



OFFICE of GOVERNMENT INFORMATION SERVICES

September 2, 2016 — Sent via email

[REDACTED]

Re: Case No.: 201600859
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 May 18, 2016 via email. Your request for assistance pertains to a records request to the Department of Health and Human Services (HHS).

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 you may know, when an individual requests access to his or her own records, it is most often, but not always, considered a Privacy Act, or first-party, request. Federal agencies will process requests under both FOIA and the Privacy Act of 1974 in order to provide requesters with the fullest degree of access available. Privacy Act matters fall outside the scope of our office's mission as the FOIA Ombudsman. However, many Privacy Act requests overlap with FOIA.

As part of our information gathering, OGIS carefully reviewed your submission of information regarding your HHS request. On [REDACTED] you requested records regarding [REDACTED]. On [REDACTED] HHS responded to your request, releasing 27 responsive records in their entirety and withholding one page pursuant to FOIA



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Exemption 5, 5 U.S.C. §552a(b)(5). On [REDACTED] you appealed this determination. On [REDACTED] the agency responded to your appeal and released the withheld document in its entirety.

In your case the agency released **all** responsive pages in their entirety. While you still may have questions about the agency's actions regarding the release of [REDACTED], the FOIA gives requesters only the right to request federal *records*. The law does not give the public the right to obtain answers in response to questions or to explain the context of documents.

At this time, there is no further action that OGIS can take on your request for assistance. Thank you for contacting OGIS.

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.