



OFFICE *of* GOVERNMENT INFORMATION SERVICES

March 3, 2016—Sent via email

[REDACTED]  
[REDACTED]

Re: Case No.: 201600201  
NG: HK: CM

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

8601 ADELPHI ROAD  
OGIS  
COLLEGE PARK, MD  
20740-6001

web: [www.ogis.archives.gov](http://www.ogis.archives.gov)  
e-mail: [ogis@nara.gov](mailto: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 16, 2016 via U.S. mail. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Federal Bureau of Investigation (FBI).

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 the FBI for [REDACTED] records. The FBI initially responded to your request by informing you that it found no responsive records. You appealed that response, and the Department of Justice Office of Information Policy (OIP) responded to your appeal by remanding your request to the FBI for a search of “cross referenced” files. This additional search resulted in the release of 10 responsive pages. In reviewing these records, you identified an alias for [REDACTED]; you filed a subsequent request with the FBI for any records related to this alias. The FBI responded to this request, informing you that the agency found no records responsive to [REDACTED] name. The FBI’s response further informed you that the agency can neither confirm nor deny the existence of [REDACTED] name on any watch list. You appealed that response, and OIP upheld the FBI’s action on this case. You request OGIS’s assistance in this matter.

In response to your submission, we contacted the FBI to discuss your request. In particular, we inquired about the agency’s search for responsive records. According to FBI FOIA Public Liaison Dennis Argall, the FBI searched both main files and cross references for records regarding [REDACTED]; the only record responsive to this search was released to you in response to your request for [REDACTED] records. Mr. Argall affirmed that the FBI’s search for responsive records was reasonable.



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With regard to the FBI neither confirming nor denying the existence of [REDACTED] name on any watch lists, please know that the FBI routinely informs **all** FOIA requesters that it can neither confirm nor deny that their subjects' names are on a watch list. As OIP informed you in its September 16, 2015 response to your appeal, the FBI's response is standard and should not be taken as an indication that watch list records pertaining to your subject do or do not exist.

In neither confirming nor denying that [REDACTED] name is on a watch list, the FBI cited FOIA Exemption 7(E), 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) authorizes an agency to withhold information compiled for law enforcement purposes that "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law." In the case of watch lists, confirmation that an individual is or is not included on such a list may reveal information that could assist a terrorist organization in circumventing the law by determining which of its members are likely to be questioned or detained. Federal courts have consistently held that records pertaining to terrorism watch lists are appropriately withheld under Exemption 7(E).

I hope you find this information useful in understanding why the FBI responded to your request as it did. At this time, there is no further assistance OGIS can offer. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/S/

JAMES V.M.L. HOLZER

Director

cc: FBI 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.