



OFFICE *of* GOVERNMENT INFORMATION SERVICES

June 15, 2016 — Sent via email

[REDACTED]
[REDACTED]
[REDACTED]

Re: Case No. 201600423
NG: HK: CM: CK

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

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e-mail: ogis@nara.gov
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Dear [REDACTED]:

This responds to your January 21, 2016 request for assistance from the Office of Government Information Services (OGIS) concerning your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Privacy Office.

As you know, 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.

Your [REDACTED] FOIA request (No. [REDACTED]) to the DHS Privacy Office consisted of six parts, which DHS designated as items 1-6 in its November 10, 2014 letter acknowledging your request. DHS's acknowledgement letter informed you that it transferred parts of your request to the Office of Inspector General (OIG), Civil Rights and Civil Liberties (CRCL), and Immigration and Customs Enforcement (ICE) for direct responses. The DHS Privacy Office's [REDACTED] response to your request stated that the Privacy Office conducted a search and was unable to locate responsive records. DHS's [REDACTED] response to your appeal (No. [REDACTED]) affirmed the Privacy Office's action on your request. You contacted OGIS because you dispute the adequacy of the Privacy Office's search.

We carefully reviewed your submission and contacted [REDACTED], DHS Privacy Office Director of FOIA Production and Quality Assurance, to inquire about the department's action on your request. We are glad to share what we learned.

[REDACTED] informed us that on August 3, 2015, the Privacy Office tasked the DHS Office of the Chief Information Officer (OCIO) with the search for responsive records. The Privacy Office only searched for records concerning item 1 of your request as items 1-6 were referred to OIG, CRCL, and ICE.



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With regard to why OCIO was the only office within the Office of The Secretary tasked with conducting a search, [REDACTED] explained that a search of OCIO is broader than a search conducted by other offices within the Office of the Secretary (ex. Policy, General Counsel, Health Affairs, etc.), because any records sent to or from those offices would have been captured in the OCIO's search.

The OCIO conducted its search using the period of [REDACTED] and restricted its search to [REDACTED]. The search included emails to and from [REDACTED] and [REDACTED], which included the term [REDACTED] or [REDACTED]. According to the OCIO, such a search would produce any [REDACTED] received electronically.

The OCIO limited its search to [REDACTED] because the office considered your request for "Any and all [REDACTED] ... sent to/from ... [REDACTED]" too broad and you did not specify parties within the [REDACTED] who would be likely to have responsive records.

The DHS Privacy Office received 543 files of records from OCIO and processed them using its Advanced Document Review software. An additional search was conducted using the following search terms: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]. The search using these terms produced 6 potential documents. The Privacy Office reviewed the 6 potential documents and determined they were not responsive to your request.

I hope you find this information useful. Thank you for bringing this matter to OGIS; at this time there is no further action for us to take and we consider this matter closed. Please contact us if you have any questions.

Sincerely,

/s/

NIKKI GRAMIAN
Acting Director

cc: [REDACTED], DHS Privacy Office, via email

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.