



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

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

September 16, 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 a summary of the Bureau of Prisons release in reference to the above Civil Action and Freedom of Information Act request for the following records made on or after January 1, 2016 by the BOP:

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.

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.

The first rolling release included the processing of a total of 3,031 pages. Of these pages, 2,824 were blank or duplicate pages and not included in the released documents. After removal of these pages, this resulted in a total of 207 pages. Of these pages, 140 pages are appropriate for release in full, 18 pages are appropriate for release in part, and 49 pages are withheld from release in full. 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).

The second rolling release included the processing of a total of 812 pages. Of these pages, 484 pages were non-responsive to any of your FOIA request; 26 pages were generated by the search process. After removal of these pages, this resulted in a total of 302 pages. Of these 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. 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).

The third rolling release included the processing of a total of 801 pages. Of these pages, 729 pages were non-responsive to any of your FOIA request, 28 pages were generated by the search process. After removal of these pages, this resulted in a total of 44 pages. Of these pages, 3 pages are appropriate for release in full, 27 pages are appropriate for release in part, 6 pages are withheld from release in full, and 8 pages were forwarded to the Executive Office for United States Attorney's (EOUSA) for consultation. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, records were redacted and withheld in full under the following exemptions: (b)(5); (b)(6); (b)(7)(C) and (b)(7)(F).

The fourth rolling release included the processing of a total of 859 pages. Of these pages, 802 pages were non-responsive to any of your FOIA request, 16 pages were generated by the search process. After removal of these pages, this resulted in a total of 41 pages. Of these pages, 2 pages are appropriate for release in full, 19 pages are released in part, and 20 pages are duplicate pages and not included in the released documents. 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); and (b)(7)(C). Records previously forwarded to EOUSA for

consultation are included in this release. A total of 8 pages of records were reviewed. Of these pages, 2 pages are appropriate for release in full and 6 pages are released in part. Pursuant to the FOIA, 5 U.S.C. § 552, EOUSA redactions are withheld under exemptions (b)(5) and (b)(6) and BOP redactions are withheld under exemptions (b)(6) and (b)(7)(C). Records maintained by the EOUSA were referred to the BOP by FOIA request number 2018-005641 and included in this release. A total of 71 pages of records which originated with the BOP were forwarded and reviewed. Of these pages, 54 pages are appropriate for release in full and 9 pages are duplicate pages and not included in the released documents. The remaining 8 pages from this referral will be processed with the next rolling release. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, redactions are withheld under exemptions (b)(6) and (b)(7)(C).

The fifth rolling release included the processing of a total of 792 pages. Of these pages, 714 pages were non-responsive to any of your FOIA request, 50 pages were generated by the search process. After removal of these pages, this resulted in a total of 28 pages. Of these pages, 15 pages are released in part, 2 pages are withheld in full, and 11 pages are duplicate pages and not included in the released documents. 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 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).

The sixth rolling release included the processing of a total of 1677 pages. Of these pages, 1643 pages were nonresponsive to any of your FOIA request. After removal of these pages, this resulted in a total of 34 pages. Of these pages, 2 pages are released in full, 2 pages are released in part, 22 pages are withheld in full, and 8 pages are duplicate pages and not included in the released documents. 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); and (b)(7)(C).

Records maintained by CRM were referred to the BOP. Of these 19 pages, 2 pages are released in full, 8 pages are released in part, and 9 pages are duplicate pages and not included in the released documents. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, CRM and BOP records were redacted under exemptions (b)(5); (b)(6); and (b)(7)(C).

Sincerely,

9/16/2019

X 

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