



OFFICE *of* GOVERNMENT INFORMATION SERVICES

April 1, 2016—Sent via email

[REDACTED]
[REDACTED]

Re: Case No.: 201600408
NG: 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 January 15, 2016 via email. You contacted our office about a records request that you made to the Transportation Security Administration (TSA).

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.

In your case, you made a request to the TSA for records related to an investigation. TSA responded to your request, withholding the responsive records pursuant to FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A). You dispute this response and ask for OGIS's assistance with this matter.

As you may be aware, Exemption 7(A) protects law enforcement records pertaining to a pending or prospective law enforcement investigation or proceeding when release of information could "reasonably be expected to interfere" with that investigation or enforcement proceeding. This exemption is temporal in nature and not intended to "endlessly protect material simply because it is in an investigatory file," according to the Department of Justice Guide to the Freedom of Information Act. (<http://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/exemption7a.pdf>). However, courts have ruled that Exemption 7(A) remains applicable throughout long-term law enforcement investigations.



In response to your request, we contacted TSA to inquire about this matter. TSA FOIA staff informed us that you did not appeal the agency's decision on request No. [REDACTED]. The appeal is an important part of the FOIA administrative process; by filing an appeal, you preserve your administrative rights and give the agency a chance to carefully review and reconsider every part of a request and the agency's decision.

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If you wish to check whether Exemption 7(A) still applies to the records you seek, TSA FOIA informed OGIS that you may file a new request for these records. You should also know that once Exemption 7(A) is no longer applicable, other FOIA exemptions may apply to these records.

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: TSA 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.