



OFFICE *of* GOVERNMENT INFORMATION SERVICES

February 23, 2016—Sent via email

██████████
████████████████████

Re: Case No.: 201600161
NG: CM

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 ██████████:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on November 5, 2015 via email. Thank you for your interest in OGIS.

Congress created OGIS to complement existing Freedom of Information Act (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.

In your previous submissions to OGIS, you describe your concerns about an Internal Revenue Service (IRS) matter and a situation related to a particular township. Please note that OGIS's jurisdiction is limited to records requests submitted to Federal agencies under the FOIA, and we cannot assist you with the substance of this dispute.

Your submission to OGIS included correspondence related to records requests to a number of different agencies. We note that a number of the requests you contacted us about—including those to the IRS—are more than 6 years old. Because the statute of limitations on filing FOIA litigation is 6 years, and our office was established to provide a non-exclusive alternative to litigation, we cannot offer you assistance with those requests.

Requests made to agencies within the Department of Justice (DOJ)

Your submission included correspondence related to a request to DOJ's Tax Division ██████████. According to Tax Division's response to you, the agency withheld records pursuant to FOIA Exemptions 5, 6 and 7(C), 5 U.S.C. § 552(b)(5), (b)(6) and (b)(7)(C). It does not appear from your submission that you appealed the agency's response. The appeal is an important part of the FOIA administrative process; by filing an appeal, you preserve your administrative rights and give the agency a chance to carefully review and reconsider every part of a request and the agency's decision.

You also included correspondence related to your appeal of a response you received from the Executive Office of U.S. Attorneys (EOUSA). I understand that EOUSA responded to records referred to that office by the United States Secret Service (USSS). EOUSA withheld portions of the responsive material pursuant to FOIA Exemptions 3, 6 and 7(C), 5 U.S.C. §§ 552(b)(3), (b)(6) and (b)(7)(C).



February 23, 2016

Page 2 of 2

Regarding the records you seek, please know that grand jury material (including testimony, subpoenas, exhibits and names of grand jury witnesses) is exempt from release under the FOIA pursuant to Exemption 3, Federal Rule of Criminal Procedure 6(e). Rule 6(e) of the Federal Rules of Criminal Procedure establishes a presumption of nondisclosure of grand jury materials. In fact, individuals who disclose grand jury materials may be charged with contempt and face up to six months imprisonment. In addition, a prosecutor who leaks grand jury material may be charged with a felony under Title 18, punishable by up to five years in prison and a \$250,000 fine.

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).

Regarding your request [REDACTED] to EOUSA, the agency informed OGIS staff that it did not receive the Certification of Identity that it requires to process your request. EOUSA administratively closed request [REDACTED] on [REDACTED].

Your request to the USSS

Your submission also included information about a request you made to USSS [REDACTED]. I understand that you appealed the agency’s response, but you have not received a response to your appeal. We contacted USSS to inquire about the status of your appeal; according to the agency, your appeal is in process. USSS FOIA staff declined to provide an estimated date of completion for your appeal.

I hope that this information about your requests is useful to you. At this time, there is no further assistance OGIS can offer. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/s/

JAMES V.M.L. HOLZER
Director

cc: EOUSA and USSS FOIA departments

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.