



OFFICE of GOVERNMENT INFORMATION SERVICES

June 19, 2015 — Sent via email

[REDACTED]

Re: Case No.: 201500291
NG: CM

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

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e-mail: ogis@nara.gov
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Dear [REDACTED]:

This responds to your January 6, 2015 request for assistance from the Office of Government Information Services (OGIS), which we received via U.S. mail. You requested assistance with a number of Freedom of Information Act (FOIA) requests to the National Security Agency (NSA). We apologize for our delay in responding to your request for assistance; it took significantly longer than we expected to receive information about your requests from the agency.

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 or to process one request before others. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

We carefully reviewed your submission of information, and we understand that you have submitted a number of requests and appeals to NSA over the last few years. In your submission to OGIS, you express your concern about NSA's delay in processing your requests and appeals, and you ask for OGIS's assistance with this matter and with another set of requests administratively closed by NSA.

Your administratively closed requests

On June 6, 2014, NSA sent a letter in reference to four of your requests ([REDACTED] 1, [REDACTED] and [REDACTED]) informing you that your requests do not meet the agency's criteria for a "reasonably described" request. You dispute this response.

As you are aware, FOIA requests that are clear and succinct tend to be most successful; it can also be helpful to include information about the location of the records you seek. In the case of these requests, you included references to the records you seek in NSA's Records Disposition Schedule (RDS). NSA's correspondence informed you that this did not provide sufficient information to locate the records you seek.

For your information, a records series – such as those you cite in your request – is the basic unit for organizing and controlling files. The files and/or documents in a record series are kept together (either physically or *intellectually*) because they relate to a



particular subject or function, result from the same activity, document a specific type of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, maintenance, or use.

NSA's June 6, 2014 letter informs you that the records described by the file series numbers in the RDS are not kept together physically (in a database, for example), nor are they marked with or searchable by the specific record series number. Each Federal agency has its own set of file codes which it uses to organize records; usually these file codes are defined by lines of business. For example Project X might have 4 different record series within the same folder, however, those records must be disposed of, or transferred for permanent storage according to its specific records disposition. You may wish to consider ways to restate your request according to NSA's lines of business rather than its disposition file series numbers.

Your pending requests and appeals

As you may be aware, The Openness Promotes Effectiveness in our National (OPEN) Government Act of 2007 gives requesters the right to request an estimated date on which an agency expects to respond to a request. *See* 5 U.S.C. § 552(a)(7)(B)(ii). In light of this, we discussed your open requests and appeals with NSA, and the agency provided the following status information:

- Request ██████: NSA estimates that it will finish processing this appeal in 18 months.
- Request ██████: NSA previously informed you that it will begin processing this request in February, 2016. This estimate is unchanged.
- Request ██████: NSA previously informed you that it will begin processing this request in March, 2016. This estimate is unchanged.
- Request ██████: NSA previously informed you that it will begin processing this request in February, 2016. This estimate is unchanged.
- Request ██████ NSA estimates that it will complete this request in April, 2016.
- Request ██████: NSA previously informed you that it will begin processing this request in March, 2016. This estimate is unchanged.
- Request ██████: NSA estimates that it will complete this request in June, 2015.
- Request ██████: NSA estimates that it will complete this request in July, 2015.
- Request ██████: NSA previously informed you that it will complete this request in three years. This estimate is unchanged.
- Request ██████: NSA estimates that it will begin processing this case in about a year.
- Request ██████: NSA estimates that it will work this case within a year.
- Request ██████: NSA estimates that it will work this case in 12-14 months.

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Please be aware that these date ranges are only estimates and depend heavily on the complexity of your request/appeal and those in the queue ahead of yours. If you do not receive a response within the window provided by the agency, you may wish to contact NSA for an updated estimated date of completion by calling (301) 688-6527 or emailing the agency's Requester Service Center at foiarsc@nsa.gov.

I understand that you are frustrated by the delay in the response to your requests and appeals. Delays, while unfortunate, are an unavoidable aspect of FOIA for many agencies, particularly those that receive as many requests and appeals as NSA. At this time, there is no further assistance OGIS can offer. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/s/

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

cc: Sharon Linkous, NSA FOIA