



OFFICE of GOVERNMENT INFORMATION SERVICES

February 10, 2016 - Sent via email

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

Re: Case No.: 201600400
CM: NG

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, 2017 request for assistance from the Office of Government Information Services (OGIS), which we received on that date via email. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Consumer Financial Protection Bureau (CFPB) and your subsequent appeal to the agency's Chief FOIA Officer.

As you may 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.

After opening a case, OGIS gathers information from the requester and the agency to learn more about the nature of the dispute. As part of this process, we assess whether the issues are appropriate for mediation and determine the willingness of the parties to participate in our process. In your case, you submitted a FOIA request to CFPB on [REDACTED] seeking records related to [REDACTED] [REDACTED]. On [REDACTED], the Bureau responded that any records responsive to your request are withheld under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). You appealed this decision, and the agency upheld the CFPB's denial pursuant to FOIA Exemption 7(E), 5 U.S.C. § 552(b)(7)(E). You dispute this response and ask for OGIS's assistance with this matter.



OGIS staff discussed your concerns with [REDACTED], the Acting FOIA Manager at CFPB. [REDACTED] explained that the agency is firm in its decision and believes that CFPB's letter responding to your appeal provides an adequate explanation of CFPB's reasoning in this matter. [REDACTED] also

February 10, 2016

Page 2 of 2

informed OGIS staff that CFPB declines to participate in OGIS's mediation process regarding this matter.

Mediation is, by definition, a voluntary process; without the participation of the parties to a dispute, OGIS is unable to assist in the resolution of FOIA disputes brought before it. For this reason, we will close your case.

As you may be aware, you have the option to file a lawsuit in "the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the *District of Columbia*, which has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant." 5 U.S.C. § 552(a)(4)(B).

We regret that we could not be of more assistance. Thank you for your interest in OGIS.

Sincerely,

/S/

DR. JAMES V.M.L. HOLZER
Director

cc: [REDACTED], CFPB Acting FOIA Manager