



OFFICE *of* GOVERNMENT INFORMATION SERVICES

February 5, 2016—Sent via U.S. mail

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

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

Re: Case No.: 201600222
NG: CM

Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on November 23, 2015. Thank you for your interest in OGIS.

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 the status of an appeal that you submitted to the Office of Information Policy (OIP), [REDACTED]. After receiving your submission, we contacted OIP and learned that the Office responded to your appeal on [REDACTED]. I understand that OIP affirmed the initial response from the Federal Bureau of Investigation (FBI) in which the Bureau informed you that it was unable to locate the photographs you seek.

In your submission, you express your concern about the FBI's response to your request. Please note that 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



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uncover all relevant documents. *Weisberg v. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). In your case, OIP's appeal response letter informs you that the FBI conducted a search of your file but did not find any photographs.

In researching this matter, we found that [REDACTED]
[REDACTED] the photographs you seek were presented as part of the proceeding [REDACTED].

[REDACTED]. Considering this, it is likely that the photographs you seek are in the possession of a New York State law enforcement agency, rather than a federal agency like the FBI. You may submit a records request to the New York State Police by writing to:

New York State Police
Attn: Records Access Officer
1220 Washington Avenue, Bldg 22
Albany, New York 12226-2252

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: OIP staff

Enclosure