



OFFICE *of* GOVERNMENT INFORMATION SERVICES

February 23, 2016 - Sent via e-mail

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*and* RECORDS  
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In Re: Case No.: 201600290  
NG: HK

Dear [REDACTED]:

This responds to your December 5, 2015, request for assistance to the Office of Government Information Services (OGIS). 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 submitted a request to the Consumer Financial Protection Bureau (CFPB) for written and oral communications with representatives from the following organizations:

[REDACTED]  
[REDACTED];  
[REDACTED]  
[REDACTED].

Per telephone and email conversation with [REDACTED], you agreed to use the domain names [REDACTED] and [REDACTED] to search the email accounts of 38 CFPB employees you provided on [REDACTED].

In response to your request, CFPB informed you that that 19 of the 38 CFPB employee accounts did not have any communications with [REDACTED]  
[REDACTED]. In addition, a search of the remaining 19 CFPB employees email accounts for documents responsive to your request produced a total of 913 pages. Of those pages, CFPB granted 838 pages of records in full, 73 pages in



part, and 3 pages were withheld in full pursuant to Exemptions 4 and 6 of the FOIA, 5 U.S.C. § 552 (b)(4) and (b)(6).<sup>1</sup>

You appealed the adequacy of the search and the withholding of information pursuant to Exemptions 4 and 6. CFPB denied your appeal with respect to the adequacy of the search and the withholding of records under Exemption 6, but remanded the request for reconsideration of the applicability of Exemption 4.

You asked for OGIS's assistance with this matter. In response to your submission, OGIS staff contacted CFPB to discuss your request and the agency's response.

CFPB informed OGIS that when you appealed the agency's response, the appeal's office reviewed the withheld documents and determined that two pages that were originally redacted pursuant to FOIA Exemption 4, upon further review, could be released to you in full. Upon release of these two pages, CFPB explained that no additional information was being withheld pursuant to FOIA Exemption 4. CFPB informed OGIS that the information that continued to be withheld was information that belonged to third parties, such as blackberry numbers, personal cell phone numbers, personal email addresses and one page of a resume of a third party. CFPB explained that the information withheld under FOIA Exemption 6 was purely personal information of the third parties in which the agency found no public interest in its disclosure.

FOIA Exemption 6 protects information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy."

In response to your concern over the adequacy of the search, CFPB stated that the original request was for all employees email accounts to be searched but was subsequently limited to only the email accounts of the specific employees you provided on [REDACTED]. According to the agency, the search was conducted by asking the specific employees whose names you provided to inform the operations division if they would have records responsive to your request. If the employees confirmed that they may have responsive documents, the operations division searched the specific employees' accounts and pulled all emails, documents and attachments responsive to your request.

In cases such as this in which the agency is firm in its position, there is little for OGIS to do beyond providing more explanation about the agency's actions and response. At this time, there is no further assistance OGIS can offer and we will close your case. Thank you for bringing this matter to OGIS.

Sincerely,  
/S/

JAMES V.M.L. HOLZER  
Director

cc: [REDACTED] FOIA Analyst, CFPB

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<sup>1</sup> Two pages were withheld under FOIA Exemption (b)(4), and one page was withheld under FOIA Exemption (b)(6).

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.