



OFFICE of GOVERNMENT INFORMATION SERVICES

March 31, 2015— Sent via U.S. Mail

NATIONAL
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and RECORDS
ADMINISTRATION

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Case No.: 201400882
NG: KM

Dear [REDACTED]:

This responds to your request for assistance dated August 14, 2014, which we received on August 29, 2014, and your follow-up letter dated February 25, 2015, which we received on March 2, 2015.

I apologize for the delay in responding to your request, which concerns three Freedom of Information Act (FOIA) requests to the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). ATF assigned those requests Nos. [REDACTED], [REDACTED], and [REDACTED]. I note that those requests were the subjects of OGIS cases, No. [REDACTED] and No. [REDACTED], which we responded to in two letters dated September 10, 2013.

I understand that you are concerned that that the Office of Information Policy (OIP) closed your appeals, No. [REDACTED] and No. [REDACTED], of requests No. [REDACTED] and No. [REDACTED], respectively. You asked OGIS's assistance in asking OIP to re-open your appeals. As we have informed you previously, we cannot compel an agency to release documents or re-open FOIA requests or appeals.

We discussed your appeals with the OIP attorney who processed them and learned that you appealed based on lack of response from the agency. OIP determined that ATF had responded to your requests, No. [REDACTED] and [REDACTED] on April 4, 2014, and April 30, 2013, respectively. I understand that OIP also provided you with copies of the two response letters when it responded to your appeal on August 14, 2014. OIP determined that since the agency had responded to your requests, there was no action to take in response to your appeal of ATF's failure to respond.

With regard to Request No. [REDACTED], at the time of your appeal, there was nothing to appeal since ATF was still processing your request, which sought access to information pertaining to yourself, three ATF agents and Federal criminal case No. [REDACTED]. We contacted ATF and learned that Request



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No. ██████ sought records that the agency previously processed and sent to you under FOIA. Please know that agencies are not required to respond to duplicate requests for information from the same requester.

We obtained from ATF a letter dated March 4, 2015, which responds to your letters dated ██████, 2013, ██████ 2013, and ██████, 2013. I note that ATF sent the letter to your previous address and you may not have received it. Enclosed is a courtesy copy. As a best practice, OGIS suggests that requesters inform agencies to which they have submitted FOIA requests of any address changes.

I note that in your request for OGIS assistance, you say that ATF is "falsifying their FOIA documents to delay or close cases" and you ask us to "report such misconduct to appropriate authorities." Please know that OGIS is the FOIA Ombudsman and we do not report misconduct to authorities.

With regard to the question you asked in your February 25, 2015 letter to OGIS, FOIA requesters who wish to file a FOIA lawsuit may do so in "the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia." (5 U.S.C. § 552(a)(4)(B).)

I hope you find this information useful in understanding why OIP responded to your appeal of your three requests as it did.

Per an email we received on March 13, 2015, enclosed are copies of your FOIA requests that you previously submitted to our office with requests for OGIS assistance.

At this time, there is no further assistance OGIS can offer. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

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

Enclosures

cc: Stephanie Boucher, FOIA Public Liaison & Disclosure Division Chief, ATF, via email