



OFFICE *of* GOVERNMENT INFORMATION SERVICES

June 20, 2016 — Sent via email

[REDACTED]

Re: Case No. 201600895  
NG: CM: KG

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

8601 ADELPHI ROAD  
OGIS  
COLLEGE PARK, MD  
20740-6001

web: [www.ogis.archives.gov](http://www.ogis.archives.gov)  
e-mail: [ogis@nara.gov](mailto: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 May 20, 2016 via email. Your request for assistance pertains to your records request to the Census Bureau.

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 made a request to Census on [REDACTED], and after a conversation with a Census employee you amended your request on [REDACTED]. On [REDACTED] Census denied your request for expedited processing. On [REDACTED] Census denied your request for a fee waiver, and provided a fee estimate of \$5,874.11 (\$5,822.11 for search and \$52 for duplication). After discussing this matter with you, Census placed your request in the “news media” fee category and provided you with an updated fee estimate of \$1,266.04 for duplication only. The agency further informed you that you must pay this fee by [REDACTED], or Census will close your request. You seek OGIS’s assistance with this matter.

[REDACTED]  
June 20, 2016

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In response to your submission, OGIS contacted Census FOIA and Privacy Act Officer [REDACTED] to discuss your fee estimate. OGIS specifically asked how the fee for duplication increased from \$52 to \$1,266.04. [REDACTED] affirmed the agency's position on the fees associated with your request. 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 agency's actions.

In our discussion, [REDACTED] explained that the [REDACTED] fee estimate that was based on the agency placing you in the "all other" fee category, and on an assumption of 750 responsive files. After your discussions with the agency in response to this estimate, you were assigned to the news media category. Census also revised its fee estimate according to updated information from its program office and subject matter experts; its [REDACTED] estimate reflects 7500+ responsive pages that compose the responsive files.

According to the Department of Commerce's FOIA regulations (available online at <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div6&view=text&node=15:1.1.1.1.5.1&idno=15->) the agency charges the "actual direct cost, including operator time" for the duplication of records, including those in electronic format. [REDACTED] explained that the fee estimate for your request is based on §4.11(c)(2)(iv)(B) of the Uniform Fee Schedule. Duplication of records under this section refers to converting paper into an electronic format (e.g., scanning), computer disk or printout, or other electronically formatted reproduction (e.g., uploading records made available to the requester into FOIAonline). [REDACTED] provided the direct cost breakdown for your request to OGIS.

Duplication (actual direct cost including operator time excluding the first 100 pages)

7,500 estimated pages - 100 free pages = 7,400 pages

7,400 pages / 20 pages = 370 units

370 units x 5 minutes = 1,850 minutes

1,850 minutes / 60 minutes = 31 hours

GS-12 step-4 for 31 hours (\$40.84 per hour x 31 hours = \$1,259.23)

As Census noted in its [REDACTED] letter, you have the right to appeal this fee estimate. Please note the agency's 30 day limit for filing your appeal.

I hope that this additional information about your fee estimate is helpful to you. 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.