



OFFICE *of* GOVERNMENT INFORMATION SERVICES

April 26, 2016—Sent via email

[REDACTED]
[REDACTED]

Re: Case No.: 201600466
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
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Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on January 27, 2016 via U.S. mail. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to U.S. Citizenship and Immigration Services (USCIS) on behalf of [REDACTED]

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 made a request to USCIS for records related to [REDACTED]. In response to your request, USCIS located 113 responsive pages, releasing 64 pages in full. USCIS withheld five pages in full and five pages in part pursuant to FOIA Exemptions 6, 7(C) and 7(E). USCIS referred an additional 39 pages to U.S. Immigrations and Customs Enforcement (ICE) for that agency's review and direct response. You appealed USCIS's response, and after reviewing its actions in your request, the agency released an additional nine pages to you in part.

ICE reviewed the 39 referred pages and released five pages to you in full. The agency withheld two pages in full and 27 pages in part pursuant to FOIA Exemptions 6, 7(C) and 7(E). ICE withheld five additional duplicate pages. You appealed this response, and ICE affirmed its action on your request. You seek OGIS's assistance with this matter.

In response to your submission, OGIS contacted USCIS FOIA staff to learn more about the agency's action on your request. USCIS FOIA staff affirmed its decision to withhold portions of the records you seek.

Specifically, USCIS FOIA cited Exemptions 6 and 7(C) to protect personal privacy interests. FOIA Exemption 6, 5 U.S.C. § 552(b)(6), protects information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), is limited to information



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compiled for law enforcement purposes and protects personal information when disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” In the case of the records you seek, USCIS used these exemptions to withhold information about third parties that happens to be located in [REDACTED] files.

USCIS also withheld information pursuant to FOIA Exemption 7(E), 5 U.S.C. § 552(b)(7)(E). This exemption applies to information compiled for law enforcement purposes and authorizes an agency to withhold information 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 this case, USCIS cited Exemption 7(E) to withhold information about systems checks. Please note that USCIS routinely withholds this information whether the result of a systems check is positive or negative.

OGIS staff also contacted ICE FOIA staff to discuss that agency’s action on the referred records. ICE declined to provide any additional information about the withheld information.

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: ICE FOIA, USCIS 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.