



OFFICE of GOVERNMENT INFORMATION SERVICES

December 1, 2015— Sent via email

In Re: Case No. 201600116  
NG: AS

NATIONAL  
ARCHIVES  
and RECORDS  
ADMINISTRATION

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OGIS  
COLLEGE PARK, MD  
20740-6001

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Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received via email on October 24, 2015. Your request for assistance pertains to your Freedom of Information (FOIA) request to the Commodity Futures Trading Commission (CFTC). You contacted OGIS to learn more about the status of your request. Thank you for your interest in OGIS.

As you know, 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.

In your submission to OGIS, you express your frustration with CFTC's delay in processing your request. You also explain that CFTC previously informed you of the status of your request in agency's queue and that the agency stated it would try to produce records on a rolling basis. We contacted CFTC and discussed your concerns with the FOIA Office. We were advised that the CFTC estimates that it will begin releasing documents on a rolling schedule beginning in early January 2016.

As you may know, the FOIA gives requesters the right to request an estimated date on which an agency expects to respond to a request, 5 U.S.C. § 552(a)(7)(B). An estimate is an agency's best determination as to when the agency believes it will complete processing a request, based upon what remains to be done in a given case and in light of the agency's experience with processing similar requests. It is not a guarantee that agency will have responded to you by that date.

We understand that you are frustrated by the delay in the response to your request. Delays, while unfortunate, are an unavoidable aspect of the FOIA for many agencies. If an agency or department is actively processing a request,



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there is little for OGIS to do than to provide the customer with information on the status of a request.

While we understand that this is not the result for which you hoped, at this time there is no further action for us to take and we will consider this case closed.

Thank you for bringing this matter to OGIS.

Sincerely,

JAMES V.M.L. HOLZER

Director