



OFFICE *of* GOVERNMENT INFORMATION SERVICES

May 9, 2016 — Sent via U.S. email

██████████
██████████

Re: Case No. 201600642
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 ██████████

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on March 14, 2016 email. Your request for assistance pertains to your records request to Federal Housing Finance Agency (FHFA).

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. This process helps us gather necessary background information, assess whether the issues are appropriate for mediation, and determine the willingness of the parties to engage in our services. As part of our information gathering, OGIS carefully reviewed your submission of information.



You contacted the FHFA Office of Inspector General (OIG) to ██████████
██████████. You then submitted a FOIA request to FHFA on ██████████
██████████ seeking copies of ██████████
██████████. You also requested a fee waiver. FHFA responded to your request, explaining that the agency located responsive records to your request but withheld the documents in their entirety, citing FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A).

You appealed this response on ██████████. On ██████████, FHFA informed you the Exemption 7(A)'s protections no longer apply to the records you seek because the investigation concluded, and the agency would reprocess your request. On ██████████ FHFA notified you that ██████ pages of responsive records

██████████
May 9, 2016

Page 2 of 2

were located but portions of the records were withheld under FOIA Exemption 7(C) and 7(E), 5 U.S.C. §§ 552(b)(7)(C) and (7)(E). On ██████████ you appealed this determination. FHFA responded to your appeal on ██████████ affirming the agency's actions on your request. You seek OGIS's assistance with this matter.

In response to your submission, OGIS contacted FHFA to discuss the agency's response to your appeal. FHFA reaffirmed its response to your request and appeal. In cases such as this where an agency is firm in its position, there is little for OGIS to do beyond providing more information about the exemptions the agency invoked.

FOIA Exemption 7(C) states that records compiled for law enforcement purposes may be withheld if they "could reasonably be expected to constitute an unwarranted invasion of personal privacy." The government recognizes a strong privacy interest in law enforcement records and courts have agreed that it is generally appropriate to withhold information that identifies third parties in law enforcement records. Further, courts have upheld withholding names of agency employees, including law enforcement officers, under this exemption. In your case, FHFA asserted Exemption 7(C) to protect the names of FHFA-OIG special agents that investigated the allegations ██████████.

FOIA Exemption 7(E) 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 your case, FHFA cited FOIA Exemption 7(E) to protect techniques and procedures used in the agency's law enforcement investigations and processes.

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

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.