



OFFICE of GOVERNMENT INFORMATION SERVICES

April 25, 2016—Sent via email

[REDACTED]

Re: Case No. 201600534
NG: CM: KG

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 February 12, 2016, via email. Your request for assistance pertains to your records requests to the United States Marshall's Services (USMS) and the Department of Justice's Office of Inspector General (OIG).

OGIS was created 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. Please know that 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.

OGIS provides mediation services to resolve disputes between FOIA requesters and Federal agencies. After opening a case, OGIS gathers information from the requester and the agency to learn more about the nature of the dispute. OGIS then decides how and whether to proceed on the request for assistance.

OGIS staff carefully reviewed the correspondence you submitted with your request for assistance. You submitted a FOIA request to USMS [REDACTED]

[REDACTED] You also made the same request to OIG. On [REDACTED] the USMS responded, informing you that the agency found no responsive records. On [REDACTED] you appealed this response. While USMS informed you, it does not have any records, OIG contacted you on [REDACTED], informing you that the records you seek originated with USMS. On [REDACTED] OIP responded to your appeal, affirming USMS's action on your request and determined that USMS conducted an adequate, reasonable search for records. You dispute this response.



[REDACTED]
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In response to your submission, OGIS contacted OIP to discuss the agency's response to your appeal. OIP explained that the [REDACTED] you seek was published in 2004. According to OIP, records of this type have a seven year retention schedule. If USMS had records responsive to your request, it likely disposed of them in 2011.

As you may be aware, Federal agencies are responsible for managing their records according to record dispositions schedules which are approved by the Archivist of the United States. Record schedules set specific time periods in which the agency must transfer permanent records to the National Archives and Records Administration (NARA), or destroy temporary records in the agency's possession.

In your correspondence to OGIS, you inquire whether NARA has copies of the document responsive to your request in a Federal Records Center (FRC). Please know that records stored in an FRC are still "owned" by the originating agency, so if USMS received a request for records held in an FRC, it must search for and produce those records.

When records deemed "temporary" are destroyed under an approved records schedule, they are removed from the agency or the FRC where they were stored. NARA only receives legal custody of records that are subject to permanent record disposition schedules. In this case, NARA would not have copies of the documents you requested.

I hope you find this information useful in understanding why USMS 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: [REDACTED], Senior Attorney, Department of Justice, Office of Information Policy