



OFFICE *of* GOVERNMENT INFORMATION SERVICES

May 18, 2016 — Sent via email

██████████  
████████████████████

Re: Case No. 201600638  
NG: CM: KG

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

8601 ADELPHI ROAD  
OGIS  
COLLEGE PARK, MD  
20740-6001

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e-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
phone: 202-741-5770  
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Dear ██████████:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on March 13, 2016 via email. Your request for assistance pertains to your records request to the Federal Bureau of Investigation (FBI) and the National Archives and Records Administration (NARA).

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 submitted a FOIA request to FBI on ██████████ seeking any information on ██████████. FBI responded to your request, explaining that the agency searched its Central Records System (CRS), and located potentially responsive records in file number ██████████, which was sent to NARA. The FBI also refused to confirm or deny the existence of ██████████ on any watch list pursuant to FOIA Exemption 7(E).

You appealed the FBI's response on ██████████. On appeal you explained that you believe the time frame of your request is broader than what you initially requested. The Department of Justice's Office of Information Policy responded to your appeal, affirming the agency's search and use of Exemption 7(E). You requested OGIS's assistance with this matter.



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### **National Archives and Records Administration Request**

On ██████████ you requested ██████████ from NARA, but you have not received a response to your request. OGIS staff contacted NARA's Special Access and FOIA Office (SAF) to discuss the status of your request. The SAF Chief, ██████████, confirmed that the estimated date of completion for your request with which you were previously provided, November 2016, is still accurate.

### **Federal Bureau of Investigation Request**

OGIS contacted FBI's FOIA Public Liaison, Dennis Argall, to discuss your request, and particularly your concern that the date range for the potentially responsive file may be too narrow to include all the records that you believe exist about ██████████. Mr. Argall informed OGIS that the FBI searched CRS for the date range of ██████████. Further, he explained that after OIP answered your appeal, the office remanded your request back to the FBI on ██████████. FBI is currently processing your request for responsive records through ██████████. Your tracking number is ██████████.

Regarding the FBI's assertion that it can neither confirm nor deny that your father is on a watch list, known as a Glomar response, please know that the FBI routinely informs all FOIA requesters of this. As OIP informed you in its ██████████ response to your appeal, the FBI's response is standard and does not indicate that watch list records pertaining to ██████████ do or do not exist.

When an agency uses a Glomar response it also claims an exemption. In neither confirming nor denying that your father's name is in the Government's "Terrorist Screening Database," the FBI cited FOIA Exemption 7(E), 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) authorizes an agency to withhold information compiled for law enforcement purposes 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 the case of watch lists, confirmation that an individual is or is not included on such a list may reveal information that could assist a terrorist organization in circumventing the law by determining which of its members are likely to be questioned or detained.

We hope you find this information useful. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/s/

NIKKI GRAMIAN  
Acting Director

cc: Dennis Argall, FOIA Public Liaison, Federal Bureau of Investigation  
██████████, Senior Attorney, Department of Justice, Office of Information Policy

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.