



OFFICE of GOVERNMENT INFORMATION SERVICES

October 9, 2015 - Sent via email

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Case No. 201501150
JH: CM: KG

Dear [REDACTED]

This responds to your September 1, 2015 letter to the Office of Government Information Services (OGIS), which we received via email. Your request for assistance concerns your Freedom of Information Act (FOIA) request to the Federal Bureau of Investigations (FBI).

Congress created OGIS to complement existing FOIA practice and procedure and we strive to work in conjunction with the existing request and appeal process. OGIS's goal, whenever practical, is to allow 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.

You contacted OGIS regarding your request to FBI which you submitted on [REDACTED], seeking images [REDACTED]. The FBI denied your request on [REDACTED], stating that it is "unreasonably described." You replied to the FBI's letter, providing more information about the records you seek. The FBI responded to your letter on [REDACTED] and again denied your request, stating that there was not enough detail to enable personnel to locate records. You appealed this determination. On [REDACTED] the Department of Justice's Office of Information Policy (OIP) responded to your appeal, affirming the FBI's denial. You contacted OGIS requesting assistance resolving this matter.

OGIS contacted OIP to learn more about your request and OIP's action on your appeal. OIP explained to OGIS, they affirmed FBI's decision not on the agency's original basis that your request is "unreasonably described," but rather on the basis that searching for the specific records you seek would be unreasonably burdensome. OIP further explained that FBI's indexing system does not allow the agency to search for records by the device from which they originated. To find the images you requested processors would have to search hundreds of thousands of files to determine if an image came from the camera you cite in your request.

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OGIS also contacted FBI Public FOIA Liaison Dennis Argall to discuss your request and the agency's search procedures. Mr. Argall explained that the [REDACTED] was very large and included [REDACTED]. He said without knowing who provided the camera, finding the pictures you seek would be like searching for a needle in a haystack. Courts have held that the FOIA does not require agencies to conduct "unreasonably burdensome" searches for records.

I hope you find this information useful in understanding FBI's process for search and their action on your request. At this time, OGIS can offer no further assistance. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/s/

JAMES V.M.L. HOLZER
Director

cc: Dennis Argall, Federal Bureau of Investigations, Department of Justice
Matthew Hurd, Office of Information Policy, Department of Justice