



OFFICE *of* GOVERNMENT INFORMATION SERVICES

March 2, 2016—Sent via email

[REDACTED]
[REDACTED]

Re: Case No.: 201501257
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 September 25, 2015 via U.S. mail. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Office of the Director of National Intelligence (ODNI).

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.

We have carefully reviewed your submission, and we understand that you requested all records about [REDACTED] from ODNI. ODNI's response informed you that the agency searched for responsive unclassified records and found none; the agency's response also neither confirmed nor denied the existence of responsive classified records. You appealed this response, and ODNI affirmed its initial response to your request. You dispute ODNI's action on your request and seek OGIS's assistance with this matter.

OGIS staff contacted ODNI FOIA staff to discuss the agency's response to your request. ODNI explained that the agency searched for responsive records among its unclassified files and found nothing pertaining to [REDACTED]

ODNI also maintains records that are, by statute, exempt from disclosure. In your case, the agency refused to confirm or deny whether it has classified records related to [REDACTED]; this is known as the "Glomar" response. A Glomar response is proper when to admit whether records even exist would reveal a fact that is exempt under FOIA. As ODNI explains in its response letter, the



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existence or nonexistence of responsive records is classified under FOIA Exemption 1, 5 U.S.C. §§ 552(b)(1). FOIA Exemption 1 protects “information that has been deemed classified “under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy.” Please be aware that the ODNI’s response to your request is standard and should not be interpreted as an indication that the agency does or does not have classified records [REDACTED].

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: ODNI FOIA

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.