



OFFICE of GOVERNMENT INFORMATION SERVICES

April 28, 2015 — Sent via email

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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Mr. Mark Zaid
[REDACTED]

Re: Case No.: 201500634

Dear Mr. Zaid:

This responds to your April 16, 2015 request for assistance from the Office of Government Information Services (OGIS), which we received via email. Thank you for your interest in OGIS.

As you are aware, Congress created OGIS 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.

You contacted OGIS regarding a FOIA request that your client, [REDACTED], submitted to the Federal Bureau of Investigation (FBI) for records on a third party ([REDACTED]) whom [REDACTED] believes is deceased. In response to her request, [REDACTED] received an email from the FBI informing her that she must submit either proof of [REDACTED] death or his consent to release the records; you dispute the FBI did not also inform [REDACTED] of the option to explain the public interest in the records she seeks. Further, you are concerned that the FBI's communication to [REDACTED] does not include information on how to appeal the FBI's action.

In response to your submission, we contacted FBI FOIA Public Liaison Dennis Argall to discuss your concerns. Mr. Argall explained the FBI's April 10, 2015 email was intended to inform [REDACTED] that the FBI needed additional information to process her request. Mr. Argall also informed OGIS that the FBI will be sending a letter to [REDACTED] that corrects FBI's initial response to her request.

This is also to inform you that we have informed our Review team of this matter; if OGIS reviews the FBI's FOIA unit sometime in the future, the team will evaluate this policy along with other OGIS FBI cases as part of its process.



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At this time, there is no further assistance OGIS can offer. If you need additional assistance with this request in the future, please feel free to contact us again. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/s/

Nikki Gramian, Acting Director
Office of Government Information Services (OGIS)

cc: Dennis Argall, FBI 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.