



## **OGIS Negligence Generally & Improper June 29, 2022 FOIA Meeting**

- **Alina Semo**: “We’re not here to answer questions ...”
- **Compliance Audits**. Nonexistent/fictional.
  - Of **1M** requests/yr. 517 total sampled in 5 yrs., FY 17 - 21
  - Alina Semo: “We are not the FOIA police.” [Wrong!]
- **Mediation**. Non-existent. None is discernable.
- **False Reporting to the President & Congress?**
- **Public Comments Improperly Stifled**.
- **Underfunding**. Twenty-fold (\$34M). Semo is silent.
- **Performance Metrics**. Like VA Scandal where veterans died awaiting appointments & execs got huge bonuses by cheating.

PUBLIC COMMENT

July 10, 2022

by Robert Hammond

[foiacompliance@gmail.com](mailto:foiacompliance@gmail.com)



# HYPERLINKED OUTLINE - WHY DOES THIS MATTER?

- [STATUTORY NEGLECT - 5 U.S.C. § 552 et seq., as amended](#)

- [OGIS FOIA MEDIATION AND COMPLIANCE](#)

- [OGIS DISPUTE RESOLUTION AND COMPLIANCE REPORTING](#)

- [OGIS ANNUAL OPEN MEETINGS](#)

- [HAMMOND ORAL COMMENTS JUNE 29, 2022 \(SUPRESSED\)](#)

“FOIA Advisory Committee this year was absolutely awesome.”

“In my view the biggest problems in FOIA or lack of oversight compliance and complete and utter lack of mediation.””

“Alina, what is the dollar amount that you need for FY23 to effectively accomplish your compliance oversight and mediation [missions]; what's the dollar amount?”

[LONG PAUSE]

[Alina Semo. “Mr. Hammond, we're not answering questions”](#)

“Yeah. So, you don't answer questions. You don't ask for money. I spent two years trying to get you money and you won't even tell the American public how much money you want.”

[NARA is grossly underfunding OGIS by twenty-fold (\$34M) and has failed to seek funding, while OGIS Director is silent in unfiltered annual Ombuds reports to the President and Congress and in public venues.]

- [SIMILAR EXAMPLES OF OGIS FOIA MEETING MISCONDUCT](#)

- [HAMMOND PUBLIC COMMENTS](#)

- [YOUTUBE CHAT COMMENTS & QUESTIONS TO BE READ ALOUD](#)

- “? OGIS. When is Alina Semo going to defend her misleading and potentially false 2022 Ombuds Report to Congress and the President, which is the statutory purpose of this meeting?”

- [EMAIL TO NARA ACTING ARCHIVIST – REQUESTED AUDITS](#)

- [RECOGNITION](#)

- [THE FOIA - VITAL TO DEMOCRACY](#)

# STATUTE - OGIS FOIA MEDIATION AND COMPLIANCE

## 5 U.S.C. § 552(h)

(1) There is established the Office of Government Information Services within the National Archives and Records Administration.

(2) The Office of Government Information Services shall—

(A) review policies and procedures of administrative agencies under this section;

(B) review compliance with this section by administrative agencies; and

(C) recommend policy changes to Congress and the President to improve the administration of this section.

(3) The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under this section and administrative agencies as a non-exclusive alternative to litigation and, at the discretion of the Office, may issue advisory opinions if mediation has not resolved the dispute.

## OGIS NEGLECT.

- Mediation.

- OGIS refuses to engage in mediation. Three person staff.
- OGIS may not have engaged in mediation in several years.

- Compliance

- OGIS Director (Semo) states that, “We sometimes joke, we are not the FOIA police.” [See public comment “Failure - FOIA Compliance Oversight & Funding. Part 2. No Joking Matter”]
- There are approximately 1M FOIA requests per year (FOIA.gov data is materially inaccurate and understated)
- In FY 2020 OGIS sampled **just 217 initial request** files and no appeals processed in Fiscal Year (FY) 2018
- OGIS did not report any audits for FY 2021
- Since FY 2017 OGIS reports sampling just 517 requests, no appeals
- Compliance Lead is full time FOIA Advisory Committee Designated Federal Officer. Only one other staff.

# STATUTE - OGIS DISPUTE RESOLUTION AND COMPLIANCE REPORTING

## 5 U.S.C. § 552 (h)((4)

(A) Not less frequently than annually, the Director of the Office of Government Information Services shall submit to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on the Judiciary of the Senate, and the President—

(i) a report on the findings of the information reviewed and identified under paragraph (2);

(ii) a summary of the activities of the Office of Government Information Services under paragraph (3), including—

(I) any advisory opinions issued; and

(II) the number of times each agency **engaged in dispute resolution** with the assistance of the Office of Government Information Services or the FOIA Public Liaison; and ...

## OGIS NEGLECT.

- In lieu of reporting the number of times OGIS and the Agency **ENGAGED** in dispute resolution, OGIS **improperly** reports instead:
  - No. of OGIS cases in FY
  - No. of times requesters sought assistance from the agency FOIA Public Liaison in FY 2021
- Neither the number of OGIS cases nor the number of times requesters sought assistance are anywhere near close to the statutory language of “ENGAGED IN.”
- OGIS discontinued posting **OGIS Final Response Letters to Customers** and seeking satisfaction surveys  
<https://www.surveymonkey.com/s/OGIS>

## NARA PERFORMANCE METRICS GONE AWAY – LIKE VA SCANDAL

- Like the Veterans Administration scandal where veterans became sicker and some died awaiting appointments while senior executives reaped huge bonuses by cheating and clearing backlogs, NARA improperly evaluates OGIS based on case closure and backlogs, not mediation performed or OGIS denied or quality.
- OGIS claims not to have presented the FOIA Advisory Committee recommendations to Ms. Wall, thereby avoiding acceptance questions.

# STATUTE - OGIS ANNUAL OPEN MEETING

## U.S.C. § 552 (h)(6)

Not less frequently than annually, the Office of Government Information Services shall conduct a meeting that is open to the public **on the review and reports by the Office and shall allow interested persons to appear and present oral or written statements at the meeting.**

## OGIS NEGLECT.

- OGIS suppressed oral public comments, as it routinely does.
- While purporting to allow 15 minutes for public comments, OGIS allowed me to speak for only three minutes then terminated the meeting with no others seeking to make public comments and ample time left.

>> Alina Semo. Michelle, we don't have any other callers waiting in the queue other than Mr. Hammond, correct?

>> Michelle. Yes. That is correct.

>> Alina Semo. So, at this time I just want to thank again our panelists ...

>> Michelle. That concludes our conference ...

>> **Robert Hammond** [foiacompliance@gmail.com]. This is Bob. Can everybody hear me?

>> **Alina Semo**. Yes.

>> **Robert Hammond**. Hello?

>> **Alina Semo**. Yes, we can hear you.

>> **Robert Hammond**. Great. Thanks. I would first like to echo everything Tom [Susman] said, and FOIA Advisory Committee this year was absolutely awesome. Committee members David Cuillier, the whole team. I appreciate the recommendation for proactively posting FOIA logs.

There is massive, massive error in the annual reports.

It's just massive. And if you force the logs to be publicly posted, that will be discovered in real-time, and Alina and Bobby can do their FOIA compliance oversight jobs much better than they are.

We got into public comments late, so I want to ask that we have the whole 15 minutes. If there is no one behind me, let me talk. If my time runs out, I'm going to call back in.

I submitted 17 public comments. Some got posted as late as this morning. Others didn't, and I admit I submitted some of those late. But I posted in the YouTube chat how to get those. You can review them at documentcloud.org just select view public comments and search by +user:robert-hammond-106693, and perhaps OGIS will get those posted.

I have been asking the same question for the last three meetings and I had some additional ones this time.

In my view the biggest problems in FOIA are a lack of oversight compliance and complete and utter lack of mediation. I don't attribute that to bad people. It's a lack of funding. NARA has not funded OGIS. The OGIS budgets have gone down. You know, back in I guess since 2013 they had three mediators and they were doing 300 to 400 mediation requests per year. I expected Alina to defend her report saying she closed 4,100 cases this year [FY21 as cited in 2022 Ombuds Report].



That's impossible.

She still has three mediators. And the money has gone down. They need more money. The problem is that they never ask for it. They don't ask for it in public and they don't ask for it in the budgets. So, I submitted the same question and I'm going to ask Alina, what is the dollar amount that you need for FY23 to effectively accomplish your compliance oversight and mediation missions, what's the dollar amount?

[LONG PAUSE]

>> **Alina Semo.** Mr. Hammond, we're not answering questions at this time. We are accepting statements, oral or written.

Thank you.

>> **Robert Hammond.** Yeah. So, you don't answer questions. You don't ask for money. I spent two years trying to get you money and you won't even tell the American public how much money you want. How much money you need. You are grossly underfunded. Bobby [Talebian], may I ask you that same question? I know ,, [interrupted by moderator with no other callers waiting].

>> **Moderator.** Mr. Hammond, thank you so much for your comment, your three minutes has expired. We're moving on to the next caller.

Thank you.

>> **Robert Hammond.** I'm dialing back in.

>> **Michelle.** Let me see if there are additional callers. I don't see any additional callers at this time, but I know we wanted to go to the Chat box.

>> **Alina Semo.** Right. Thank you, Michelle.

Martha, our deputy OGIS director, I'm going to ask if there have been any chat comments that you would like to read out loud?

>> **Martha Mitchell.** There are lots in the chat.

But I am not seeing any general comments that don't speak to specific individual issues. Or comments that have already been submitted via

written public comment. However, I do want to urge everyone to take a look at the public comments that we have published on our website, and as Alina mentioned, there will be more published in the coming week or so. Thank you.

>> **Alina Semo.** Yeah. Michelle, if you could go to the next slide, please.

This is just to remind everyone if you want to submit additional written public comments, please submit them this e-mail address OGISopenmeeting@NARA.gov. At this time, I'm going to wrap up.

We are only allowing three minutes for individuals.

Michelle, we don't have any other callers waiting in the queue other than Mr. Hammond, correct?

>> **Michelle.** Yes. That is correct.

>> **Alina Semo.** So, at this time I just want to thank again our panelists. It was a great discussion that we had on very different topics but equally important. Despite all the challenges presented by the ongoing pandemic, I'm happy to inform that OGIS has remained resilient and well positioned to continue our work as advocates for the FOIA process. I would be remiss if before we end I did not thank the terrific OGIS staff ...

>> **Michelle.** That concludes our conference ...

**OGIS Staff, despite no support from NARA senior leadership, I am with you and will keep fighting for you to get the funding you need to do your jobs properly and proudly for the American people.**



# SIMILAR RECENT EXAMPLES OF OGIS MEETING MISCONDUCT

## June 9, 2022 FOIA Advisory Committee Meeting

Other than one comment that I submitted encouraging nominations to the next term, the moderator claimed that there were no other comments or questions, which is materially false. I submitted numerous comments and questions to be read aloud and answered via YouTube Chat and All Panelist Chat.

See public comment, “All Panelist Chat to June 9, 2022 FOIA Advisory Committee Meeting. OGIS & DOJ Funding + Missing FOIA.gov Data.”

While the moderator stated there were no questions, Jessica Hartman interjected that there was clamoring by the OGIS staff to read at least one question (mine) regarding OGIS and DOJ OIP Funding, of which Alina Semo was clearly aware.

June 9, 2022 FOIA Advisory Committee Meeting Transcript.

[Semo Dodges Funding Question]

<https://www.youtube.com/watch?v=9jEQ19G2euU>

1:16:09

**Kirsten Mitchell:** “Alina [Semo] this is Kirsten. Um I think the folks are on our team are asking if we can read out one comment.

**Alina Semo.** Oh, sure. Is that Jesse who is asking?

**Kirsten Mitchell:** Um, yes. So, the one comment we have is um, “I asked DOJ OIP and OGIS to identify in this meeting the dollar funding level needed for fiscal year 2023 to effectively perform all their statutory missions. OGIS is likely underfunded 10 to 20-fold.” That is the comment.

**Alina Semo:** (OGIS Director): “Okay thank you for the comment.

[no response to funding level question]

Um Tom please go ahead ...

**OGIS Staff, despite no support from NARA senior leadership, I am with you and will keep fighting for you to get the funding you need to do your jobs properly and proudly for the American people.**

## May 5, 2022 FOIA Advisory Committee Meeting

OGIS refused to read extensive questions and comments entered to YouTube Chat and All Panelist Chat, pretending that there were none.

Ms. Semo, refused to address the question of funding that OGIS needs to effectively perform its dual mediation and FOIA compliance missions.

YouTube video at 2:56:49

( [https://www.youtube.com/watch?v=a\\_7GRdGWn-E](https://www.youtube.com/watch?v=a_7GRdGWn-E) )

>> **Bob Hammond.** I'm going to try to be brief.

I have 20 recommendations that are contained within my presentation that was just posted today. Save me the time of reading them all, consider that I did read them as oral public comments and include them in the meeting minutes.

A couple of things I do want to say. I went farther than this Committee in recommending that OGIS be completely removed from NARA and placed under Congress. And I asked the question in the chat that was supposed to have been read out loud, but I'm going to ask it again.

Ms. Semo, at the next meeting, I think you owe the American people the dollar figure that you believe you need to fully fund your agency to do its existing mission. Okay? Is it 18 million? I don't know.

One of the problems with being under NARA, is when you put that out for the world to see, you're probably going to get hammered at NARA because they will want to use that money for something else.

And I want to pass that same challenge on to Bobby at OIP. OIP is grossly underfunded. You both got your tails kicked at the Senate hearings recently.

FOIA compliance is nonexistent. Mediation is nonexistent. It needs to be funded and this committee has done some extraordinary work with the recommendations.

And so, one of my recommendations that dovetails with releasing those contemporaneous FOIA logs is annual FOIA reporting and the raw data that goes with it. It is massively, massively false.

Everybody knows it.

My experience is primarily with a couple of agencies within DOD, but everybody from the FOIA officer up through the chain of command, service secretaries, OGIS and DOJ OIP, they all know it.

Every year we get a footnote that says last year's data was massively false and they list a whole bunch of agencies, but they never tell you what they changed. You have to make them amend that last report, make them amend the raw data that goes with it and post them both.

I don't care if it takes DOD ten years to get a single report right. The American people need to know how materially inaccurate these are. That is a safeguard for FOIA requesters to know even if your requests and appeals are being reported.

I can tell you mine or not. I have open requests and appeals dating back to 2013. And I am prepared, if that's what it takes, to put a thousand or more examples into the public domain.

When I go to OGIS and I ask for help, as I did on two recent Army MEDCOM appeals that I submitted by certified mail in 2018, and I said I want the status, the case numbers, and I don't believe you're reporting those in your annual reports.

OGIS comes back and says, well, they don't have any open appeals dating back there and we've addressed all your concerns about FOIA reporting. That is nonsense.

You have to take each case, document it, and when you find malfeasance, you have to act on it. So, I'm going to -- are there other callers waiting to get in?

>> **Moderator.** Sir, your time has expired. Thank you very much for your comments.

>> **Bob Hammond.** My hand is back up. Thank you.

>> **Alina Semo.** Martha, I understand there are no questions in chat that we've received during the meeting. Is that correct?

>> **Martha**. That is correct. Mr. Hammond asked the one question that he had asked us to speak out on. **[MATERILLY FALSE. Many questions and comments in the chat.]**

>> **Alina Semo**. Okay. Michelle, you can go ahead and unmute Mr. Hammond for an additional three minutes and then we will wrap up.

>> **Michelle** All right. Very good. Mr. Hammond, you are unmuted. Go ahead.

>> **Bob Hammond**. Okay. I didn't get agreement to read into the record, so I'm going to read my recommendations.

The first one is related to everybody. And these are posted on YouTube [Chat]. The committee has them and they're within a presentation that we just posted.

My first one is: require contemporaneous posting of all FOIA logs. That's already been recommended today.

[Second] Require agencies to amend past quarterly and annual FOIA reports. And you can see my presentation DOD Massive Reporting, Part 1. Letter to SECDEF [Secretary of Defense] Complaint to DOJ OIP. I've already discussed that one quite a bit.

[Third] Require agencies participating in FOIAonline.gov to produce plans, preserve all FOIA online records, which are unique records subject to FOIA. They're not replicated anywhere else. You've got to preserve every item withing FOIAonline and I want to know how it's going be done. And I want to see guidance discouraging, preventing automated destruction of FOIA case processing records and seeking a change to NARA GRS to make FOIA case processes records permanent.

DOD admits, apparently unlawfully, to destroying potentially hundreds of thousands of records over a short time. That is based on a Navy records schedule and my own experience.

The NARA GRS 4.2 requires FOIA processing case records to be retained for six years after the final agency action or final adjudication by the court, whichever comes first [correction, last].

Requesters unsatisfied with FOIA responses often seek case records of prior FOIA requests, extending that further. I did that when [Navy] BUMED [Bureau of Medicine] said they didn't have Walter Reed's [FY 2013] annual FOIA report. I submitted another FOIA request. I asked for the case records, and BUMED admitted to NARA [Unauthorized Records Dispositions Unit] that they had destroyed the records.

So, the FOIA officer will never be able to keep track of that and you can't use automated retention schedules to delete things.

And NARA requires all records to be submitted digitally. So, there is virtually no cost to doing this.

[Fourth] For OGIS, we've already said -allow OGIS and DOJ OIP to make referrals to the Office of Special Counsel in cases of egregious compliance violations or willful withholding. My understanding is the courts never do this.

[Fifth] We've talked about reviewing records in camera, binding arbitration, placing OGIS under Congress.

[Sixth] And there's another one here. Require OGIS to stipulate the annual funding it requires and study findings shortfall and mission accomplishment or mission failure.

NARA refuses to even give me the budget requests. What did NARA ask for?

I can see the final budget going to Congress and NARA gets every dime they asked for. Budget went from \$1.6 million with 400 mediation cases years ago. Now OGIS says they have 4600 mediation cases still with three people. Impossible to do that, but they're getting 1.2 million. That is nonsense.

OGIS needs to get direct funding from Congress, and I think they need to report to Congress.

>> **Moderator** Sir, your -- thank you. Sir, thank you. Alina, you're on mute.

**OGIS Staff, despite no support from NARA senior leadership, I am with you and will keep fighting for you to get the funding you need to do your jobs properly and proudly for the American people.**

**See Public Comment, “ARCHIVIST OF USA & OGIS POSTING POLICY FOR PUBLIC COMMENTS DOES NOT COMPORT WITH LAW. MOTION TO CHANGE.”**

- By letter dated September 29, 2021, OGIS Director Alina Semo responded to a Congressional Inquiry on behalf of the Archivist of the United States, Hon. David S. Ferriero, as to why OGIS had not posted as my Public Comments to the FOIA Advisory Committee, the Chief FOIA Officers Council, and the OGIS Annual Open Meeting, Ms. Semo’s July 9, 2021 letter to me “OGIS response Hammond public comments 9 July 2021.”
- On September 27, 2021, two days prior to that September 29, 2021 letter, OGIS materially altered its Posting Policy for Public Comments (& included a link in its September 29, 2021 letter to the altered Posting Policy for Public Comments, as if it had not been altered). An example of an unlawful change is, “We will review written comments and letters and, as appropriate, share them with Committee or Council members.” BY LAW ALL WRITEN COMMENTS MUST BE SHARED. See altered version at [archives.gov/ogis/about/public-comments-policy](https://archives.gov/ogis/about/public-comments-policy).
- The September 27, 2021 altered public comments posting policy contains language that appears contrary to governing laws, regulations, and policies, effectively censoring public comments.
- Also on September 27, 2021, OGIS cited in the Ombudsman Blog the altered Posting Policy for Public Comments.
- The OGIS Director’s September 29, 2021 letter to Congress did not then cite ANY BASIS WHATSOEVER FOR NOT POSTING as my public comments. Semo’s July 9, 2021 letter to me, “OGIS response Hammond public comments 9 July 2021,” which is clearly germane to the work of the entities and compliant with NARA’s “Posting Policy for Public Comments.”



# HAMMOND PUBLIC COMMENTS TO 6.29.2022 MEETING

<https://www.documentcloud.org/app?q=%2Buser%3Arobert-hammond-106693%20>

1. All Panelist Chat to June 9, 2022 FOIA Advisory Committee Meeting. OGIS & DOJ Funding + Missing FOIA.gov Data.”
2. NARA FY 22 FOIA Data Stripped from FOIA.gov?? + NARA False FOIA Reporting?”
3. Failure - FOIA Compliance Oversight & Funding. Part 2. No Joking Matter
4. Comments to Unlawful Chief FOIA Officers Meeting of November 17, 2021
5. Mandatory Right to Dispute Resolution - OGIS Malfeasance??
6. DOD Massive False FOIA Reporting. Part1. Letter to SECDEF Complaint to DOJ OIG +v3
7. Sample FOIA Template with Recent Developments to Combat Agency Misconduct
8. HOT! Semo OGIS. Budget Numbers do not Comport w. NARA Published Budgets!
9. DOD MASSIVE FALSE REPORTING PART II + “Still Interested” Abuse
10. NARA, PLEASE FUND OGIS!! (PART 1)
11. NARA FOIA & Financial Malfeasance \$789,730 + Alteration of Records and Loss of Public Trust?
12. Archivist of USA & OGIS Posting Policy Does Not Comport with Law
13. QUESTIONS for June 29, 2022 OGIS Annual FOIA Meeting v2
14. The Uncommon Man. Response to Hon. David S. Ferriero June 10, 2021 Comments to FOIA Advisory Committee.”
15. DOD’ Cites Change to CFR 32 CFR Part 286.4 as Unlawful Basis for Omitting OGIS Mediation Rights
16. Senate Hearing on FOIA. DOJ's Lack of Enforcement + Malfeasance + Open The Government Statement
17. Senators Unite to Slam FOIA Compliance + POGO

# YOUTUBE CHAT COMMENTS & QUESTIONS TO BE READ ALOUD

## National Archives Moderator

Please be aware we will be moderating comments according to our comment policy, so make sure to stay on-topic and keep the discussion civil. <https://www.archives.gov/social-media...>

Welcome to live chat! Remember to guard your privacy and abide by our community guidelines.

[LEARN MORE](#)

r

**Robert Hammond.** My email address is in the tile pages of my recent public comments. FOIA advocates and members of the media have already contacted me. I will reply and make time for you.

FOIAcompliance@gmail.com .

r

**Robert Hammond.** My questions conform to the Chat 200-character limit, so each is brief.

r

**Robert Hammond.** All comply with meeting requirements, despite Ms. Semo' claim that you cannot ask questions related to OGIS or DOJ OIP performance, including FOIA compliance.

r

**Robert Hammond.** NARA, the parent of OGIS, which is responsible for FOIA compliance and mediation, has apparently engaged in massive false FOIA reporting. This is shameful.

r

**Robert Hammond.** See public comment NARA FY 22 FOIA Data Stripped from FOIA.gov?? + NARA False FOIA Reporting?"

r

**Robert Hammond.** The last NARA FOIA audit was in 2017, where NARA received a failing grade and the auditor stated: "NARA will continue to submit unreliable data to the Department of Justice."

r

**Robert Hammond.** NARA/OGIS have not sought adequate funding and is underfunded by ten to twenty-fold.

r

**Robert Hammond.** DOJ Office of Information Policy is similarly underfunded. I am seeking a GAO audit regarding the inadequacy of funding and mission effectiveness of OGIS and DOJ OIP.

r

**Robert Hammond.** OGIS claims to have closed 4,100 requests in FY 202; physically impossible with just a three-person mediation staff. In fact, it is likely that OGIS did not conduct a single mediation.

r

**Robert Hammond.** I always ask for mediation, which OGIS refuses. In my last attempt, OGIS responded that I should file an appeal and the agency would address my issues. Not what Congress had in mind.

r

**Robert Hammond.** Lawsuits are on the rise. This is the result of OGIS apparently not doing any mediation whatsoever. I am similarly seeking audits by NARA's OIG.

r

**Robert Hammond.** Questions to be read aloud and answered (not as part of oral public comments) are preceded by a question mark (e.g., ? OGIS, ? DOJ OIP.

r

**Robert Hammond.** I asked DOJ OIP and OGIS to identify in multiple meetings the dollar funding level needed for FY 2023 to effectively perform all their statutory missions. OGIS is likely underfunded ten to twenty-fold

r

**Robert Hammond.** ? DOJ OIP. Bobby, one word answer. What is the dollar funding level that DOJ OIP needs to effectively accomplish its statutory missions for FY 2023?

r

Robert Hammond. ? DOJ OIP. I am prepared to provide you 1,000 – 2,000 compliance inquiries of incontrovertible false FOIA reporting and other potential malfeasance. Are you staffed and prepared?

r

**Robert Hammond.** ? OGIS. Alina, one word answer. What is the dollar funding level that OGIS needs to accomplish its statutory FOIA compliance and mediation missions for FY 2023 (with full mediation when sought)?



Majesum. um um, damn people

r

**Robert Hammond.** ? OGIS. Why did OGIS discontinue publishing contemporaneous ADR request case logs and ADR Final Response Letters

in 2016 and will you restore this? <https://www.archives.gov/ogis/mediation-program>

r

**Robert Hammond.** ? OGIS. Alina, why did you recently discontinue your name in the signature block of OGIS response letters, instead citing “The OGIS Staff and will you now provide the name or a real person?”

r

**Robert Hammond.** ? OGIS. Alina, why did you discontinue satisfaction surveys and how do you now validate your suspect claims that requesters are satisfied?

r

**Robert Hammond.** ?OGIS. Statutory basis is what for statement, “OGIS staff may need to ... consult with the Office of Information Policy at the Department of Justice, ..., before accepting the request for mediation?”

r

**Robert Hammond.** ?OGIS. OGIS has never engaged in mediation of my specific requests to do so. Upon what authority is OGIS refusing mediation?

r

**Robert Hammond.** ?OGIS. Why changed in 2022 Ombuds report statutory wording from “offer mediation services” to “help resolve disputes”? Per 5 USC § 552(h)(3) OGIS “shall offer mediation services to resolve disputes.”

r

**Robert Hammond.** ?OGIS. Why changed in 2022 Ombuds “requests for mediation” to “requests for assistance?” Not the same. How many of the 2022 purported OGIS 4,100 cases went to mediation?

r

**Robert Hammond.** ?OGIS. OGIS and Agency FOIA Public Liaisons routinely refuse to engage in ADR. Why does OGIS incorrectly report the # of OGIS cases and # times FPL assistance sought ADR in lieu of engaged in ADR?

r

**Robert Hammond.** 5 USC § 552(h)(4)(A)(ii)(II), OGIS report “number of times each agency engaged in dispute resolution with the assistance of the Office of Government Information Services or the FOIA Public Liaison.”

r

**Robert Hammond.** 5 USC § 552(h)(4)(A)(ii)(II), OGIS report “number of times each agency engaged in dispute resolution with the assistance of the Office of Government Information Services or the FOIA Public Liaison.”

r

**Robert Hammond.** ?OGIS. In my requests for MEDIATION, OGIS often says, file an appeal & the agency will address your issues. Not what Congress intended! How can OGIS count such actions in its ADR case closure figures?

r

**Robert Hammond.** ?OGIS. Recommendation No. 2020-19 “in the absence of oversight from Congress, FOIA otherwise lacks a sustaining enforcement mechanism. “Why did OGIS non-concur with “additional hearings and inquiries?”

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**Robert Hammond.** ? DOJ OIP. I recently provided you ten compliance inquiries for Navy’s DON JAG open FY 2018 FOIA requests not included in DOD’s annual FOIA Report. False Reporting. DLJ OIP action taken is what?

r

**Robert Hammond.** DON-NAVY-2019-000004, DON-NAVY-2018-011918, DON-NAVY-2018-002619, DON-NAVY-2018-002156, DON-NAVY-2018-002630, DON-NAVY-2018-002663, DON-NAVY-2018-001684, DON-NAVY-2018-002615

w

Willian Lopez. THANK YOU      OK

r

**Robert Hammond.** DON-NAVY-2018-011318, DON-NAVY-2018-011904

r

**Robert Hammond.** ? DOJ OIP. I recently provided you 7 compliance inquiries for NARA closed FY 2021 FOIA requests not included in NARA/s annual FOIA Report. False Reporting. DLJ OIP action taken is what? See cases:

r

**Robert Hammond.** NARA FY 2021 FOIA Requests not in FOIA annual raw data. False reporting: NGC-675, NGC-698, NGC-744, NGC-764, NGC-779, NGC-822, NGC-824

r

**Robert Hammond.** ? DOJ OIP. I recently provided you a compliance inquiry that NARA did not include any open FOIA requests in its FY 2021 FOIA raw data, in apparent violation of law. DOJ OIP action taken is what?

r

**Robert Hammond.** ? DOJ OIP. In violation of law, DOD has not released FY 2016 raw data & 2017 Defense Health Agency data does not contain any case numbers. DOJ OIP action taken is what?

r

**Robert Hammond.** ? DOJ OIP. FOIA.gov does not contain any NARA FY 22 Q1 or Q2 data. DOJ OIP action taken is what?

r

**Robert Hammond.** ? DOJ OIP. Will you consider my recommendation requiring Agencies to amend past reports and raw data with narrative as to how error/false reporting occurred?

r

**Robert Hammond.** I submitted 17 public comments for posting. Some, but not all posted today. All may be viewed at <https://www.documentcloud.org/> . Select view public comments. Search by +user:robert-hammond-106693

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**Robert Hammond.** All Panelist Chat to June 9, 2022 FOIA Advisory Committee Meeting. OGIS & DOJ Funding + Missing FOIA.gov Data.”

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**Robert Hammond.** NARA FY 22 FOIA Data Stripped from FOIA.gov?? + NARA False FOIA Reporting?”

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**Robert Hammond.** Failure - FOIA Compliance Oversight & Funding. Part 2. No Joking Matter

r

**Robert Hammond.** Comments to Unlawful Chief FOIA Officers Meeting of November 17, 2021



Barbara Sink. Interesting Robert.

r

**Robert Hammond.** Mandatory Right to Dispute Resolution - OGIS Malfeasance??

r

**Robert Hammond.** DOD Massive False FOIA Reporting. Part1. Letter to SECDEF Complaint to DOJ OIG +v3

r

**Robert Hammond.** Sample FOIA Template With Recent Developments to Combat Agency Misconduct





**Robert Hammond.** HOT! Semo OGIS. Budget Numbers do not Comport w. NARA Published Budgets!



**Robert Hammond.** DOD MASSIVE FALSE REPORTING PART II + “Still Interested” Abuse



**Robert Hammond.** NARA, PLEASE FUND OGIS!! (PART 1)



**Robert Hammond.** NARA FOIA & Financial Malfeasance \$789,730 + Alteration of Records and Loss of Public Trust?



**Robert Hammond.** Archivist of USA & OGIS Posting Policy Does Not Comport with Law



**Robert Hammond.** QUESTIONS for June 29, 2022 OGIS Annual FOIA Meeting v2



**Robert Hammond.** The Uncommon Man. Response to Hon. David S. Ferriero June 10, 2021 Comments to FOIA Advisory Committee



**Robert Hammond.** DOD’ Cites Change to CFR 32 CFR Part 286.4 as Unlawful Basis for Omitting OGIS Mediation Rights



**Robert Hammond.** Senate Hearing on FOIA. DOJ's Lack of Enforcement + Malfeasance + Open The Government Statement



**Robert Hammond.** Senators Unite to Slam FOIA Compliance + POGO



Barbara Sink. Not much they do in any aspect comports with the law.



Solgato@Robert Hammond. What is your beef about specifically? what health issue?



Jeremy Lewis Does FBI model for EDC include not only average time but also subdivided by categories of records?



**Robert Hammond.** “Posting FOIA Logs. Tech Committee Recommendation #2” requiring the contemporaneous posting of FOIA processing logs is awesome, and a way to address massive false reporting in real time.

r

**Robert Hammond.** See also, See Office of Government Information Services Advisory Opinion No. 2020-01: Agencies Must Provide Estimated Dates of Completion Upon Request

r

**Robert Hammond.** <https://www.archives.gov/ogis/advisory-opinions/2020-01-agencies-must-provide-edcs>

r

**Robert Hammond.** Most of my FOIA requests deal with uncovering false FOIA reporting and malfeasance in the FOIA process.

r

**Robert Hammond.** [I am hoping to work with DOD directly to resolve such issues amicably.](#)

r

**Robert Hammond.** NARA may have joined that club. When I sought estimated completion dates to FOIA requests and appeals to NARA via confirmed electronic means, NARA’s initial response omitted several hundred.

r

**Robert Hammond.** I complained about potential material inaccuracy, therefore, of NARA’s quarterly and annual FOIA reports may be inaccurate, along with the data in DOJ’s FOIA.gov.

r

**Robert Hammond.** I attempted to preserve NARA’s FY 2022 Quarterly FOIA Report data documented in FOIA.gov.

r

**Robert Hammond.** My search results from FOIA.gov for the first quarter and separate search for the second quarter NARA data yielded the response: “No data meets your search criteria.”

r

**Robert Hammond.** I ran a similar query for DOJ to ensure that it wasn’t a bug in FOIA.gov, which returned full results for DOJ.

r

**Robert Hammond.** I asked DOJ (Vanita Gupta) and NARA (Debra Wall) to address this FOIA.gov missing data issue in the last meeting and again today.

r

**Robert Hammond.** Neither NARA nor DOJ OIP have provided any explanation to missing FOIA.gov data; else DOJ should preserve all NARA FOIA.gov FY 22 data submissions/deletions and commence an audit.

r

**Robert Hammond.** DOJ and NARA please address the NARA missing Q1 and Q2 FOIA data within FOIA.gov.

r

**Robert Hammond.** I submitted multiple expedited FOIA Requests seeking NARA's "Operational" FOIA logs for multiple years.

r

**Robert Hammond.** It is not clear why NARA cannot give me the FY 21 FOIA processing log until June 2023 (when NARA's FY 17 FOIA processing log is promised for this month).

r

**Robert Hammond.** or why NARA has not given me an estimated completion date for NARA's FY 22 year-to-date FOIA processing log.

r

**Robert Hammond.** Also, I am reading the book entitled, "The Art of Access. Strategies for Acquiring Public Records"

r

**Robert Hammond.** by FOIA Advisory Committee member David Cuillier, University of Arizona, and co-author Charles N. Davis, University of Missouri-Columbia. Great read for FOIA professionals

r

**Robert Hammond.** See also, Saving the Freedom of Information Act New Edition by Margaret B. Kwoka

r

**Robert Hammond.** ?OGIS. When is Alina Semo going to defend her misleading and potentially false 2022 Ombuds Report to Congress and the President, which is the statutory purpose of this meeting?

r

NO WAY OGIS did 4100 mediations in one year with only three mediators.

# EMAIL TO NARA ACTING ARCHIVIST – REQUESTED AUDITS

**To:** [ogis@nara.gov](mailto:ogis@nara.gov); [alina.semo@nara.gov](mailto:alina.semo@nara.gov); [Vanita.Gupta19@usdoj.gov](mailto:Vanita.Gupta19@usdoj.gov); [bobak.Taleblian@usdoj.gov](mailto:bobak.Taleblian@usdoj.gov); [debra.wall@nara.gov](mailto:debra.wall@nara.gov)

**Cc:** [REDACTED] ["FOIA Advisory Committee"](#); [foiacompliance@gmail.com](mailto:foiacompliance@gmail.com)

**Subject:** GAO & NARA OIG. OGIS Unlawful [?] Refusal to Post Public Comments to June 29, 2022 Open FOIA Meeting

**Date:** Wednesday, July 6, 2022 3:18:37 PM

**Attachments:** [DOD Cites Change to CFR 32 CFR part 286.4 as Unlawful Basis for Omitting OGIS Mediation Rights 20220626.pdf](#) [senate-hearing-on-foia.-dojs-lack-of-enforcement-malfeasance-open-the-government-statement.v2.pdf](#) [QUESTIONS for June 29, 2022 OGIS Annual FOIA Meeting v2.pdf](#) [Response to Hon. David S. Ferriero June 10 2021 Comments to FOIA Advisory Committee.pdf](#) [senators-unite-to-slam-foia-compliance-pogo.pdf](#)

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[Ms. Wall (Acting Archivist), et. al.:

Please investigate NARA's refusal to timely post public comments to the June 29, 2022 meeting, censorship of what constitutes acceptable public comments and refusal to allow the full 15 minutes allotted for public comments while adjourning early having allowed just three minutes for public comments.

In accordance with the Freedom of Information Act (5 U.S.C. 552(h)(6), the Office of Government Information Services (OGIS) at the National Archives hosts an annual open meeting to discuss its reviews and reports. Interested persons may present oral and written statements during the meeting.

Of seventeen public comments, OGIS posted twelve the day of the meeting, depriving participants the opportunity to preview them in advance.

**Five public comments still have not been posted:**

<b>QUESTIONS for June 29, 2022 OGIS Annual FOIA Meeting v2</b>
The Uncommon Man. Response to Hon. David S. Ferriero June 10, 2021 Comments to FOIA Advisory Committee."
DOD' Cites Change to CFR 32 CFR Part 286.4 as Unlawful Basis for Omitting OGIS Mediation Rights
Senate Hearing on FOIA. DOJ's Lack of Enforcement + Malfeasance + Open The Government Statement
Senators Unite to Slam FOIA Compliance + POGO

It is particularly disturbing that OGIS did not post “QUESTIONS for June 29, 2022 OGIS Annual FOIA Meeting v2’ in advance of the meeting, then refused to read the questions that I placed into the all-panelist comments and YouTube Top Chat, with Martha Murphy (OGIS Deputy) claiming that “There are lots in the chat. But I am not seeing any general comments that don't speak to specific individual issues. **Or comments that have already been submitted via written public comment.** Then, having allowed only three minutes of the allotted 15 minutes for oral public comments Ms. Semo states, “**Michelle, we don't have any other callers waiting in the queue other than Mr. Hammond, correct?**’ Thereinafter Ms. Semo concluded the conference.

The full exchange is below:

[See HAMMOND ORAL COMMENTS at page 5]

# RECOGNITION

## 2020 – 2022 FOIA ADVISORY COMMITTEE

### Government Members

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- Alina M. Semo, Chair, National Archives and Records Administration, [Office of Government Information Services](#)
- Roger Andoh, U.S. Department of Health and Human Services, [Centers for Disease Control and Prevention](#)
- Allyson Deitrick, [U.S. Department of Commerce](#)
- Kristin Ellis, U.S. Department of Justice, [Federal Bureau of Investigation](#)
- Linda Frye, [Social Security Administration](#)
- Alexis Graves, [U.S. Department of Agriculture](#)
- Matthew Schwarz, [U.S. Environmental Protection Agency](#)
- Dione J. Stearns, [Federal Trade Commission](#)
- Bobak Talebian, U.S. Department of Justice, [Office of Information Policy](#)
- Patricia Weth, [U.S. Environmental Protection Agency](#)

### Non-Government Members

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- Allan Blutstein, [America Rising](#)
- David Cuillier, [University of Arizona](#)
- Jason Gart, [History Associates Incorporated](#)
- Kel McClanahan, [National Security Counselors](#)
- Michael Morisy, [MuckRock](#)
- Alexandra Perloff-Giles, [The New York Times Co.](#)
- Tuan N. Samahon, [Villanova University](#)
- James R. Stocker, [Trinity Washington University](#)
- Thomas Susman, [American Bar Association](#)
- A. Jay Wagner, [Marquette University](#)

See biographies – incredible people! <https://www.archives.gov/ogis/foia-advisory-committee/2020-2022-term>



## OGIS STAFF

<b>Director</b>	<b>Alina M. Semo</b>
<b>Deputy Director</b>	<b>Martha W. Murphy</b>
<b>Attorney Advisor</b>	<b>Sheela Portonovo</b>
<b>Staff Assistant</b>	<b>Teresa Brady</b>
<b>Student</b>	<b>Laurielle Lambert (February 2019 - January 2020)</b>
<b>Compliance Team</b>	<b>*Kirsten B. Mitchell (Lead) Christa Lemelin</b>
<b>Mediation Team</b>	<b>Carrie McGuire (Lead) Dwayne Bacon Jessica Hartman</b>

\* OGIS' Federal Advisory Committee Act reports to GAO state that Kirstin Mitchell is full time FOIA Advisory Committee Designated Federal Officer, leaving no time for FOIA Compliance

## EXCELLENT READS

The Art of Access. Strategies for Acquiring Public Records by FOIA Advisory Committee member **David Cuillier**, University of Arizona, and co-author **Charles N. Davis**, University of Missouri-Columbia.

Saving the Freedom of Information Act by **Margaret Kwoka**.

## FOIA PIONEERS ON THE FOIA ADVISORY COMMITTEE

**Thomas Susman** was the principal Senate staff counsel involved in developing the 1974 FOIA Amendments. Tom was inducted into the First Amendment Center's Freedom of Information Hall of Fame and received the American Library Association's "Champion of Public Access" award, among other honors.

**Michael Morisy** is the founder and chief executive of the non-profit FOIA tool and news site “MuckRock” that has worked with over 10,000 requesters to file, track, and share their federal FOIA and other public records requests. Millions of readers visit the site each year and benefit from its in-depth guides, accessible reporting, and a variety of transparency tools and resources.

**Allan Blutstein** founded the “FOIA Advisor” website for the FOIA community to learn the latest FOIA news, court decisions, and commentary. The American Bar Association Journal has recognized “FOIA Advisor” as a Top 100 legal blog.

## The FOIA

The United States Supreme Court has explained that the "basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed." The "FOIA is often explained as a means for citizens to know 'what their Government is up to.'" The Supreme Court stressed that "[t]his phrase should not be dismissed as a convenient formalism." Rather it, "defines a structural necessity in a real democracy." As President Obama has declared "democracy requires accountability, and accountability requires transparency." The FOIA "encourages accountability through transparency.

## VITAL TO DEMOCRACY

# THE FOIA - VIAL TO DEMOCRACY

