



OFFICE of GOVERNMENT INFORMATION SERVICES

February 5, 2015 — Sent via email

[REDACTED]

Re: Case No.: 201500170

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 November 25, 2014 request for assistance from the Office of Government Information Services (OGIS), which we received via U.S. mail. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the FBI for records about [REDACTED].

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.

The FBI denied your request for records related to [REDACTED], citing FOIA Exemption 7(A). You appealed this decision, and the Department of Justice Office of Information Policy (OIP) upheld the FBI's determination.

Exemption 7(A) 5 U.S.C. § 552(b)(7)(A), protects law enforcement records pertaining to a pending or prospective law enforcement investigation or proceeding when release of information could “reasonably be expected to interfere” with that investigation or enforcement proceeding, meaning it would cause some articulable harm. As you are aware, Exemption 7(A) is temporal in nature and not intended to “endlessly protect material simply because it is in an investigatory file,” according to the Department of Justice Guide to the Freedom of Information Act. In your correspondence to OGIS, you assert that all enforcement proceedings related to [REDACTED] have been closed, and Exemption 7(A) no longer applies to these records.

We contacted the FBI to learn more about the agency's response to your request. According to FBI FOIA Public Liaison Dennis Argall, this



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investigation remains open and FOIA Exemption 7(A) still applies to records responsive to your request. It may be helpful to know that as part of the appeals process on cases such as yours, OIP confirms that Exemption 7(A) is still applicable to the records sought at the time of the appeal.

In cases such as this where an agency is firm in its position, there is little for OGIS to do beyond providing more information about the agency's actions. I hope that this information about your request is useful to you. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

A handwritten signature in blue ink that reads "Nikki Gramian". The signature is written in a cursive style and is positioned above the typed name.

Nikki Gramian, Acting Director
Office of Government Information Services (OGIS)

cc: Dennis Argall, FBI FOIA Public Liaison

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.