



OFFICE *of* GOVERNMENT INFORMATION SERVICES

March 19, 2015 — Sent via email

[REDACTED]
[REDACTED]

Re: Case No.: 201500251
NG: CM

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 December 24, 2014 request for assistance from the Office of Government Information Services (OGIS), which we received via email. Your request for assistance pertains to your Freedom of Information Act (FOIA) appeal to the Department of Homeland Security (DHS).

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.

You contacted OGIS regarding a DHS records request ([REDACTED]). I understand that in its response to your request, DHS both offered you appeal rights, and informed you that the responding office made a referral to DHS's Office of the General Counsel. You considered this to be an interim response. You filed an appeal after the appeal deadline noted in the agency's response letter, explaining that you considered it to be an interim appeal. This appeal, which was assigned [REDACTED], was closed by the agency as untimely. You dispute this decision, asserting that because the office responding to your request referred records to another office within DHS, the agency's characterization of its response to [REDACTED] as final is incorrect, and the agency should process your appeal.



In response to your submission, we contacted James Holzer, Senior Director of DHS's FOIA Operations. Mr. Holzer informed OGIS that the agency is firm in its position on your request. OGIS further inquired whether another request for the same records could be appealed, and Mr. Holzer shared that a request

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seeking exactly the same information would be closed as a duplicate and appeal rights would not be granted.

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]

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

cc: James Holzer, DHS Privacy Office

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.