



OFFICE *of* GOVERNMENT INFORMATION SERVICES

February 4, 2016—Sent via email

[REDACTED]
[REDACTED]

Re: Case No.: 201600450
NG: CM

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 January 12, 2016 request for assistance from the Office of Government Information Services (OGIS), which we received on via email. Thank you for your interest in OGIS.

As you are aware, 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.

You contacted OGIS regarding an appeal response that you received from U.S. Citizenship and Immigration Service (USCIS). I understand that USCIS upheld its initial determination on your request for [REDACTED]; the agency withheld these records pursuant to FOIA Exemption 4, 5 U.S.C. § 552(b)(4), which provides protection to submitters who furnish commercial or financial information to the government by insulating them from competitive disadvantages that may result from disclosure. You dispute this response and ask for OGIS's assistance with this matter.



We discussed your appeal and the records you seek with USCIS's appeals staff. While the agency acknowledges that it released the information you seek in previous years, USCIS informed OGIS that it has recently received increasing numbers of complaints from [REDACTED] objecting to the release of their data. [REDACTED] asserted that these statistics can paint an inaccurate portrait of the quality of their work. As USCIS explained in its December 10, 2015 letter responding to your appeal, USCIS withheld this information in light of the potential for reverse-FOIA lawsuits from the impacted [REDACTED]

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In cases such as this where an agency is firm in its position, there is little for OGIS to do beyond providing more information about the agency's actions. 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: USCIS FOIA Appeals

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.