



OFFICE *of* GOVERNMENT INFORMATION SERVICES

April 3, 2015 - Sent via U.S. Mail

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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Re: Case No. 201400627
NG: CM: AB

Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), received on January 13, 2015. Your request for assistance pertains to your requests related to [REDACTED] to the United States Postal Service Office of the Inspector General (USPSOIG) and the Executive Office for United States Attorneys (EOUSA).

As you know, Congress created OGIS to complement existing Freedom of Information Act (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.

Please know that OGIS' mediation process is completely voluntary. Under the law, OGIS does not have the power to compel an agency or a requester to participate in our mediation services.

As you stated in your correspondence to OGIS, you believe that both USPSOIG and EOUSA failed to address your argument regarding the public interest in the release of additional records related to [REDACTED]. OGIS contacted both USPSOIG and EOUSA to discuss your request for mediation to resolve this dispute. Both agencies informed OGIS that they fully evaluated the public interest in the records as part of the review and appeals process and both agencies are firm in their position. USPSOIG and EOUSA declined to participate in any mediation.

We note that you have refined your argument regarding how records related to [REDACTED] might shed light on the agency's actions during the request and appeal process. You may consider making a new request for records and fully articulate your argument regarding the public interest in



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disclosure of these records. The standard of public interest in records of this type is limited to information that reveals the operations and activities of the government. The Department of Justice Guide to the Freedom of Information Act states that:

'bare suspicion' of [official] misconduct is inadequate and that a requester must produce evidence that would be credible in the eyes of a reasonable person. When a requester asserts government misconduct as the public interest in disclosure, that requester must make a 'meaningful evidentiary showing' in order to provide a public interest 'counterweight' to the privacy interest (pages 589-5590).

Please know, however, that a public interest in understanding the actions of an agency *does not* eliminate privacy protections. As we informed you in our last correspondence, Courts have specifically addressed privacy interests involved in criminal investigations of third parties and have overwhelmingly ruled that individuals' privacy interests outweigh public interests because of the stigma or harassment that may result from public knowledge of such an investigation.

While we understand that this is not the result for which you hoped, we hope that this additional information about your request is useful to you. Thank you for bringing this matter to OGIS; at this time there is no further action for us to take and we will consider this matter closed.

Sincerely,

/S/

Nikki Gramian, Acting Director
Office of Government Information Services

cc: Betsy Cuthbertson, FOIA Public Liaison, USPSOIG, via email
Donna Preston, FOIA Public Liaison, EOUSA, via email