



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 30, 2016

Nikki Gramian
Acting Director
Office of Government Information Services
8601 Adelphi Road
College Park, MD 20740-6001

Dear Acting Director Gramian:

We have recently received two letters from the Office of Government Information Services (OGIS). The first, dated September 15, 2015, from former Director Dr. James V.M.L. Holzer, was addressed to Katie Higginbotham, the Federal Election Commission's (FEC or the Agency) FOIA Public Liaison. That letter requested that the FEC add language developed by OGIS and the Department of Justice (DOJ) as a new routine use for its Freedom of Information Act/Privacy Act (FOIA/PA) system of records notice (SORN). On May 31, 2016, we received your letter of May 24, 2016, referencing the earlier letter. However, this follow-up letter was addressed to Mr. Bryan Whitener, Director of Communications for the Election Assistance Commission (EAC), to which I was carbon-copied. In this letter you requested a response indicating the Agency's willingness to amend the appropriate SORN to include the proposed language for this routine use.

The EAC is a separate independent agency from the FEC and each agency has its own SORNs. We believe that this confusion stems from an omission on your website; the FEC (unlike the EAC) is not included on your list of agencies contacted "requesting that the Chief Privacy Officer update the agency's Privacy Act Systems of Records to allow the agency to routinely share information about FOIA case files with OGIS." See <https://ogis.archives.gov/about-ogis/statements/routine-uses-correspondence.htm>.

With respect to your statement that the May 24 letter was sent because "we received no response from your agency" to the letter from Director Holzer, we note that the earlier letter did not request that the FEC respond to his communication, so the FEC was not aware that OGIS considered a response mandatory.

Regardless of this miscommunication, the FEC has every intention of adding the proposed OGIS and DOJ language for the specified routine use. We are in the process of revising and adding new SORNs for the Agency and intend to include this language in the FEC's Freedom of

Information Act System SORN (FEC 15). We appreciate the goal of facilitating OGIS assistance on disputed FOIA requests and want the process to be as efficient as possible.

If you have any questions, please contact our FOIA Public Liaison, Katie Higginbotham, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory R. Baker', written in a cursive style.

Gregory R. Baker
Deputy General Counsel – Administration
Chief FOIA Officer
Co-Chief Privacy Officer