



OFFICE of GOVERNMENT INFORMATION SERVICES

April 14, 2016 — Sent via U.S. mail

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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Re: Case No. 201600424
NG: CM: KG

Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on January 20, 2016 via U.S. mail. Your request for assistance pertains to your records request to the Executive Office for United States Attorneys (EOUSA).

OGIS was created 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.

OGIS provides mediation services to resolve disputes between FOIA requesters and Federal agencies. After opening a case, OGIS gathers information from the requester and the agency to learn more about the nature of the dispute. OGIS then decides how and whether to proceed on the request for assistance.

OGIS staff carefully reviewed the correspondence you submitted with your request for assistance. You submitted a FOIA request to EOUSA on [REDACTED] for records related to [REDACTED]. On [REDACTED] EOUSA responded to your request. In its response, the agency informed you that it conducted a search for records located in [REDACTED] and [REDACTED] and did not located responsive records. You appealed this response on [REDACTED] and on [REDACTED] the Department of Justice's Office of Information Policy (OIP) affirmed EOUSA's determination.



[REDACTED]
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In response to your submission, OGIS contacted EOUSA to discuss the agency's response and search procedure. EOUSA confirmed the field office completed a search and determined there were not responsive records.

Federal courts have long settled that in regard to a search for documents, the crucial issue is whether an agency conducted an adequate search for a document, not whether a document *might* exist. An adequate search is conducted when the search is reasonably calculated to uncover all relevant documents. *Weisberg v. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983) The reasonableness of an agency's search can depend on whether the agency properly determined where responsive records were likely to be found, and searched those locations, or whether the agency improperly limited its search to certain record systems or otherwise failed to explain how and why the particular search at issue was conducted

In cases such as this where an agency is firm in its position, there is little for OGIS to do beyond providing more information of the agency's actions. Please know that OGIS cannot not search for or release records, conduct legal research, or act on behalf of a requester. Our services as the FOIA Ombudsman are limited to offering requesters and agencies help with the FOIA process.

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: [REDACTED], Senior Attorney, Department of Justice, Office of Information Policy
Donna Preston: FOIA Public Liaison, Executive Office of United States Attorneys