



OFFICE *of* GOVERNMENT INFORMATION SERVICES

May 31, 2016—Sent via U.S. mail



NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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OGIS
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phone: 202-741-5770
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Re: Case No.: 201600635
NG: CM

Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on March 11, 2016 via U.S. mail. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Executive Office of U.S. Attorneys (EOUSA).

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.

We understand that you made a request to EOUSA for records related to [REDACTED], particularly in reference to [REDACTED] specific individuals. EOUSA responded to your request by releasing nine pages in part. You appealed this response, and in particular, the adequacy of EOUSA's search for responsive records. The Department of Justice Office of Information Policy (OIP) upheld EOUSA's action on your request, explaining that because the records you seek are categorically exempt pursuant to FOIA Exemption 7(C), EOUSA is not obligated to conduct a search for them. You seek OGIS's assistance with this matter.

In working cases similar to yours, we have learned that agencies will not release information about third parties in response to FOIA requests without the third party's consent, proof of death, or an overriding public interest justification.



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OGIS staff contacted EOUSA staff to discuss your request. In response to your assertion that one of the individuals mentioned in your request is deceased, the United States Attorney's Office explained that in cases such as yours, the agency typically returns material related to the investigation to the investigative agency at the conclusion of the trial. For this reason, you may wish to file a request—including documentation such as an obituary notice or a certificate of death for the deceased individual—to the investigative agency.

I hope that this information about your request is useful to you. At this time, there is no further assistance OGIS can offer. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/s/

NIKKI GRAMIAN
Acting Director

cc: EOUSA FOIA