

U.S. Department of Homeland Security  
500 12<sup>th</sup> St SW, Stop 5009  
Washington, DC 20536



U.S. Immigration  
and Customs  
Enforcement

December 28, 2015

NATHAN FREED WESSLER  
ACLU  
125 BROAD STREET 18TH FLOOR  
NEW YORK, NY 10004

**RE: ICE FOIA Case Number 2015-ICAP-00433**

Mr. Freed Wessler:

This is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE) dated May 18, 2015. You requested records pertaining to cell-site simulators.

ICE has considered your request under both the FOIA, 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a. Information about an individual that is maintained in a Privacy Act system of records may be accessed by that individual<sup>1</sup> unless the agency has exempted the system of records from the access provisions of the Privacy Act.<sup>2</sup>

The ICE Office of Acquisition Management (OAQ), Office of Homeland Security Investigations (HSI), Office of the Principal Legal Advisor (OPLA), and Office of Policy conducted an additional search for records and stands by their original no records response. HSI does not utilize cell site simulator technology as described in your FOIA request.

You have the right to appeal ICE's determination and should you wish to do so, please send your appeal following the procedures outlined in the DHS regulations at 6 Code of Federal Regulations § 5.9 and a copy of this letter to:

U.S. Immigration and Customs Enforcement  
Office of Principal Legal Advisor  
U.S. Department of Homeland Security  
Freedom of Information Act Office  
500 12th Street, S.W., Stop 5900  
Washington, D.C. 20536-5900

<sup>1</sup> 5 U.S.C. § 552a(d)(1).

<sup>2</sup> 5 U.S.C. §§ 552a(d)(5), (j), and (k).

Your appeal must be received within 60 days of the date of this letter. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

Provisions of the FOIA and Privacy Act allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.<sup>3</sup>

If you need to contact the FOIA office about this matter, please call (866) 633-1182 and refer to FOIA case number **2015-ICAP-00433**.

Sincerely,

*R. Gowins, for*

Catrina M. Pavlik-Keenan  
FOIA Officer

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<sup>3</sup> 6 CFR § 5.11(d)(4).