



**U.S. Department of Justice
Federal Bureau of Prisons**

*Central Office
320 First St., NW
Washington, DC 20534*

March 21, 2019

Megan Graham
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For Further Inquiry Contact:
Federal Bureau of Prisons
320 First Street. N.W.
Room 841, HOLC Building
Washington, D.C. 20534
Attn: FOIA/Privacy Act Office

RE: National Association of Criminal Defense Lawyers v. BOP, et al.
Civil Action No.: 18-CV-02399-DDC
Request for Information, FOIA Request No. 2018-06557

Dear Ms. Graham:

This is first rolling release in response to the above Civil Action and Freedom of Information Act request for records from the BOP regarding the technical features of the inmate email system. Your request contains nine (9) different items.

The BOP previously noted that the search for records yielded approximately 5,665 pages of records. The BOP searched five total directorates. When accounting for all of these pages of raw, unprocessed search results, the total pages actually received was 7,972. Of that, 5,934 pages resulted from two email searches; 207 pages were received from Correctional Programs Division; 151 pages were received from the Administration Division; 50 pages were received from the Northeast Region; and 1,630 pages were received from the Office of General Counsel.

As a first step in processing records, blank and duplicate pages must be removed. Blank pages can occur within responsive records for several reasons. First, the program that runs BOP's email searches produces an individual "item" for each email that is deemed responsive. Two to three blank pages are included in each of those items. Sometimes when the responsive records are imported into the database BOP uses for FOIA processing, text is condensed, so one or more blank pages can result simply from the action of importing a record in preparation for processing. Finally, blank pages are sometimes included as part of the responsive records as a matter of course, by accident or otherwise. Specifically for this request, there is overlap in some records provided by the directorates resulting in duplicate copies of the same document(s).

Processing of a FOIA request includes the identification and removal of blank and duplicative pages from responsive records as this step is time-consuming and detail-oriented process involving a page-by-page review. This step in the processing of responsive records does not result in any pages being generated for release. This

first rolling release includes the processing of a total of 2,824 pages that were identified as blank or duplicative and removed from the responsive records.

This first release is responsive to items 1, 5, and 7 of your request. Specifically, item 1 of your request states, "All records containing the BOP's policies, practices, or procedures governing the collection, retention, use, or sharing of inmates' attorney-client emails." Item 5 of your request states, "All records containing descriptions of any technology capable of filtering emails to or from particular individuals out of BOP productions of inmates' emails to third parties." Item 7 of your request states, "All records containing the BOP's policies, practices, or procedures for the use of any filtering technology for inmate email. Such records would include any policies, practices, or procedures for the use of filtering technology for inmate email within the BOP, in response to government requests for production of inmates' emails, or under any other circumstances."

In response to these portions of your request, staff located 207 pages of responsive records, which were forwarded to this office for a release determination. After careful review, we determined 140 pages of the Trust Fund/Deposition Manual are appropriate for release in full, and 18 pages of the SIS Manual are appropriate for release in part and 49 pages are withheld from release in full. Copies of releasable records are attached.

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, records were redacted and withheld in full under the following exemptions: (b)(7)(e) and (b)(7)(f).

5 U.S.C. § 552(b)(7)(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

5 U.S.C. § 552(b)(7)(F) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to endanger the life or personal safety of an individual.

Sincerely,



Linda M. V. Bowe, for
Eugene E. Baime,
Supervisory Attorney

Explanation of FOIA Exemptions Used by the Federal Bureau of Prisons

5 U.S.C. § 552(b)(1) protects classified information.

5 U.S.C. § 552(b)(2) concerns matters related solely to internal agency personnel rules or practices.

5 U.S.C. § 552(b)(3) concerns matters specifically exempted from release by statute.

5 U.S.C. § 552(b)(4) concerns trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

5 U.S.C. § 552(b)(5) concerns certain inter- and intra-agency communications protected by the deliberative process privilege, the attorney work-product privilege, and/or the attorney-client privilege.

5 U.S.C. § 552(b)(6) concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

5 U.S.C. § 552(b)(7)(A) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings.

5 U.S.C. § 552(b)(7)(B) concerns records or information compiled for law enforcement purposes the release of which would deprive a person of a right to a fair trial or an impartial adjudication.

5 U.S.C. § 552(b)(7)(C) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

5 U.S.C. § 552(b)(7)(D) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources.

5 U.S.C. § 552(b)(7)(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

5 U.S.C. § 552(b)(7)(F) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to endanger the life or personal safety of an individual.

5 U.S.C. § 552(b)(8) concerns matters that are "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions."

5 U.S.C. § 552(b)(9) concerns geological and geophysical information and data, including maps, concerning wells.