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Complaint Filed: JFL Sues to Reveal Details of ICE’s Collaboration with Private Data Broker Companies

ICE will not allow the public knowledge of its massive private data surveillance apparatus

August 19, 2021 - Just Futures Law (JFL) has filed a complaint under the Freedom of Information Act (FOIA) to compel the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) to release documents showing how the agencies buy and use sensitive information from data brokers to target immigrants.

Investigators and advocates have uncovered evidence that DHS and ICE have [entered into agreements with private data brokers like LexisNexis](#), which specialize in data management and delivery. These contracts are often sizable, and agency payments for data broker technologies regularly amount to millions of dollars. In February, the Center for Privacy and Technology at Georgetown Law [revealed their research findings](#) on this issue, which contributed significantly to what little information is known about the government’s use of data broker tools for immigration enforcement. Using data broker tools provided by companies like LexisNexis, ICE officers are able to supercharge their deportation and detention agenda, [searching hundreds of millions of utility records, including phone, water, and electricity records](#), — as well as related consumer data — while targeting immigrants for deportation. As a result of these powerful tools, immigrants who share their information with service providers during purchases for basic utilities risk ICE enforcement action because of their decisions to support themselves and their families.

Despite the significant monetary value of these contracts and ICE’s statements referring to the technologies delivered by RELX and its subsidiary LexisNexis, Thomson Reuters, and other data

collection companies as “[mission critical](#),” neither DHS nor ICE have released details regarding the full extent of those services and how they are employed by the agency. In light of these gaps in public knowledge, JFL sent a FOIA request to ICE in June asking for information about ICE and DHS’s contracts with data broker companies and use of data broker technologies like LexisNexis and Thomson Reuters’ person-search tools that draw on consumer information.

“Even the limited amount of information we know about how ICE uses data broker technologies is disturbing,” said Dinesh McCoy, Legal Fellow at Just Futures Law. “The idea that a decision to buy a cell phone or internet could lead to someone’s information getting caught up in ICE’s surveillance dragnet raises serious questions about how ICE actually uses such powerful technologies.”

Further, ICE’s budget requests for Fiscal Year 2022 reflect its growing reliance on private data companies. ICE requested \$3.6 million for technologies related to its “Fugitive Operates,” and listed LexisNexis among the relevant contracts.

“Private companies are making millions through their collaborations with ICE, and we know that surveillance funds are a growing part of DHS’s budget,” said Paromita Shah, the Executive Director of Just Futures Law. “We demand full transparency from the agencies about the scope of their surveillance, and we will work to make sure the public knows how companies contribute to ICE’s agenda.”

DHS and ICE’s disregard of JFL’s FOIA request demonstrates the agencies’ disregard for public critique of their enforcement practices and agenda. Until the key documents related to DHS’ and ICE’s collaborations with data brokers are released, the implications of this high-tech policing and surveillance will remain opaque.

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