



OFFICE of GOVERNMENT INFORMATION SERVICES

December 11, 2015—Sent via email

[REDACTED]

Re: Case No.: 201600021
NG: HK: CM: CL

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

Dear [REDACTED]:

This responds to your October 6 2015, request for assistance from the Office of Government Information Services (OGIS). Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Defense Threat Reduction Agency (DTRA).

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

Congress created OGIS to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. Our goal is 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.

web: www.ogis.archives.gov
e-mail: ogis@nara.gov
phone: 202-741-5770
toll-free: 1-877-684-6448
fax: 202-741-5769

In your submission, you explain that you are dissatisfied with DTRA's response to your FOIA requests Nos. [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], and you ask OGIS for assistance. Based on your submission to OGIS, it appears that you only appealed DTRA's response to request [REDACTED] (appeal No. [REDACTED]). At the time Ms. Lemelin contacted you, she noted that you were still within the time limit to appeal DTRA's action on request Nos. [REDACTED] and 1 [REDACTED].

As Ms. Lemelin explained in her correspondence to you, OGIS cannot assist FOIA requesters who are dissatisfied with an agency's response to a FOIA request until the agency has reviewed the matter through its administrative appeal process. For this reason, we will only address the agency's response to your request/appeal, No. [REDACTED].



To learn more about DTRA's response to request No. [REDACTED], we carefully reviewed your submission and discussed it with DTRA FOIA Public Liaison LaTonya L. Small. On [REDACTED], you submitted a request to DTRA for records including a list of all [REDACTED] related to [REDACTED] that included [REDACTED] and [REDACTED]. On [REDACTED], DTRA informed you that the agency was unable to locate records responsive to your request. You disputed DTRA's response and filed an appeal. On appeal, DTRA conducted a second search for responsive records. Ms. Small explained that the DTRA FOIA unit assigned the search to the Defense Threat Reduction Information Analysis Center (DTRIAC). The DTRIAC staff searched an electronic database using the specified search criteria [REDACTED]

[REDACTED] In addition, the agency

December 11, 2015

Page 2 of 2

conducted multiple searches using keywords such as [REDACTED], [REDACTED], and [REDACTED]. The agency was not able to locate records containing a list of [REDACTED] related to the topic you seek. Based on this result, DTRA informed you on [REDACTED] that it could not locate records responsive to your request.

In response to OGIS's question as to whether Ms. Small knew of any other agencies that would have records responsive to your request, she noted that she was not aware of any other agency that would have responsive records.

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. *Weisberg v. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).

Although this may not be the outcome for which you hoped, I hope you find this information useful. At this time, OGIS can offer you no further assistance and we will close your case. Thank you for bringing this matter to OGIS.

Sincerely,

Nikki Gramian /s/ for

JAMES V.M.L. HOLZER
Director

cc: LaTonya L. Small, FOIA Public Liaison, Defense Threat Reduction Agency, via email