



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

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

April 30, 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 the **second 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 FOIA request contains nine (9) different items:

1. All records containing the BOP's policies, practices, or procedures governing the collection, retention, use, or sharing of inmates' attorney-client emails;
2. All records containing the BOP's policies, practices, or procedures governing the collection, retention, use, or sharing of inmates' emails, including non-attorney-client emails;
3. All external guidance, including directives, emails, or other communications sent to the BOP, regarding policies, practices, or procedures governing the collection, retention, use, or sharing of inmates' attorney-client emails;
4. All external guidance, including directives, emails, or other communications sent to the BOP, regarding policies, practices, or procedures governing the collection, retention, use, or sharing of inmates' emails, including non-attorney-client emails;

5. 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;
6. All records containing descriptions of any technology capable of filtering emails to or from particular individuals out of emails retained by BOP;
7. 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;
8. All documentation provided to the BOP by any company providing inmate email access technology or technology to filter inmate email, including any contracts, agreements, technical specifications, or proposals; and
9. All records containing the BOP's policies, practices, or procedures for reviewing and processing inmates' email communications. Such records would include any policies, practices, or procedures directing BOP staff with respect to when and how inmates' emails should be reviewed, as well as any information concerning the use of algorithms or other electronic data processing techniques to monitor the content of inmates' emails.

Processing of a FOIA request includes the identification and removal of non-responsive pages and pages generated by the email search indicating specific attachments from responsive records. This step is time-consuming and detail-oriented process involving a page-by-page review of records retrieved as a result of a search for records. This step in the processing of responsive records does not result in any pages being generated for release.

This second rolling release includes the processing of a total of 812 pages. After careful review, we determined that 484 pages were identified as non-responsive and removed from the responsive records. These pages are non-responsive to your request because the records do not relate to any of the nine items listed above seeking information concerning inmate emails, inmate attorney-client emails, and BOP technology and/or procedures regarding the filtering of inmate emails. Additionally, 26 pages were identified as pages generated by the search process and removed from the responsive records. The email system produces a page that notes the specific attachments. These attachments are noted on the email thread which produces this page.

After removal of non-responsive pages and the system generated additional pages, this resulted in a total of 302 pages responsive to items 1 through 9 of your request. Of the 302 pages, 253 pages are appropriate for release in full, 33 pages are appropriate for release in part, 16 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)(4); (b)(5); (b)(6); (b)(7)(C) and (b)(7)(F).

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)(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)(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,

4/30/2019

X 

S. Lilly, GIS, for
Eugene E. Baime, Supervisory Attorney
Signed by: SARAH LILLY