

OFFICE of GOVERNMENT INFORMATION SERVICES

June 24, 2015 - Sent via U.S. mail



Dear

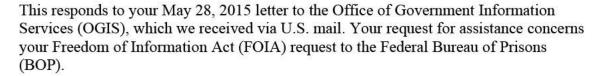
Re: Case No. 201500791

NG: CM: CL

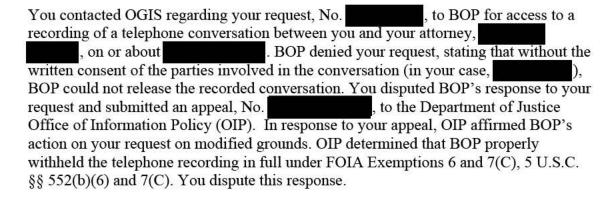
NATIONAL ARCHIVES and RECORDS ADMINISTRATION

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Congress created OGIS to complement existing FOIA practice and procedure and we strive to work in conjunction with the existing request and appeal process. OGIS's goal, whenever practical, is to allow 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.



To learn more about BOP's response to your request and appeal, we contacted BOP FOIA Public Liaison C. Darnell Stroble and OIP Attorney-Advisor Matthew W. Hurd. Mr. Stroble and Mr. Hurd confirmed that BOP's action on your request was proper.

In situations like this when an agency is firm in its position, there is little OGIS can do



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beyond providing more information regarding the agency's response and explaining the FOIA exemptions the agency cited in response to a request.

FOIA Exemptions 6 and 7(C) protect personal privacy interests. FOIA Exemption 6 protects information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." FOIA Exemption 7(C) is limited to information compiled for law enforcement purposes and protects personal information when disclosure "could reasonably be expected to constitute an unwarranted invasion of personal privacy."

When making release determinations pursuant to Exemptions 6 and 7(C), an agency must weigh the public interest against an individual's right to privacy. Courts have consistently held that the central purpose of FOIA is to allow people to learn about the conduct of agencies, not to discover information about other individuals. The Supreme Court held that "the statutory purpose [of FOIA] is not fostered by disclosure of information about private citizens that is accumulated in various governmental files but that reveals little or nothing about an agency's own conduct." *U.S. Dep't of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749, 773 (1989).

In our discussion with Mr. Hurd regarding BOP's response to your request, he cited to judicial precedent concerning this exact situation. For your reference, I am enclosing the case law opinion Mr. Hurd cited, *Galen Pendergrass v. United States Department of Justice*, Civil Action No. 04-112 (D. D.C.).

I hope you find this information useful in understanding BOP's action on your request. At this time, OGIS can offer no further assistance. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/s/

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

Enclosure

cc: Matthew W. Hurd, Attorney-Advisor, OIP C. Darnell Stroble, FOIA Public Liaison, BOP