



## OFFICE *of* GOVERNMENT INFORMATION SERVICES

August 31, 2016—Sent via email

██████████  
████████████████████

Re: Case No.: 201601013  
NG: CM

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

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OGIS  
COLLEGE PARK, MD  
20740-6001

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Dear ██████████:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on June 30, 2016. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to INTERPOL Washington.

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.

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.

You made a request to INTERPOL Washington for records related to a ██████████ ██████████. INTERPOL Washington responded to your request by informing you that, in order to process a request for third party records, the agency requires the consent of that individual. You appealed that response, explaining that the existence of the ██████████ is public knowledge, and that there is public interest in these records. The Department of Justice Office of Information Policy (OIP) affirmed INTERPOL Washington's action on your request, and further explained that non-public responsive records, if they exist, are subject to FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C). You dispute this response and ask for OGIS's assistance with this matter.

When a requester seeks law enforcement records about a third party under FOIA, it is his/her responsibility to provide the agency with the third party's express authorization or consent, proof that the subject of the request is deceased, or a clear demonstration that the public interest in disclosure outweighs the personal privacy interest. If the requester does not provide the required authorization, a death



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certificate, and/or an overriding public interest justification, then the agency will deny the request on privacy grounds and categorically withhold the requested records.

In the case of the records you seek, OIP cited FOIA Exemption 7(C) in its response to your appeal. Exemption 7(C) protects the privacy of individuals identified in records or information compiled for law enforcement purposes, the release of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C).

In considering release of personally identifying information on third parties under FOIA, an agency must weigh the interest in public disclosure 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 the agency, and not to discover information about other individuals. The U.S. 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). The standard of public interest in records of this type is limited to information that reveals the operations and activities of the government.

OGIS staff discussed your appeal and the agency’s response with OIP staff. With regard to your assertion of public interest in the records you seek, OIP explained that while your appeal states that there has been media coverage about the subject of your request, your appeal makes no argument about how the information you requested would shed light on the operations and activities of government. If you would like to provide information about how the records you seek will inform the public about the operations and activities of the government, you may wish to provide that information with a new FOIA request.

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

Sincerely,

/s/

NIKKI GRAMIAN  
Acting Director

cc: OIP 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.