



OFFICE of GOVERNMENT INFORMATION SERVICES

September 15, 2015
Sent via Email

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Karen Neuman
Chief Privacy Officer
U.S. Department of Homeland Security
245 Murray Lane SW
STOP-0655
Washington, D.C. 20528-0655

Dear Ms. Neuman:

I am writing to bring to your attention the use of a “still interested” letter by one of the Department of Homeland Security (DHS) components to administratively close a Freedom of Information Act (FOIA) request.

As you know, on July 2, 2015 the Office of Information Policy (OIP) at the Department of Justice issued new guidance on limiting the use of “still interested” letters.¹ Among the guidance’s provisions, OIP clarified that “the time period to allow requesters to respond to “still-interested” inquiries *should be no shorter than thirty (30) working days*” (emphasis in original).

As you know, the Office of Government Information Services (OGIS) is reviewing six DHS components, which includes the use of “still interested” letters as part of our assessment. In our review of the Federal Emergency Management (FEMA) FOIA program, we noted that at the end of FY 2014, FEMA’s practice was to allow requesters 30 days to respond to a “still interested” inquiry.

Cause of Action recently sent us a still interested letter that they received from FEMA that gave them significantly less time than OIP’s guidance requires to respond before the request is administratively closed. The letter, which refers to a request Cause of Action made in March 2013 and is not post-marked, was received by Cause of Action on September 2, 2015. According to FEMA’s letter, the request would be closed unless Cause of Action informed FEMA that they are still interested in the request by September 14, 2015 – only 7 working days later. We have enclosed a copy of FEMA’s letter for your reference.



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>.

As DHS components endeavor to close as many cases as possible as the end of the fiscal year is near, this may be a good time to remind components about the importance of compliance with the statute, and OIP's and DHS's guidance on this policy. Additionally, we suggest that your office update the Department's policy regarding the use of "still interested" letters to reflect OIP's updated guidance, and that you share this policy with all of the component FOIA Officers at DHS.²

Thank you in advance for your assistance in this matter. 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, I". The signature is written in a cursive style with a horizontal line extending to the right from the end of the name.

JAMES V.M.L. HOLZER
Director

Enclosure

cc: Terry Cochran, Chief, Disclosure Branch, Federal Emergency Management Administration

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>.