



OFFICE of GOVERNMENT INFORMATION SERVICES

April 18, 2016 — Sent via email

[REDACTED]

Re: Case No.: 201600547
NG: CM: KG

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

Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on February 24, 2016 via email. Your request for assistance pertains to a records request to the Internal Revenue Service (IRS).

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.

As you may know, when an individual requests access to his or her own records, it is most often, but not always, considered a Privacy Act, or first-party, request. Federal agencies will process requests under both FOIA and the Privacy Act of 1974 in order to provide requesters with the fullest degree of access available.

Privacy Act matters fall outside the scope of our office's mission as the FOIA Ombudsman. However, many Privacy Act requests overlap with FOIA; therefore, OGIS provides ombuds services, including providing information about the process and the status of requests, to individuals requesting their own records. OGIS does not have a statutory role in reviewing policies, procedures and compliance with the Privacy Act as we do with FOIA.



OGIS carefully reviewed your submission. On [REDACTED] you requested records from the IRS seeking a copy of [REDACTED]. On [REDACTED] the IRS responded to your request, informing you that information you requested was unavailable because [REDACTED] are purged automatically every 45 days. On [REDACTED] you appealed this response. [REDACTED] the agency responded to your appeal and affirmed its initial determination. You asked for OGIS's assistance with this matter, explaining the importance of the records you seek.

[REDACTED]
April 18, 2016

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In response to your submission, OGIS contacted the IRS to discuss your request and the agency's response. OGIS specifically asked the IRS to provide the policy or records disposition schedule that allows the IRS to purge [REDACTED] every 45 days. As you may be aware, Federal agencies are responsible for managing their records according to record dispositions schedules which are approved by the Archivist of the United States. Record schedules set specific time periods in which the agency must transfer permanent records to the National Archives and Records Administration, or destroy temporary records in the agency's possession. Each Federal agency manages their records differently, however, record keeping requirements are generally outlined in agency procedural manuals and other directives. In your case, IRS informed OGIS the agency manages their records according to the Internal Revenue Manual, specifically section [REDACTED]

[REDACTED] It appears that the IRS destroyed [REDACTED] according to the agency's records schedule. While you submitted your request within the 45 days, it appears by the time the agency received your perfected request and conducted a search, the 45 days had elapsed and the records were purged.

In your submission to OGIS, you mention the involvement of the [REDACTED] [REDACTED] in your situation. For your information, the state of Florida has an open government law that allows a person to make a request for records (available online at <http://www.rcfp.org/rcfp/orders/docs/ogg/FL.pdf>). You may wish to consider making a request at the state level to see if the Sheriff's Department has any records about the incident.

I hope that this information about your request is useful to you. At this time, there is no further action that OGIS can take on your request for assistance. Thank you for contacting OGIS.

Sincerely,

/s/

JAMES V.M.L. HOLZER
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.