



OFFICE of GOVERNMENT INFORMATION SERVICES

April 12, 2016 - Sent via U.S. mail



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

In Re: Case No.: 201600383 NG: HK

Dear [Redacted]

This responds to your [Redacted] request for assistance to the Office of Government Information Services (OGIS), pertaining to your Freedom of Information Act (FOIA) request to the Federal Bureau of Investigation (FBI). Thank you for contacting 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.

We carefully reviewed your submission. We understand that you submitted a request for [Redacted]

In response to your request, FBI released 226 pages of responsive documents to you with information withheld from disclosure pursuant to Exemptions 6, 7(C) and 7(E) of the FOIA, 5 U.S.C. § 552(b)(6), (b)(7)(C) and (b)(7)(E). In addition, the FBI informed you that eight pages were sent to other government agencies for review. You appealed the decision to the Office of Information Policy (OIP). OIP affirmed FBI's action on your request and you contacted OGIS for assistance.



In your submission to OGIS, you expressed concern with the FBI's search for responsive records. You also inquire about the "limited nature" of your appeal, and ask whether you should request answers to your questions to DOJ outside of the FOIA process.

OGIS staff contacted FBI to discuss your request. Regarding the agency's search for responsive records, FBI informed OGIS that it searched its central files using the name [Redacted]

In addition, FBI informed OGIS that they are consulting an Other Government Agency (OGA) on four pages and have also made a direct referral of four additional

pages to the Civil Rights Division at the Department of Justice (DOJ) and the Executive Office for United States Attorneys (EOUSA) for a review of those four pages. FBI will respond to you directly when the OGA completes its review. Civil Rights Division and EOUSA will respond to you directly after each completes its review.

FBI noted that your appeal was limited to the adequacy of the search conducted for records responsive to your request. It is important to note that your appeal rights remain in regards to the eight outstanding pages sent to OGA, DOJ and EOUSA.

Regarding the questions you included in your appeal letter, the FOIA does not require federal agencies to answer questions or create records in response to a FOIA request, but rather is limited to requiring agencies to provide access to reasonably described, nonexempt records. *See Students Against Genocide v. Dep't of State, 257 F.3d 828, 837 (D.C. Cir. 2001)*. You may wish to file an additional request to FBI, specifically requesting documents you believe may contain answers to your questions.

I hope you find this information useful in understanding why FBI responded to your request as it did. 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,

A large black rectangular redaction box covering the signature of James V.M.L. Holzer.

JAMES V.M.L. HOLZER
Director

cc: Dennis Argall, FOIA Public Liaison, FBI

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.