



OFFICE *of* GOVERNMENT INFORMATION SERVICES

September 15, 2015—sent via email

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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

James Valvo
Counsel and Senior Policy Advisor
Cause of Action
1919 Pennsylvania Ave NW, Suite 650
Washington, D.C. 20006

Dear Mr. Valvo:

This responds to your email of September 11, 2015 concerning the Federal Emergency Management Administration's (FEMA) recent use of a "still interested" letter in response to your March 2013 Freedom of Information Act request to the agency. Thank you for contacting OGIS.

As you know, OIP issued guidance to agencies to limit the use of these letters and advised agencies to be "mindful of the manner in which such inquiries are made," and afford requesters a reasonable amount of time to indicate their continued interest. Specifically, OIP provided instructions to agencies to allow requesters 30 working days to respond to a "still interested" letter before a case is administratively closed.¹

We have brought this instance of FEMA's non-compliance with OIP's new guidance to the attention of the Department of Homeland Security's (DHS) Chief FOIA Officer, Karen Neuman. We have also suggested that DHS update its policy on the use of still interest letter to reflect OIP's new guidance on the time they need to afford requesters when such letters are used.² As you also may know, OGIS is conducting a review of the use of these letters by other agencies. We will pay particular attention to the use of still interested letters and how agencies practices on their use changes, particularly near the end of the fiscal year.

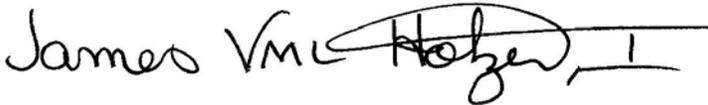


¹ "OIP Releases New Guidance for Agency Still-interested Inquiries," last modified July 20, 2015, <http://www.justice.gov/oip/blog/oip-releases-new-guidance-agency-still-interested-inquiries>.

² "Proper Use of "Still-Interested" Letters in Compliance with Guidance from the Department of Justice, Office of Information Policy, accessed September 15, 2015, <http://www.dhs.gov/sites/default/files/publications/foia/dhs-proper-use-of-still-interested-letters-in-compliance-with-guidance-from-the-department-of-justice.pdf>.

Thank you again for bringing this matter to our attention. If you have any questions, please do not hesitate to contact me at 202-741-5771 or at james.holzer@nara.gov.

Sincerely,

A handwritten signature in black ink that reads "James V.M.L. Holzer" followed by a horizontal line and a small vertical tick mark at the end.

JAMES V.M.L. HOLZER
Director

Enclosure

cc: Ms. Karen Neuman, Chief Privacy Officer/FOIA Officer
Department of Homeland Security