



OFFICE of GOVERNMENT INFORMATION SERVICES

November 24, 2015 - Sent via U.S. mail

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

Case No: 201501240  
NG: CM: AB

NATIONAL  
ARCHIVES  
and RECORDS  
ADMINISTRATION

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Dear [REDACTED]:

This responds to your submission to the Office of Government Information Services (OGIS), which we received on September 22, 2015. Your request for assistance pertains to a Freedom of Information Act (FOIA) request you made to the Office of Inspector General (OIG) at the Department of Justice (DOJ) for [REDACTED].

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 records. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

We carefully reviewed your submission and understand that the OIG responded to your request and referred some documents to the Federal Bureau of Investigation (FBI) for processing; you also received a response from the FBI. Both OIG and FBI withheld portions from the responsive records, citing FOIA Exemptions 6 and 7(C). We understand that appealed FBI's and OIG's responses to DOJ's Office of Information Policy (OIP). OIP responded to your FBI appeal, upholding the agency's action on your request OIP has yet to make a determination regarding your appeal of OIG's response. The tracking number for your OIG appeal is [REDACTED].

In your correspondence with OGIS, you explain that you seek copies of two [REDACTED] that you believe were made to the FBI or OIG [REDACTED], [REDACTED]. For this reason, our inquiries with these two offices concerned the searches they did for responsive records.

We discussed your request with OIG's FOIA Public Liaison, Deborah M. Waller, and learned that OIG conducted a search for records concerning [REDACTED]; their response included all OIG records that are responsive to your request. During the processing of its records, OIG uncovered records that had originated with FBI and referred those records to FBI for processing and direct response to you.



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Please know that on appeal, OIP reviews OIG's searches, but in general, Federal courts have long settled that in regard to a search for documents, the crucial issue is whether an agency conducted an adequate search for a document, not whether a document *might* exist. An adequate search is conducted when the search is reasonably calculated to uncover all relevant documents. *See Weisberg v. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). In your case, OIG explained that their search covered from 2010 to April 2015.

We also discussed your case with the FBI's FOIA Public Liaison, Dennis Argall. Mr. Argall informed us that FBI processed and provided you with a copy of all of the records referred to that agency from OIG. Mr. Argall stressed that FBI's response related only to the records referred by OIG; the agency did not conduct a search for responsive records in its own files. A review of the background information you submitted to OGIS, indicates that [REDACTED] [REDACTED]. Since the records you received from FBI were restricted to those referred by OIG, it may be helpful to submit a FOIA request directly to FBI and request all records FBI may have about [REDACTED] [REDACTED].

Additionally, if you have reason to believe that OIG may have other records [REDACTED] [REDACTED], you might want to submit a new request. In your new request, you should provide any additional information, such as records you received in response to your other FOIA requests that will show there are [REDACTED] [REDACTED] [REDACTED]. The additional information will assist the OIG's FOIA unit to conduct new searches to locate any other records that you believe OIG may have. .

I hope you find the explanation provided above useful. 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,

/S/

JAMES V.M.L. HOLZER  
Director