



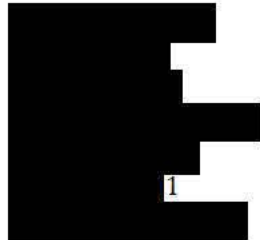
OFFICE of GOVERNMENT INFORMATION SERVICES

August 19, 2013— Sent via U.S. mail

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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OGIS
COLLEGE PARK, MD
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Re: Case No.: 201300687
MN: NG: KM

Dear [REDACTED]:

This responds to your July 5, 2013 request for assistance from the Office of Government Information Services (OGIS), which we received on July 15, 2013 via U.S. mail. Your request for assistance pertains to your records request, No. [REDACTED], to the Federal Bureau of Prisons (BOP) seeking access to documents pertaining to yourself.

I note that in your request for assistance, you ask OGIS to call the warden at U.S. Penitentiary in Allenwood, PA, to request release of the records you seek. OGIS, created by Congress to complement existing Freedom of Information Act (FOIA) practice and procedure, has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and its jurisdiction is limited to assisting with the FOIA process.

As you may know, when an individual requests access to his or her own records, it is most often, but not always, considered a Privacy Act, or first-party, request. Federal agencies will process requests under both FOIA and the Privacy Act of 1974 in order to provide requesters with the fullest degree of access available.

Privacy Act matters fall outside the scope of our office's mission as the FOIA Ombudsman. However, many Privacy Act requests overlap with FOIA; therefore, OGIS provides ombuds services, including providing information about the process and the status of requests, to individuals requesting their own records. OGIS does not have a statutory role in reviewing policies, procedures and compliance with the Privacy Act as we do with FOIA.

I note that in response to Appeal No. [REDACTED], the Office of Information Policy (OIP) asked the BOP to conduct another search for the records you seek. BOP located 15 additional pages responsive to your request and released them with no FOIA redactions cited, with a letter dated June 25, 2013. Enclosed is a courtesy copy of that letter.

OIP determined that BOP's second search was adequate and reasonable. Federal courts have long settled that in regard to a search for documents, the crucial issue is whether an agency conducted an adequate search for a document, not whether a document *might* exist. An adequate search is conducted when the search is reasonably calculated to uncover all relevant documents. *See Weisberg v. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).

██████████
August 19, 2013

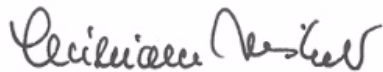
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I also note that OIP closed Appeal No. ██████████ as a duplicate of Appeal No. ██████████.

As this case illustrates, the appeal is an important part of the FOIA administrative process because it gives an agency's attorneys a chance to carefully review every part of a request and take any corrective action, if needed. It appears that BOP's second search and OIP's release of 15 additional pages to you was in accordance with FOIA law and policy.

I hope you find this information useful. At this time, there is no further assistance OGIS can offer and we will close your case. Thank you for bringing this matter to OGIS.

Sincerely,



Miriam Nisbet, Director
Office of Government Information Services (OGIS)

cc: Matthew Hurd, Attorney Advisor, Office of Information Policy, Department of Justice

Enclosure