



OFFICE *of* GOVERNMENT INFORMATION SERVICES

September 8, 2016—Sent via email

[REDACTED]
[REDACTED]

Re: Case No.: 201601161
NG: CM

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

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e-mail: ogis@nara.gov
phone: 202-741-5770
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Dear [REDACTED]

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on July 7, 2016 via email. Your request for assistance pertains to your Freedom of Information Act (FOIA) appeal to the U.S. Equal Opportunity Commission (EEOC).

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.

It appears from your submission that you seek assistance with [REDACTED], and that you contacted the EEOC about this matter. It also appears that you submitted materials related to [REDACTED] to EEOC's FOIA department. In its [REDACTED] response to your appeal No. [REDACTED], EEOC FOIA explains that your appeal was closed because it does not relate to a disclosure decision. Instead, your submission appears to solely address your complaints about [REDACTED].

It may be helpful to know that FOIA is a disclosure statute; it provides a mechanism for people to make a request for Federal agency records. FOIA offices such as that of the EEOC can only search for records responsive to a proper FOIA request, process them under FOIA, and release records produced



by the agency; the FOIA office does not have the authority to direct a program office to conduct investigations or the insight to explain an agency's decisions on program matters.

Similarly, Congress created OGIS to assist with FOIA disputes; our mandate does not allow us to assist with matters related to an agency's programmatic efforts (such as EEOC's authority to investigate [REDACTED]).

I hope you find this information useful in understanding why the EEOC responded to your appeal as it did. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

/s/

NIKKI GRAMIAN
Acting Director

cc: EEOC FOIA

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.