

OFFICE of GOVERNMENT INFORMATION SERVICES

January 12, 2016—Sent via email

Re: Case No.: 201600112 NG: HK: CM

Dear

8601 ADELPHI ROAD OGIS COLLEGE PARK, MD

20740-6001

NATIONAL ARCHIVES

and RECORDS

ADMINISTRATION

web: www.ogis.archives.gov e-mail: ogis@nara.gov phone: 202-741-5770 toll-free: 1-877-684-6448 fax: 202-741-5769 This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on October 22, 2015 via email. Your request for assistance pertains to a Freedom of Information Act (FOIA) request submitted by your organization, to the Department of Defense (DOD).

As you may be aware, 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.

I understand that requested DOD records related to
. In its initial request, requested a waiver of fees. DOD
denied request for a fee waiver. appealed that response, providing
additional information about the organization's ability to disseminate information and
explaining how the records will contribute to the public's understanding of this issue.
DOD denied appeal, asserting that request and appeal do not
adequately illustrate how the organization will use the records to meet all factors of
the fee waiver standard. DOD placed this request into the "all other" fee category.
You asked for OGIS's assistance with this matter and provided additional information
about ability to disseminate information.
OGIS staff discussed this matter with DOD FOIA Public Liaison Melissa Walker. Ms.
Walker explained that regardless of DOD's position on request for a waiver
of fees, there will be no fees assessed for this request. Further, Ms. Walker explained

that the agency is currently processing request. If you wish to check on the status of this request, you should contact Patrice Parker, the DOD Government Information Specialist assigned to this request, at

Your dispute illustrates how challenging it can be for a requester to satisfy the criteria for a FOIA fee waiver. In the future, rather than requesting a waiver of fees, you may instead wish to request placement in a more favorable fee category. If your research will lead to a publication in a news media entity or similarly broad dissemination, you



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may wish to consider requesting that the agency place your request in the "representative of the news media" fee category. You can learn more about fee categories and fee waivers in the *Department of Justice Guide to the Freedom of Information Act*, which is available online at: www.justice.gov/sites/default/files/oip/legacy/2014/07/23/fee-waivers.pdf.

I hope that this information about your request is useful to you. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

/s/

JAMES V.M.L. HOLZER Director

cc: Melissa Walker, DOD FOIA

We appreciate your feedback. Please visit https://www.surveymonkey.com/s/OGIS to take a brief anonymous survey on the service you received from OGIS.