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PRESS RELEASE

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ACLU of Puerto Rico Sues DTOP for Concealing Information Regarding Mass Transfer of Data on Approximately 6,000 Migrants to ICE

Demands immediate delivery of all documents related to the data handover, an action that has facilitated rights violations against immigrants in the archipelago.

San Juan, P.R. – The American Civil Liberties Union (ACLU) of Puerto Rico today filed a Petition for Writ of Mandamus before the Court of First Instance in San Juan against the Secretary of the Department of Transportation and Public Works (DTOP), Edwin González Montalvo, and the Commonwealth of Puerto Rico (ELA), demanding the government immediately turn over all documents related to the transfer of confidential information concerning nearly 6,000 migrants who obtained driver's licenses under Act No. 97 of 2013.

The ACLU-PR's action arises after DTOP refused to provide copies of the information requests issued by the Department of Homeland Security (DHS) and agencies such as Immigration and Customs Enforcement (ICE), as well as the legal assessments and the information that was ultimately handed over to comply with those requests. The agency's response was based on generalities, failing to legally substantiate the claim of confidentiality, which constitutes a breach of a ministerial duty and a blatant violation of the constitutional right to access public information in Puerto Rico.

"The legislative intent of that law was precisely to protect data for non-immigration purposes, making the government's action illegal when it provided this information to a federal entity without, apparently, a judicial order signed by a judge," stated Annette Martínez Orabona, Executive Director of the ACLU of Puerto Rico. "If such an order exists, what we are requesting is precisely that it be made public, in compliance with the constitutional mandate," she maintained.

The lawsuit is based on the public revelation that DTOP, between February and March of 2025, handed over to federal immigration agencies personal data of about 6,000 drivers with undocumented

immigration status. Subsequently, the federal government itself confirmed that this data is actively being used to identify, locate, arrest without a judicial warrant, and deport immigrants.

The ACLU-PR stressed that this action by the government of Puerto Rico was carried out in direct contravention of Act 97-2013 itself, which mandates the DTOP Secretary to establish the necessary mechanisms so that this registry cannot be used to discriminate or disclose the information.

"DTOP's negligence has had devastating and irreversible consequences, and our government has become complicit in systematic human rights violations," asserted Fermín Arraiza Navas, Legal Director of the ACLU of Puerto Rico. "We are facing a humanitarian crisis created by the government itself, where most detainees have not been able to contact their families, have been deprived of due process of law, and have been illegally removed from our jurisdiction. The public has a fundamental right to know under what legal assumptions the information that put thousands of lives at risk was handed over," Arraiza Navas stressed.

From January of this year until September 21, ICE had arrested at least 1,128 immigrants. It is essential to remember that both the U.S. and Puerto Rico Constitutions protect all individuals (not just those with citizenship), guaranteeing fundamental rights such as due process of law. The Constitution of Puerto Rico is clear in its obligation of non-discrimination, establishing that no person in Puerto Rico shall be denied the equal protection of the laws.

On June 10, 2025, the ACLU-PR formalized a public information access request to DTOP demanding, among other documents, internal guidelines and protocols for evaluating information requests from the federal government, a copy of every information request issued by DHS, ICE, or the U.S. Customs and Border Protection (CBP) since January 20, 2025, copies of the agency's legal memoranda evaluating the admissibility of such requests, communications with other agencies about the requests, and copies of all information handed over to fulfill the requests.

The Law of Transparency and Expedited Procedure for Access to Public Information (Act No. 141-2019) establishes that "the right to access public information is a constitutional pillar and a fundamental human right."

"Transparency in public affairs is an indispensable element in a democratic system, and the public has an inalienable right to know, openly and candidly, how decisions that affect us all and that can result in limiting physical liberty and the disappearance of people are made," stated Arraiza Navas. "DTOP has the ministerial duty to be accountable, and jurisprudence has already recognized that, to guarantee this fundamental right, documents such as those requested are of a public nature and cannot be withheld," he maintained.

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