



OFFICE of GOVERNMENT INFORMATION SERVICES

May 16, 2013 - Sent via U.S. mail



Re: Case No. 201300521
MN: CZ: CM

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION
8601 ADELPHI ROAD
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 to the Office of Government Information Services (OGIS), received by our office on May 8, 2013. You contacted our office seeking assistance with a dispute with the Merit System Protection Board (MSPB) regarding records about yourself.

OGIS was created under the OPEN Government Act of 2007 to resolve Freedom of Information Act (FOIA) disputes with the goal of avoiding litigation. Since opening our doors in September 2009, OGIS has received more than 1,200 cases and has successfully resolved most of them by facilitating discussions between FOIA requesters and Federal agencies. We offer mediation services as a nonbinding alternative to litigation. Participation in OGIS's mediation services is voluntary and the office has no binding authority. OGIS does not process FOIA requests or review FOIA appeals. OGIS cannot compel an agency to release records.

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 fact finding, we carefully reviewed your submission of information.

We understand that you notified MSPB that Docket No. [REDACTED], which is available online, contains inaccurate information about you. You asked that the docket be removed from Internet search engines such as Google. MSPB considered your request under a provision of the Privacy Act, 5 U.S.C. § 552a, which allows for records about oneself to be amended. The MSPB denied your request. You appealed this Privacy Act decision, and MSPB denied your appeal, informing you that you have not demonstrated why the records are not accurate, timely, relevant or complete. You contacted OGIS for assistance with this request.



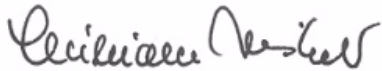
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May 16, 2013

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The substance of your request (specifically, whether or not the records about yourself are accurate and should be amended) pertains to a Privacy Act matter, which falls outside the scope of our office's mission as the FOIA Ombudsman. OGIS does not have a statutory role in reviewing policies, procedures and compliance with the Privacy Act as we do with FOIA. If you would like to pursue amending your records further, you may wish to contact MSPB's Privacy Officer, Darryl Aaron, at (202) 254-██████████ or by email at ██████████.

I hope that this information is useful to you. Thank you for bringing this matter to OGIS; at this time there is no further action for us to take and we will consider this matter closed.

Sincerely,



Miriam Nisbet, Director
Office of Government Information Services

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.