



OFFICE *of* GOVERNMENT INFORMATION SERVICES

June 16, 2016 — Sent via email

[REDACTED]

Re: Case No. 201600715
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 [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on March 31, 2016 via email. Your request for assistance pertains to your records request to the Department of State.

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 OGIS regarding three pending State Department requests, Nos.

[REDACTED]. You filed an administrative appeal regarding all three of these pending requests on [REDACTED]; in your appeal, you assert that the agency's failure to respond within FOIA's statutory time limit constitutes a constructive denial. State responded to your appeal on [REDACTED], alerting you that an appeal cannot be initiated at State until your cases are closed. You dispute this determination.

[REDACTED]
June 16, 2016

Page 2 of 2

In response to your submission OGIS contacted State to discuss your pending requests and the Department's response to your appeal. State affirmed its position that the agency accepts appeals only for denied requests for Department records, per **§171.13 Appeal of denial of request for records** in the agency's FOIA regulations- <http://www.ecfr.gov/cgi-bin/text-idx?SID=2809ca29213ba41b44fce61c7dae15d0&node=22:1.0.1.18.85&rgn=div5>. In situations in which an agency is firm there is little for OGIS to do beyond providing more information about the agency's actions.

Regarding the status of your requests, State provided the following information:

- [REDACTED] State expects to complete this request by May 11, 2017.
- [REDACTED] State expects to complete this request by October 21, 2016.
- [REDACTED] State expects to complete this request by September 1, 2016.

Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

/s/

NIKKI GRAMIAN
Acting 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.