

From: Robert Hammond

Sent: Wednesday, January 26, 2022 7:51 AM

To: ogisopenmeeting@nara.gov; Alina Semo, Bobak Talebian et al.

Subject: Hammond Response to RE: New post from the FOIA Ombudsman blog [Feb 2, 2022 meeting]

NARA & DOJ

Please promptly post to the Ombudsman blog the following response to the January 25, 2022 10:20 AM Ombudsman blog posting cited below.

One hour is not enough time to address significant deficiencies in the FOIA process, including but not limited to grossly inadequate funding for the OGIS dual mediation and FOIA compliance oversight missions and DOJ's FOIA compliance oversight mission. Please extend the meeting by two hours and/or commit to another Requester Focused meeting within 90 days, so that I and other requesters may fully present issues of concern using briefing slides provided. Additionally, there must be a meeting of full Chief FOIA Officers Council, not just the co-chairs, to meet the statutory requirements ("Not less frequently than annually, the Council shall hold a meeting that shall be open to the public and permit interested persons to appear and present oral and written statements to the Council." (5 USC § 552(k)(6)(B)).

As an initial matter, there is massive, ongoing, well documented, widely known fraud in DOD's FOIA reporting dating back to at least 2013, which continues unabated today.

Then, the disestablishment of FOIAonline.gov and what will become of the unique FOIA case processing records stored therein (subject to preservation under GRS 31, item 20) is a matter worthy of a single focused meeting. In that regard, it is common practice for FOIA requesters to seek FOIA case processing records for a prior FOIA request and litigation may ensue for years with appeals, etc. such that records preservation is a unique challenge for FOIA case processing records (a new FOIA request for case processing records of a prior FOIA request extends the retention for the prior FOIA request, etc.).

In preparation for the February 2, 2022 meeting, I have asked OGIS, DOJ OIP, the Archivist of the United States DOJ's and DOJ's Associate Attorney General Vanita Gupta to ensure that the following Public Comments Briefings are timely posted in advance of the February 2, 2022 meeting:

- Mandatory Right to OGIS Dispute Resolution (20220116)
- Comments to Unlawful Chief FOIA Officers Meeting November 17, 2021

- Failure - FOIA Compliance Oversight & Funding. Part 2. No Joking Matter.
- "The Uncommon Man" Re - Hon David S Ferriero Comments to Chief FOIA Officers Council
- OGIS response Hammond public comments 9 July 2021.pdf
- Subpoena Threat & Congressional Demand for OGIS to Release Records. OMB Kills Recommendations. What has changed? (20220116).
- Public Comment to CFO Council & FOIA Advisory Committee. Comments to DKT ID DoD-2021-OS-0048, DOD Proposed Rule. "Freedom of Information Act and Privacy Act Records" System of Records

My currently posted Public Comments are:(www.)
[archives.gov/ogis/about-ogis/chief-foia-officers-council](https://www.archives.gov/ogis/about-ogis/chief-foia-officers-council).

Public Comments Submitted to the CFO Council

- Robert Hammond - October 28, 2021 - Failure: FOIA Compliance Oversight & Funding
- Robert Hammond - October 22, 2021 - Update 2021.10.22. OGIS Mediation and DOD's change to CFR 32 CFR part 286.4
- Robert Hammond - October 22, 2021 - OGIS Posting Policy for Public Comments
- Robert Hammond - October 22, 2021 - Senator Grassley: DOJ OIP's Position Doesn't Pass the "Common-Sense Test"
- Robert Hammond - October 22, 2021 - NARA, Please Fund OGIS!! (PART 1)
- Robert Hammond - May 3, 2021 - Recommended System Change Requests to FOIAonline. Including Simple Solution for "Release to One, Release to All"
- Robert Hammond - May 3, 2021 - OGIS Mediation and DOD's change to CFR 32 CFR part 286.4
- Robert Hammond - May 3, 2021 - Status of 2018 - 2020 Recommendation #19
- Robert Hammond - May 3, 2021 - Violations of the ADA in FOIA Redactions

Thank you.

With my deep respect,

Robert Hammond