



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

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

August 1, 2019

Megan Graham
UC Berkeley School of Law
Room 353
Berkeley, CA 94720-7200

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 **fifth 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.

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 fourth rolling release includes the processing of a total of 792 pages. After careful review, we determined that 714 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 in your original request. Additionally, 50 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 28 pages responsive to items 1 through 9 of your request. Of these pages, 15 pages are released in part, 2 pages are withheld in full, and 11 pages are duplicate pages of pages 1-11 in the 2nd rolling release and not included in the released documents for this release. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, records were redacted and withheld in full under exemptions (b)(5); (b)(6); (b)(7)(C); and (b)(7)(F).

Records maintained by the Executive Office for United States Attorneys (EOUSA) were referred to the BOP by FOIA request number 2018-005641 and included in this release. Of the remaining 8 pages of this referral, 1 page is appropriate for release in part and 7 pages were referred back to EOUSA as not being BOP records. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, redactions are withheld under exemptions (b)(6) and (b)(7)(C).

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,

8/1/2019

X 

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