



OFFICE of GOVERNMENT INFORMATION SERVICES

February 20, 2015 — Sent via email

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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Re: Case No. 201500044
NG: CM: AS

Dear [REDACTED]:

This responds to your October 16, 2014 request for assistance from the Office of Government Information Services (OGIS), which we received on October 16, 2014 by email. Your request for assistance pertains to your Freedom of Information Act (FOIA) request, [REDACTED] to U.S. Customs and Border Patrol (CBP) seeking information pertaining to your client, [REDACTED]

As you are aware, 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.

We carefully reviewed your submission of information, and contacted CBP staff to inquire about the exemption (b)(7)(E) redactions you disputed on the final page of CBP's response. Let me further explain FOIA Exemption 7(E). Exemption 5 U.S.C. § 552(b)(7)(E), applies to information compiled for law enforcement purposes and authorizes an agency to withhold information that "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."

CBP appeals personnel reviewed the response and provided the following explanations of the redacted information:

- Releasing the File/Event Number could potentially allow unauthorized access to the information contained in the CBP database

February 20, 2015

Page 2 of 2

- Incident Coordinates are routinely withheld because the release of the locations of sensors could potentially allow individuals to circumvent enforcement checkpoints
- The information redacted under the Narrative Title section was also withheld to protect information that could identify items that CBP agents look for and would disclose CBP enforcement techniques

CBP staff reviewed the withheld information in Request [REDACTED] and determined that it was properly withheld under exemption (b)(7)(E).

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. While I understand that this is not the result for which you hoped, I hope that this additional information about your request is useful to you. Thank you for bringing this matter to OGIS; at this time there is no further action for us to take and we will consider this matter closed.

Sincerely,

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

cc: Shari Suzuki, CBP FOIA Appeals Chief, via email