



OFFICE of GOVERNMENT INFORMATION SERVICES

April 15, 2016 - Sent via e-mail

[REDACTED]

In Re: Case No.: 201600491
NG: HK

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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OGIS
COLLEGE PARK, MD
20740-6001

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Dear [REDACTED]

This responds to your February 10, 2016, request for assistance to the Office of Government Information Services (OGIS), pertaining to your Freedom of Information Act (FOIA) requests and appeals to the U.S. Environmental Protection Agency (EPA). Thank you for contacting OGIS.

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 carefully reviewed your submission of information, and we understand that you submitted two records requests to EPA. In the first request, you seek copies of the [REDACTED] guidance notice from [REDACTED] and a copy of the determination from [REDACTED]

[REDACTED] In your second request, you seek all information related to the [REDACTED] proposed suspension of current [REDACTED] which was initiated as a retaliatory action by her previous manager, [REDACTED] [REDACTED] for [REDACTED] filing of an EEO complaint against her.

In response, EPA denied your requests in part, informing you that all such documents were provided in response to prior requests and therefore, your request was denied with respect to those documents. EPA remanded the remainder of your request to Region 4 for review.

You appealed this determination. EPA affirmed the decision, stating that the request did not reasonably describe the records sought and remanded your request back to Region 4 to allow you to clarify the language in your request. On remand, Region 4 informed you that additional information and further clarification was needed to respond to your request. Specifically, Region 4 informed you that it needed a more in-depth clarification from you pertaining to the language in your request regarding



discrimination, harassment and retaliation. Region 4 informed you that after you clarified your requests, they would perform an additional search. You contacted OGIS seeking to resolve this dispute as you maintain the records were adequately described. You asked OGIS to resolve the dispute and EPA's failure to provide the full information requested.

In response to your request for assistance, OGIS staff contacted EPA to discuss your request. EPA FOIA informed OGIS staff that after reviewing your requests, the agency determined that it cannot respond without additional information from you. EPA informed OGIS that they have attempted to contact you via e-mail and U.S. mail regarding your request but have been unable to reach you after multiple attempts.

The FOIA specifies only two requirements for a request for records. First, the request must reasonably describe the records sought; second, the request must be made in accordance with the agency's published FOIA regulations. In your request, you state you are seeking "documentation regarding [REDACTED]". It may be helpful to understand that an agency is unlikely to label or file a document under a heading like [REDACTED]; for this reason, EPA needs to understand what type of information you seek in order to conduct a proper search for those records. EPA informed OGIS that because your request does not reasonably describe the records you seek, it is unable to search for and respond to your request as written. EPA informed OGIS that you may contact them at your convenience to discuss the language of your request. For additional information, you may contact [REDACTED].

I hope you find this information useful in understanding why EPA 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,

[REDACTED]

JAMES V.M.L. HOLZER
Director

cc: Larry Gottesman, FOIA Public Liaison, EPA

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.