



OFFICE of GOVERNMENT INFORMATION SERVICES

October 7, 2014 — Sent via U.S. mail

[REDACTED]

Re: Case No.: 201400813

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 August 11, 2014 submission of information to the Office of Government Information Services (OGIS), which we received via U.S. mail. Although you did not provide OGIS with information about the nature of your dispute, it appears that you are questioning the Federal Bureau of Investigation's (FBI's) response to your FOIA request. Your request to the FBI sought records on [REDACTED]

Congress created OGIS to complement existing 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.

I understand that in response to your request, the FBI produced documents to you in 2009 and also referred you to additional information available on the agency's website. You appealed that response, stating in your letter of appeal that there should be additional information that points to [REDACTED]

[REDACTED]. The Department of Justice Office of Information Policy (OIP) affirmed the FBI's action on your request. I understand that you dispute this response.



We contacted FBI to learn more about how it processed your request. According to Mr. Dennis Argall, FBI's FOIA Public Liaison, the agency conducted an exhaustive search and produced all records in its possession on the subject of your request. In response to your appeal to OIP, FBI conducted another search -- and also spoke to subject matter experts on this topic -- but it was unable to find any additional information responsive to your request.

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). According to Mr. Argall, the FBI believes that it conducted an adequate search for responsive records, and the agency does not have any additional record responsive to your request.

[REDACTED]
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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. I hope that this information about your request is useful to you. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

[REDACTED]
for Miriam Nisbet, Director
Office of Government Information Services (OGIS)

cc: Dennis Argall, FBI FOIA PUBLIC LIAISON

We appreciate your feedback. Please visit <https://www.surveymonkey.com/s/OGIS> to take a brief anonymous survey on the service you received from OGIS.