



## OFFICE of GOVERNMENT INFORMATION SERVICES

January 26, 2016—Sent via email

[REDACTED]  
[REDACTED]

Re: Case No.: 201600171  
NG: HK: CM

NATIONAL  
ARCHIVES  
and RECORDS  
ADMINISTRATION

8601 ADELPHI ROAD  
OGIS  
COLLEGE PARK, MD  
20740-6001

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e-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
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Dear [REDACTED]:

This responds to your November 10, 2015 request for assistance from the Office of Government Information Services (OGIS), which we received via email. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Consumer Financial Protection Bureau (CFPB).

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.

We carefully reviewed your submission of information, and we understand that you submitted a request to CFPB for [REDACTED]. CFPB responded to your request by neither confirming nor denying that responsive records exist. You appealed that response, pointing out that CFPB did not cite a FOIA exemption in making its “Glomar” response. CFPB denied your appeal, explaining that it made its Glomar response pursuant to FOIA Exemption 7(A).

From the background information you provided, it appears CFPB’s appeal response provides a detailed justification of the Glomar response and Exemption 7(A). For this reason, OGIS will not repeat the explanations the agency has provided and will limit its explanation to what OGIS learned from CFPB on its action.



In a discussion with CFPB’s FOIA staff, OGIS learned that the agency is firm in its position; the FOIA specialist reviewing your case explained that the agency properly responded to your request. Regarding the agency’s use of the Glomar response, the specialist explained that should CFPB receive a similar FOIA request for records about [REDACTED], the agency would respond the same way regardless if [REDACTED] is or is not being investigated. The specialist explained there is great harm associated with stating if a company is or is not under any kind of investigation; for this reason, the agency properly provided you a Glomar response. The FOIA specialist also explained that the agency’s Glomar response *should not* be taken as an

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indication that any records exist. This is a response the agency issues to all similar requests. However, the FOIA specialist explained that if such records were to exist, they would likely be exempt pursuant to FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A).

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 the additional information we were able to obtain about your request is useful to you. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

/s/

JAMES V.M.L. HOLZER  
Director

cc: CFPB FOIA staff

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.