



OFFICE *of* GOVERNMENT INFORMATION SERVICES

February 4, 2015 — Sent via U.S. mail

[REDACTED]  
[REDACTED]  
[REDACTED]

Re: Case No.: 201500305  
NG: CM: KG

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

8601 ADELPHI ROAD  
OGIS  
COLLEGE PARK, MD  
20740-6001

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Dear [REDACTED]

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on January 8, 2015 via U.S. mail. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Treasury Inspector General for Tax Administration (TIGTA).

Congress created OGIS to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

OGIS staff carefully reviewed the correspondence you submitted with your request for assistance. I understand that you made a request to TIGTA for a copy of an affidavit concerning [REDACTED] and [REDACTED] of the Internal Revenue Service Criminal Investigation Unit. TIGTA informed you that the records you seek pertain to a third party, and therefore the agency can neither admit nor deny the existence of the responsive records. Additionally the agency explained that if the records did exist, they would be protected from release under FOIA exemptions b(7)(C) and b(6), because the public interest in these specific records does not outweigh the privacy interests of the individuals these records pertain to. You appealed TIGTA's decision on July 8, 2014.

You requested OGIS assistance to find out the status of your appeal. The Openness Promotes Effectiveness in our National (OPEN) Government Act of 2007, 5 U.S.C. § 552(a)(7)(B), gives requesters the right to request an estimated date on which an agency expects to respond to a request.

Guidance issued by DOJ's Office of Information Policy (OIP) states that agencies "should make a reasonable judgment as to when they believe processing will be complete, based upon what remains to be done in a given case and in light of the agency's experience with processing similar requests. The important point is that the agency and the requester are able to communicate easily regarding the status of a request." (See OIP Guidance: Assigning Tracking Numbers and Providing Status Information for Requests,



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November 18, 2008, <http://www.justice.gov/oip/foiapost/2008foiapost30.htm> and *Muttitt v. Department of State*, 926 F.Supp 2d 284, D.D.C. March 4, 2013.)

OGIS staff contacted TIGTA on your behalf to find out the estimated completion date of your appeal. The TIGTA FOIA appeals processor assigned to your case gave OGIS an estimated completion date of February 13, 2015. We hope you find this information about your request useful. At this time, OGIS can offer you no further assistance. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/s/

Nikki Gramian, Acting Director  
Office of Government Information Services (OGIS)

We appreciate your feedback. Please visit <https://www.surveymonkey.com/s/OGIS> to take a brief anonymous survey on the service you received from OGIS.