



OFFICE of GOVERNMENT INFORMATION SERVICES

May 13, 2016 - Sent via e-mail

[REDACTED]
[REDACTED]

In Re: Case No.: 201600758
NG: HK

Dear [REDACTED]:

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

This responds to your April 11, 2016, request for assistance that you submitted to the Office of Government Information Services (OGIS), pertaining to your Freedom of Information Act (FOIA) request to the Civil Rights Division (Civil Rights) of the United States Department of Justice (DOJ). 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.

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.

Although you did not provide us with background information related to your request and appeal, we carefully reviewed your submission and understand you submitted a request to Civil Rights for records concerning [REDACTED]. The agency conducted a search and was unable to locate documents responsive to your request. You appealed and the Office of Information Policy (OIP) determined that an adequate, reasonable search was conducted and denied your appeal. You asked for OGIS's assistance with this matter, citing particular concerns about the adequacy of the agency's search for responsive records.

In response to your submission, OGIS contacted Civil Rights to discuss the search. Civil Rights informed OGIS that the division maintains two databases where complaints, investigations and other preliminary documents related to potential law suits are stored. The first is, ICN (which stands for interactive case management). The second is a correspondence tracking system which maintains correspondence from individuals, the White House and Congress, among others. According to Civil Rights, the two databases together would capture any and all documents responsive to your request.



NATIONAL
ARCHIVES

Civil Rights searches its databases by name, state, type of violation and any specific keyword and/or subject. In response to your request, Civil Rights conducted a search using the following search terms: [REDACTED]

[REDACTED] to make sure to capture all responsive records. However, Civil Rights was unable to locate any responsive documents using those search terms.

Please know that Federal courts have long settled that in regard to a search for documents, the crucial issue is whether an agency conducted an adequate search for a document, not whether a document *might* exist. An adequate search is conducted when the search is reasonably calculated to uncover all relevant documents. See *Weisberg v. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).

Civil Rights informed OGIS that their jurisdiction, as it relates to Title IX compliance, is limited to only circumstances concerning Federal funding recipients. Civil Rights informed OGIS that you may want to file a FOIA request with the United States Department of Education (Education) as they may have responsive documents in their files. We note, however, that you have already filed a request with Education simultaneously with your request to Civil Rights and are awaiting a response. Please let us know if we can assist you with your request to Education.

I hope you find this information useful in understanding the search conducted by Civil Rights. 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,

/s/

Nikki Gramian
Acting Director

cc: [REDACTED], Attorney-Advisor, DOJ Civil Rights Division

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.