



## OFFICE of GOVERNMENT INFORMATION SERVICES

July 20, 2017 – sent via email

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Ramona Oliver

Director, Office of Information Services

U.S. Department of Labor

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Dear Ms. ~~Oliver~~: <sup>RAMONA</sup>

I write to bring to your attention the use of “still interested” letters to administratively close FOIA requests by one component of the Department of Labor.

As you probably know, in the course of processing FOIA requests, some Federal agencies ask requesters if they are still interested in the requested records. This correspondence is typically generated by an agency after a delay in responding to the request and the agency sets a deadline for the requester’s affirmative response; not hearing back from the requester, the agency closes the request. As you may recall, on July 2, 2015, the Office of Information Policy (OIP) at the Department of Justice issued guidance on limiting the use of still interested letters.<sup>1</sup> Among the guidance’s provisions, OIP clarified that “the time period to allow requesters to respond to ‘still-interested’ inquiries *should be no shorter than thirty (30) working days*” (emphasis in original).

Emma Best came to the Office of Government Information Services (OGIS) recently to share an example of still interested correspondence in which the Wage and Hour Division of the Department of Labor provided her **15 days** to affirm her interest rather than the 30 working days recommended in OIP’s guidance. The May 30, 2017 emails Ms. Best provided us referenced a request made to the division on December 16, 2016 (FOIA Tracking Number 820477).

As we begin the last quarter of Fiscal Year 2017 and agencies face increased pressure to close old requests and reduce the backlog, we would appreciate it if you could remind Labor FOIA professionals about the importance of compliance with the statute, and OIP’s guidance on still interested letters. As part of our



<sup>1</sup> “OIP Releases New Guidance for Agency Still-interested Inquiries,” last modified July 20, 2015, <http://www.justice.gov/oip/blog/oip-releases-new-guidance-agency-still-interested-inquiries>.

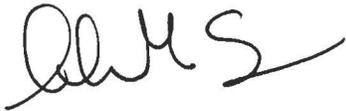
Ms. Ramona Oliver  
July 20, 2017  
Page 2 of 2

statutory mandate to review FOIA policies, procedures and compliance, OGIS recently reviewed the historical use of still interested letters by the agencies that receive a majority of FOIA requests government-wide and made several recommendations. We draw your attention to our report and encourage you to implement the steps included in our recommendations.<sup>2</sup> In particular, we recommend that you:

- Incorporate OIP's guidance on the proper use of any still interested correspondence in any existing or future Standard Operating Procedures; and
- Ensure that the Labor Department's FOIA managers are aware of how FOIA processors are using still interested letters; one suggestion for improving oversight and achieving more control over the use of still interested letters is for the FOIA manager to sign these letters rather than the FOIA processor.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me at 202-741-5771 or at [alina.semo@nara.gov](mailto:alina.semo@nara.gov).

Sincerely,



ALINA M. SEMO  
Director

cc: Thomas Hicks, FOIA Public Liaison, Department of Labor

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<sup>2</sup> "Recommendations to Improve the Transparency of the Use of Still Interested Letters," accessed May 24, 2016, <https://ogis.archives.gov/Assets/Still-interested-part-3-final.pdf?method=1>