



OFFICE *of* GOVERNMENT INFORMATION SERVICES

March 29, 2016—Sent via email

[REDACTED]
[REDACTED]

Re: Case No.: 201600425
NG: CM: KG

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

web: www.ogis.archives.gov
e-mail: ogis@nara.gov
phone: 202-741-5770
toll-free: 1-877-684-6448
fax: 202-741-5769

Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on January 20, 2016 via email. Your request for assistance pertains to your records request to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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.

We have carefully reviewed your submission, and we understand that you made a request for the [REDACTED]. In [REDACTED] ATF denied your request. You appealed this response, and on [REDACTED] the Department of Justice's Office of Information Policy (OIP) responded to your appeal. OIP affirmed ATF's actions to protect the information from disclosure, citing FOIA Exemption 7(F). You dispute this response, and you note that you have requested and received the materials subject to your request through FOIA for the past decade.

OGIS contacted ATF to discuss the agency's response to your request. ATF FOIA staff affirmed the agency's position on the withheld material; the agency explained that while you received the requested information in previous years, ATF changed its previous policy on the disclosure of information of this type because it is the agency's position that release of the [REDACTED]. In cases such as this where an agency is firm in its position, there is little for OGIS to do beyond providing more information about the agency's actions or the exemption it has invoked.



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Regarding the agency's use of FOIA Exemption 7(F), 5 U.S.C. § 552(b)(7)(F), this exemption protects information compiled for law enforcement purposes that "could reasonably be expected to endanger the life or physical safety of any individual." Courts have given federal agencies broad latitude to withhold information under Exemption 7(F) when there is reasonable cause to believe that disclosure of the information would risk physical harm to an individual. It should be noted that release under FOIA to one individual is a release to the others who seek the same information. Should other individuals with dubious intent request the same material, ATF cannot withhold it from those individuals since the information has been release to you.

I hope you find this information useful. 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/

JAMES V.M.L. HOLZER

Director

cc:ATF FOIA