



OFFICE *of* GOVERNMENT INFORMATION SERVICES

December 20, 2013— Sent via U.S. mail



Re: Case No. 201400110
MN: KM

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 November 5, 2013 request for assistance from the Office of Government Information Services (OGIS), which we received on November 13, 2013 via U.S. mail. Your request for assistance pertains to your March 29, 2013 records request, No. CRM [REDACTED], to the Criminal Division of the Department of Justice (DOJ), seeking access to electronic surveillance approval letters for four telephone numbers.

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 serves as the Federal FOIA Ombudsman and its jurisdiction is limited to assisting with the FOIA process.

In your request for OGIS assistance, you ask OGIS to compel DOJ's Office of Information Policy (OIP) to address your appeal, No. [REDACTED]. It is important to note that OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents.

You also requested OGIS's assistance regarding your request for expedited processing of your appeal. We carefully reviewed the correspondence you submitted and discussed your case with Matthew Hurd, an attorney advisor at OIP. Mr. Hurd informed us that your appeal letter did not articulate the reasons you believe that expedited processing is necessary; as such your appeal was placed chronologically in OIP's appeals queue and not granted expedited processing.

As you know, requesters who demonstrate a compelling need may be eligible for expedited processing. Under FOIA, a requester can show compelling need by establishing that his or her failure to obtain the records quickly "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual" or if the requester is a "person primarily engaged in disseminating information," by demonstrating that an "urgency to inform the public concerning



December 20, 2013

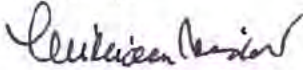
Page 2 of 2

actual or alleged Federal Government activity” exists. See 5 U.S.C. § 552(a)(6)(E)(v)(I) & (II). Under FOIA, the burden for showing compelling need rests with the requester.

We learned from Mr. Hurd that even if DOJ revisits your expedited treatment request based on the information you provided OGIS, it likely would not speed the processing of your appeal. Your appeal has undergone review and is awaiting final approval; you should receive a response by mid-January 2014.

I hope you find this information useful in understanding how your appeal is being processed. 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, OIP, via email