



OFFICE of GOVERNMENT INFORMATION SERVICES

April 23, 2015 — Sent via U.S. mail



Re: Case No.: 201400594
NG: CM: CL

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 June 2, 2014 request for assistance from the Office of Government Information Services (OGIS). Your request for assistance pertains to your records request to the U.S. Marshals Service (USMS). I apologize for the delay in responding to your request.

Congress created OGIS to complement existing Freedom of Information Act (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.

As you may know, when an individual requests access to his or her own records, it is most often, but not always, considered a Privacy Act, or first-party, request. Federal agencies will process requests under both the FOIA and the Privacy Act of 1974 in order to provide requesters with the fullest degree of access available.

Privacy Act matters fall outside the scope of our office's mission. However, many Privacy Act requests overlap with the FOIA and therefore, OGIS provides ombuds services, including providing information about the process and the status of requests, to individuals requesting their own records. OGIS does not have a statutory role in reviewing policies, procedures and compliance with the Privacy Act.

We carefully reviewed your submission and your FOIA request (No. [REDACTED]) to USMS for records pertaining to an incident concerning yourself dated [REDACTED]. The USMS responded on [REDACTED], releasing 212 pages in part and denying two pages in full under various FOIA exemptions. USMS's letter explained that the agency located documents that contained information originating with other agencies. USMS referred 13 responsive pages to the Federal Bureau of Prisons (BOP) and 15 pages to the Executive Office



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for United States Attorneys (EOUSA) for a direct response. You appealed USMS's response with the Department of Justice's Office of Information Policy (OIP). USMS responded to you in [REDACTED] stating that the office withheld an additional responsive page since it is a court sealed document. On [REDACTED], OIP responded to your appeal, affirming USMS's action on your request. You dispute this response.

As the Federal FOIA Ombudsman, OGIS fosters better understanding of FOIA. We are glad to offer you our thoughts on your submission and share what we learned. Based on your submission of information, it appears that you are primarily interested in having access to a copy of a [REDACTED] [REDACTED] police report from the [REDACTED] Police Department.

OGIS Facilitator Christa Lemelin contacted USMS FOIA/Privacy Act Specialist Leila Wassom regarding the agency's response to your request. Ms. Wassom explained that USMS provided you with the general categories of information under which it withheld information in its October 23, 2013 response to your request (enclosed for your reference). She affirmed that USMS did not locate records regarding a [REDACTED] incident.

Ms. Lemelin contacted BOP FOIA Public Liaison C. Darnell Stroble regarding the USMS-referred documents. Mr. Stroble explained that BOP reviewed the records it received from USMS and mailed you its response on November 13, 2013. Mr. Stroble agreed to have his staff send you a copy of the Bureau's determination letter again.

Ms. Lemelin contacted EOUSA FOIA Public Liaison Donna Preston concerning the USMS-referred documents. Ms. Preston explained that EOUSA responded to you by a letter dated December 19, 2013 (enclosed for your reference) and released 10 pages to you in full.

I hope you find this information useful. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

/s/

Nikki Gramian, Acting Director
Office of Government Information Services

Enclosures (4)

cc: Donna Preston, FOIA Public Liaison, EOUSA
C. Darnell Stroble, FOIA Public Liaison, BOP
Leila Wassom, FOIA/Privacy Act Specialist, USMS