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

NATIONAL
ARCHIVES

July 18, 2013— Sent via email & U.S. mail

██████████
██████████   Re: Case No.: 201300649
                                              MN: CZ: KM

Dear ██████:

This responds to your June 29, 2013 request for assistance from the Office of Government Information Services (OGIS), which we received on July 1, 2013 via U.S. mail. Your request for assistance pertains to your December 4, 2012 Freedom of Information Act (FOIA) request, No. ██████, to the Federal Bureau of Investigation (FBI) seeking access to documents bearing the signature of ██████ that were signed at ████████████████████ on July 23, July 24 or July 25, 1997.

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 its jurisdiction is limited to assisting with the FOIA process.

In your request for OGIS assistance, you specifically asked whether it would be possible for you to obtain the documents you seek if ██████ signs a release. As you know, FOIA protects the personal privacy of individuals in records the government might have on a third-party individual, such as ██████. Please know that these third-party protections also apply if someone requests from the government records pertaining to *you*.

If you wish to obtain information about another living person, the FBI asks that you provide that individual's consent. You may wish to submit a new FOIA request and include a U.S. Department of Justice Certification of Identity Form DOJ-361, a copy of which is enclosed. The individual subject of the request must sign, date and complete the section identified as: Authorization to Release Information to Another Person. You may submit an attachment with your name and contact information, listing additional information that may help in locating responsive records.

As the FBI noted in its response to you and the Office of Information Policy affirmed in response to Appeal No. ██████, FOIA Exemptions 6 and 7(C) protect personal privacy interests. FOIA Exemption 6, 5 U.S.C. § 552(b)(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), 5 U.S.C. § 552(b)(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."
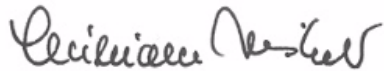
In considering withholding records under Exemptions 6 and 7(C), an agency must weigh the interest in public disclosure against an individual's right to privacy. Courts have consistently held that the central purpose of FOIA is to allow people to learn about the conduct of agencies, not to discover information 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).

I hope you find this information useful. Thank you for bringing this matter to OGIS. At this time, there is no further assistance we can offer you and we will close your case.

Sincerely,

Miriam Nisbet, Director
Office of Government Information Services (OGIS)

Enclosure

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.