long Dec. ¶ 40. Again, the information does not disclose anything about another ICE database, still less reveal anything about the structure of a database that would permit a cyberattack. Mr. Smith’s assertion that the redaction of the common acronym TIN is necessary to protect government databases—or to protect anything—speaks volumes about the credibility of the government’s exemption claims for these redactions.

With respect to withholdings on this claimed basis from the code tables, which are extensive (*see* Smith Dec. 6), there is less basis for inferring what has been redacted than there is for the data dictionaries because TRAC does not have comparators analogous to Exhibits AA and DDD against which to check the code tables. However, when ICE first released the EID Code Lookup Tables as PDFs in

early 2022, it failed to fully redact information from the “CREATE BY” field for one of the codes—information that was later redacted when ICE provided the tables again as Excel spreadsheets. Specifically, the code table “BOND DOCUMENT TYPE CODE” listed “EARM” in the “CREATE BY” column (column C) for the first 21 entries. *See* Exh. SSS; 5th Long Dec. ¶ 39. In the later versions (which are the ones filed by ICE with the Court), those entries are redacted, and Mr. Smith’s declaration includes these redactions (in row 56 of the relevant Vaughn Index) as being among those withheld on the ground that they disclose connections with other ICE databases. But EARM is not a separate ICE database; it is a module of the EID itself, as the record of this case already establishes, and the information ICE has withheld merely signifies that the relevant code was created through the EARM. *See* 5th Long Dec. ¶ 39. That information does not, as Mr. Smith claims, reveal connections to any other ICE databases.

In sum, it appears that the withholdings described in paragraph 9(B) have nothing to do with exposing linkages or connections to other ICE databases. A very large number of them reveal nothing more than the widely known fact that the source of much of the information in the IIDS is the EID; others refer to various databases, including IDENT, whose existence is well known and whose security is not jeopardized by their mention in the EID or IIDS; and still others have nothing to do with databases at all. ICE has not justified these withholdings, even if its newly minted justification for them could be considered at this late date.

Moreover, whatever information might be gleaned from scattered references to other databases in the EID and IIDS pales in comparison to the information already publicly available about such other databases. The 9-page document that the Court ordered released in its post-hearing opinion, for example, contains extensive discussions of the relationships among various ICE databases, database modules, data “marts” and data “warehouses,” including the EID, IIDS, and EARM, as well as databases of other agencies, including Customs and Border Patrol, the Department of Justice, the State Department, the FBI, the Executive Office for Immigration Review, the Social Security Administration, and the Treasury Department. *See* Exh. RRR; 5th Long Dec. ¶ 32. Information about ICE’s databases is also set forth in publicly available Privacy Impact Assessments and Systems of Records Notices required by the Privacy Act. *See* 5th Long Dec. ¶ 29–31. Extensive information about the IDENT database—including reference to its use by ICE—is available on-line through these sources. *See id.* ¶ 43–44; <https://www.dhs.gov/sites/default/files/publications/privacy-pia-nppd-ident-december2012.pdf>. Next to these public sources of information, indications in the EID and IIDS Data Dictionaries and Code Lookup Tables that the EID and IIDS may contain some information derived from or otherwise related to other identified databases poses no discernible threat of any kind, and, in particular, no credible threat that access to such databases would be facilitated by their mere mention in the EID and IIDS Data Dictionaries and Code Lookup Tables.

C. The available evidence does not bear out ICE’s claim to have redacted information about “sensitive” joint law enforcement operations.

Paragraph 9(C) of Mr. Smith’s declaration, *see* Smith Dec. 8–10, states that a relatively small number of redactions from the EID and IIDS Code Lookup Tables and the IIDS Data Dictionary reveal information about joint law enforcement operations not known to the general public, the disclosure of which could lead to circumvention of the law. To the extent that these assertions can be tested, they appear to be inaccurate.

With respect to the five code table redactions ascribed to this claim, plaintiffs have no means of assessing the validity of Mr. Smith’s averments, because they do not have any way of inferring what information was redacted. However, certain of the IIDS Data Dictionary Redactions Mr. Smith claims were made to protect the confidentiality of sensitive joint law enforcement operation can be checked against the partial IIDS schema in Exhibit DDD, to the extent they involve redactions of the table and field names listed in that schema. That exercise reveals the redaction of information that has no relationship to joint law enforcement operations not known to the public. *See* 5th Long Dec. ¶ 42.

Specifically, the redactions that can be checked against Exhibit DDD are listed in row 12 of the IIDS Data Dictionary Vaughn Index, which according to Mr. Smith’s declaration were based at least in part on concerns about revealing non-public joint law enforcement operations. *See* Smith Dec. 10. The redactions listed in row 12 are exclusively to IIDS table names (which are provided in column A of the IIDS Data Dictionary. The first two blocks of redactions listed in row 12 are in the table names

“ENCOUNTER_[REDACTED]DIMENSION” and “[REDACTED]PERSON_DIMENSION,” respectively. Comparison with Exhibit DDD shows that in both instances the redacted word is “IDENT,” and it is evident that these tables record information about fingerprint records derived from the IDENT database. The third block of redactions in row 12 are to the table name “[REDACTED]SITE_TYPE_REFERNC.” Comparison with Exhibit DDD shows that the redacted word is “INS,” referring to ICE’s defunct predecessor agency, and the field defines codes for categories of former INS sites.⁷ See 5th Long Dec. ¶¶43–44.

As explained above, there is nothing secret about the fact that ICE uses the IDENT database for fingerprint information, and the word IDENT in a table name in the IIDS cannot remotely be described as revealing a non-public joint law enforcement operation. And the abbreviation of an agency that no longer exists also does not reveal any ongoing or even past joint law enforcement operations. The invocation of concerns about revealing joint law enforcement operations to justify withholding of these bits of information in the database calls into doubt the credibility of Mr. Smith’s assertions that the other information whose redaction he ascribes to this concern has anything to do with confidential joint operations.

Moreover, although redactions in fields of the IIDS that contain table descriptions (column B) and field definitions (column D) cannot be cross-checked against Exhibit DDD, which does not contain those descriptive fields, context

⁷ The third set of redactions listed in row 12 cannot be correlated with any table identified in Exhibit DDD.

suggests that many of the redactions in those columns that Mr. Smith attributes to protection of confidential joint law enforcement operations do not in fact do so. *See* 5th Long Dec. ¶ 45. For example, ICE has invoked its concerns about joint law enforcement operations to redact a single word in the description of a table called USERS_287G, which contains identities of system users who are participants in the 287(g) program, under which state and local law enforcement officers participate in enforcement against unauthorized aliens under federal supervision. *See* Smith Dec. 10 (referring to redactions described in row 14 of the IIDS Data Dictionary Vaughn Index, which lists redactions to cells A3037–A3054). The redaction in question appears in a sentence reading, “The data for this table is received from a [REDACTED] representative.” Whatever word ICE has redacted, it cannot possibly reveal a non-public joint law enforcement operation, because the 287(g) program is not secret. *See id.* ¶ 45, at pp. 26–27.

Similarly, in descriptions of the table HEARING_ACTION_DIMENSION, which stores a log of actions and decisions by immigration judges or the Board of Immigration Appeals, *see* IIDS Data Dictionary rows 1943–1965, “[REDACTION]” appears at the end of the table description, supposedly because the redacted material would reveal non-public joint law enforcement operations. But hearings conducted before immigration judges and the BIA are not secret joint law enforcement operations. *See id.* ¶ 45, at pp. 25–26.

Dr. Long’s declaration identifies other specific examples where context suggests that ICE’s invocation of secret joint law enforcement operations appear to

be questionable at best. *See id.* ¶ 45. The impossibility of proving that an unknown word or words do not reveal a secret prevents any definitive claim that none of these redactions are valid. But the ones that can be objectively checked are not. Even if ICE has not waived its exemption claim for this category of redactions, it has not carried its burden of proving the validity of its claim.

D. ICE’s claim that it redacted current and active elements from the databases that reveal “sensitive” ICE operations is unsupported.

ICE’s final new rationale for its withholdings, set forth in paragraph 9(D) of Mr. Smith’s declaration, is that certain entries in the EID Data Dictionary and EID and IIDS Code Lookup Tables were redacted because disclosing certain current and active database elements would impede law enforcement and threaten other harms by revealing ongoing, non-public ICE operations. *See* Smith Dec. 10–11, Mr. Smith asserts that this information includes “various definitions associated with codes assigned to individuals proceeding through the immigration process, the names and elements associated with law enforcement operations, and codes pertaining to weapons and assets recovered during law enforcement operations.” *Id.* at 10. Although some of the information withheld in the redactions Mr. Smith identifies as having been made on this basis (*see id.* at 11, listing Vaughn Index entries) may relate in some way to such operational concerns, much of it does not.

For example, comparison of the redactions in the EID Data Dictionary made on this ground with corresponding entries in Exhibit AA show that ICE used this category of exemption claims as yet another basis for removing references to the “IDENT” fingerprint database from field names and descriptions, even though ICE’s

use of IDENT is public information, and for redacting references to EARM. *See* 5th Long Dec. ¶ 47, at pp. 28–29, 31. In addition, ICE invoked this ground to justify its redaction of the word “SEACATS” from fields describing codes referred to in EID tables, even though ICE’s use of SEACATS, a database involving seized property, is a matter of public record. *See id.* ¶ 47, at pp. 33, 35. Similarly, ICE redacted references to the Treasury Enforcement Communications Systems, or TECS, although the use of TECS to screen non-citizens entering the country is public knowledge. *See id.* ¶ 47, at p. 34. Comparison of the redactions to columns in the IIDS Code Tables with corresponding field names listed in the IIDS schema from Exhibit DDD similarly shows that ICE invoked its concerns about revealing ongoing operations as yet another basis for withholding the word “EID” when used in the IIDS. *See id.* ¶ 47, at pp. 31–32.

Moreover, despite Mr. Smith’s claim that information was redacted to avoid revealing ongoing operations, ICE relied on this rationale to redact use of the name of a former database, DACS, which was the source of information later migrated to the EID. ICE also redacted the name of a database whose existence dates back to the 1990s, “LYNX,” citing the same rationale. In both instances, the existence of these old databases is a matter of public knowledge, not ongoing operational secrecy. *See id.* ¶ 47, at pp. 28–30.

ICE also invoked operational secrecy to redact references in the description of an EID field to the “Action and Decision Framework,” which context reveals to be not a sensitive ICE law enforcement operation, but a method used in a computer

application to display forms to users. *See id.* ¶ 47, at p. 30. And it redacted the abbreviation “SIR,” referring to Significant Incident Reports, from the name of an EID table, even though ICE’s preparation of such reports is not an unknown law enforcement technique. ICE even invoked this concern about protecting sensitive information to redact information from the description of fields in a table called “Field Office Director History,” which tracks information about former ICE field officer directors (including who designated them and when they held their positions). *See id.* ¶ 48. And in the “Court Reference” table in the IIDS Code Lookup Tables, which provides codes and corresponding identifying information for the federal courts, it redacted in its entirety the heading and contents of a column that a comparison to Exhibit DDD reveals to be “INTERNET_INFORMATION_SERVER_CD,” which appears to be a listing of court websites, not information about sensitive ICE operations. *See id.* ¶ 47, at p. 32. ICE’s invocation of this rationale for exempting such innocuous information calls into question its assertion that other information it has withheld on the same basis, whose content cannot be checked—such as the wholesale redaction of columns in certain EID and IIDS Code Tables—is truly sensitive.

For example, ICE has withheld all codes and code descriptions for an IIDS Code Table called “Operation Reference.” *See* IIDS Code Table Vaughn Index, Row 83. The description of this table in the IIDS Data Dictionary (cell A2432) says it is a “list of organized activities that encompasses one or more incidents, events or other occurrences of interest to U.S. immigration authorities.” Although it is possible that such a list could contain references to sensitive, ongoing operations, ICE has withheld

the entire list, consisting of over 5,000 codes and code descriptions for specific operations, all of which date back nearly a decade. *See* 5th Long Dec. ¶ 50. The assertion that every item on the list poses a continuing threat to law enforcement is hard to credit, especially in light of ICE's invocation of the same type of threat to withhold information that clearly poses no threat. Similarly, in the EID Code Tables, ICE has withheld on this ground the entire contents of a table called "Weapon Code," which provides codes for seven generic types of weapons that may be referred to in EID tables providing information about various incidents. *See* EID Code Table Vaughn Index, Row 377. Again, although information about weapons might in some contexts pose threats to law enforcement, the invocation of current threats to sensitive operations to withhold completely a listing of seven kinds of weapons sometimes used by non-citizens in matters involving ICE law enforcement activities appears, at best, overly broad. The claim is all the more anomalous given that the list of weapons and the associated codes were all created on the same date, 11/10/1995, and have not been updated for almost 30 years. *See* 5th Long Dec. ¶ 49.

In sum, as with Mr. Smith's other new categories of assertedly exempt information, there is less to his final category of allegedly sensitive current operational information than meets the eye. Even if the Court does not consider the claims of exemption based on this new rationale to be waived, ICE has not carried its burden of showing that the redactions made on this basis are proper.

E. Two categories of redactions in the data dictionaries are completely unexplained.

Mr. Smith's declaration omits any explanation for the redactions in row 10 of the IIDS Data Dictionary Vaughn Index and row 7 of the EID Data Dictionary Vaughn Index. *See* Smith Dec. 3–11 (omitting mention of these rows when identifying the withholdings corresponding to the explanations in paragraphs 9(A)–(D) of the declaration). *See* 5th Long Dec. ¶ 51. ICE has failed to justify these redactions as well.

Row 10 of the IIDS Data Dictionary Vaughn Index describes complete withholdings of field names, definitions, and data types, and may reflect redaction of fields representing primary or foreign keys; if so, the redactions are improper insofar as they include definitions and data types, and/or references to codes, for the reasons explained above, at 5–16. *See* 5th Long Dec. ¶ 53.

The redactions in row 7 of the EID Data Dictionary Vaughn Index, which are of isolated words and phrases in the field descriptions in column D of the EID Data Dictionary, are, without any proffered explanation, completely inscrutable. For example, the listed redactions include words in the descriptions of two fields in the EID “ARREST” table, “PEDESTRIAN INDICATOR” and “REDETERM REQUEST INDICATOR,” which are described as “flags” indicating “whether or not the [REDACTED] was arrested as a pedestrian” and “whether or not the [REDACTED] requested a redetermination of his/her custody status.” Context from surrounding fields suggests the redacted word is likely “subject” or something with equivalent meaning. *See* EID Data Dictionary, cells D507 and D509; 5th Long Dec. ¶ 52. The redactions in row 7 also include words in the descriptions for two fields in the “FIELD

OFFICE DIRECTOR HISTORY” table (cells D4434–D4435) that record the dates when a field office director was granted that role and when role was revoked. A comparison to the corresponding fields in Exhibit AA shows that the redacted words were “field office director designee” or some equivalent abbreviation. *See id.* It is difficult to speculate on what rationale ICE might have had for such redactions, but it has not attempted to demonstrate that they are justified.

CONCLUSION

As explained above, ICE has, in the guise of redacting “linkage” fields, substantially exceeded the bounds of what this Court has already determined to be proper: Its redactions go beyond the actual names of linkage fields (that is, primary and foreign keys that link data tables in the EID and IIDS) and also include descriptions, data types, and code identifiers. ICE’s other justifications for the redactions peppered throughout the data dictionaries and code lookup tables are waived, and ICE has demonstrably applied those redactions far beyond their claimed rationales.

The result is that the utility of the information ICE has provided is significantly compromised. Without the information provided by the field definitions (and the plain-English field names in the EID Data Dictionary), an accurate understanding of the contents of the databases is unavailable, and without the names of the codes referenced in the data tables, it is impossible to make use of the translations provided by the lookup tables to discern what information the data tables provide. Comprehension is further impaired by the arbitrary redaction of material throughout the data dictionaries and code lookup tables.

For these reasons, the Court should deny ICE's request for "summary judgment" and should order it to comply with the rulings the Court has already made by lifting the disputed redactions in the data dictionaries and code tables.

Respectfully submitted,

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