



OFFICE of GOVERNMENT INFORMATION SERVICES

December 29, 2014 — Sent via email

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ARCHIVES  
and RECORDS  
ADMINISTRATION

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Re: Case No.: 201500219

Dear [REDACTED]:

This responds to your December 11, 2014 request for assistance from the Office of Government Information Services (OGIS), which we received via email. You asked for our assistance with your Freedom of Information Act (FOIA) request to the White House Office of Administration.

As you are aware, Congress created OGIS to complement existing FOIA practice and procedure. 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.

Your submission to OGIS includes a detailed description of your concerns. I understand that you submitted five FOIA requests to the Office of Administration, which you assert is subject to FOIA. The Office has neither acknowledged nor responded to your requests. You dispute the Office of Administration's lack of response to your request, and ask that OGIS issue an advisory opinion on this matter.

The FOIA, as amended in 2007, mandates that OGIS provide mediation services as a non-exclusive alternative to FOIA litigation. It also stipulates that "at the discretion of the Office, may issue advisory opinions *if* mediation has not resolved the dispute." See 5 U.S.C. § 552 (h)(3).

As we discussed in our telephone conversation of December 10, 2014, information on the White House's website and related case law (particularly *CREW v. Office of Administration*, 566 F.3d 219 that you also cited in your letter), is clear that the White House Office of Administration is not an agency subject to FOIA. For this reason, your dispute is not appropriate for OGIS's mediation services, including issuance of an advisory opinion. However, as a courtesy to you, I am enclosing two additional case law opinions holding the same judicial finding.



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I understand that you are considering filing a lawsuit to challenge this matter. Should you do so, please know that judicial precedents in these cases are binding.

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

Sincerely,

A handwritten signature in blue ink that reads "Nikki Gramian". The signature is written in a cursive style and is positioned above the typed name.

Nikki Gramian, Acting Director  
Office of Government Information Services (OGIS)

Enclosures