



OFFICE *of* GOVERNMENT INFORMATION SERVICES

June 6, 2016 — Sent via email

[REDACTED]

Re: Case No. 201600539  
NG: CM: KG

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

8601 ADELPHI ROAD  
OGIS  
COLLEGE PARK, MD  
20740-6001

web: [www.ogis.archives.gov](http://www.ogis.archives.gov)  
e-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
phone: 202-741-5770  
toll-free: 1-877-684-6448  
fax: 202-741-5769

Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on February 19, 2016 via email. Your request for assistance pertains to your records request to the U.S. Census Bureau.

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. Please know that 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. This process helps us gather necessary background information, assess whether the issues are appropriate for mediation, and determine the willingness of the parties to engage in our services. As part of our information gathering, OGIS carefully reviewed your submission of information and contacted Census to discuss your request and the agency's response.



You submitted a records request to Census on [REDACTED]. On [REDACTED] Census sent you an interim response which included a fee calculation of \$255.93; the response further informed you that the agency would wait to process your request until you paid the fee. On [REDACTED] you appealed the agency's fee calculation. Census replied to your appeal on [REDACTED], stating that your appeal of the fees associated with your request does not constitute an appeal under the FOIA, which the agency asserts are only for adverse determinations. You dispute this response and request assistance from OGIS.

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In response to your submission, OGIS contacted ██████████ of the Office of General Counsel at Census to discuss the agency's policy on appeals of adverse determinations. ██████████ explained that Commerce recently changed their policy regarding appeals and will now consider appeals of fee estimates. However, since your request has been closed, you must resubmit your original FOIA request and appeal the fee estimate that you receive in response to this new request and should the Census Bureau assess the same fee estimate, you will be afforded appeal rights to challenge the estimated fee.

I hope you find this information useful. 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/

NIKKI GRAMIAN  
Acting Director

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.