



OFFICE of GOVERNMENT INFORMATION SERVICES

February 25, 2016—Sent via U.S. mail

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

Re: Case No.: 201600170
NG: HK: 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 request for assistance from the Office of Government Information Services (OGIS), which we received on November 9, 2015 via U.S. mail. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Federal Bureau of Prisons (BOP).

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.

You made a request to BOP for portions of [REDACTED]
[REDACTED]
[REDACTED]. In response to your request, BOP released [REDACTED] to you, with portions withheld pursuant to FOIA Exemptions 6 and 7(C), 5 U.S.C. § 552(b)(6) and (b)(7)(C). You appealed that response, and the Department of Justice Office of Information Policy (OIP) affirmed BOP's response on modified grounds, explaining that BOP properly refused to confirm or deny the records you seek. You dispute this response.



When an agency responds to a FOIA request by neither confirming nor denying the existence of responsive records, this is known as a “Glomar” response. A “Glomar” response is proper when to even admit that records exist would reveal a fact that is exempt under FOIA. This circumstance often occurs when a FOIA request is so narrowly targeted that it is limited to privacy-sensitive information pertaining to an identified or identifiable individual. In such cases, agencies often invoke a “Glomar” response to neither confirm nor deny the existence of the record. In this case, the OIP attorney we spoke to explained that OIP's action on your request was proper and the existence or nonexistence of [REDACTED] record is exempt under FOIA Exemptions 6 and 7(C), 5 U.S.C. §§ 552(b)(6) and (7)(C).

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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: BOP FOIA