



OFFICE *of* GOVERNMENT INFORMATION SERVICES

July 12, 2016—Sent via email

██████████
██████████

Re: Case No.: 201600824
NG: CM

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

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e-mail: 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 May 5, 2016 via email. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to Federal Bureau of Investigation (FBI).

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.

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 the FBI for records related to your client, ██████████. In response to your request, the FBI informed you that any responsive records were withheld in full pursuant to FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A). You appealed this response, and the Department of Justice Office of Information Policy (OIP) affirmed the FBI's action on your request. You ask for OGIS's assistance with this matter.

As the FBI explains in its ██████████ response to your request, FOIA Exemption 7(A) law enforcement records pertaining to a pending or prospective law enforcement investigation or proceeding when release of information could "reasonably be expected to interfere" with that investigation or enforcement proceeding. Courts have recognized the specific harm of disclosing law enforcement records, including the premature release of witness statements and potential documentary evidence in pending criminal cases, civil cases and in administrative enforcement proceedings.



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Exemption 7(A) is temporal in nature and not intended to “endlessly protect material simply because it is in an investigatory file,” according to the Department of Justice Guide to the Freedom of Information Act. (<http://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/exemption7a.pdf>). However, courts have ruled that Exemption 7(A) remains applicable throughout long-term law enforcement investigations.

In working cases similar to yours, we have learned that the FBI recommends that requesters who wish to check whether Exemption 7(A)'s protections still apply to a particular file should do so by filing a new request. You may wish to request [REDACTED] file again in the future.

While I regret that we could not assist you further with this matter, I hope that this information about your request is useful to you. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

/s/

NIKKI GRAMIAN
Acting Director

cc: FBI FOIA

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.