



OFFICE *of* GOVERNMENT INFORMATION SERVICES

February 4, 2015 — Sent via email

[REDACTED]  
[REDACTED]

Re: Case No.: 201500208  
NG: CM

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

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Dear [REDACTED]

This responds to your December 9, 2014 request for assistance from the Office of Government Information Services (OGIS), pertaining to your Freedom of Information Act (FOIA) appeal to the Department of the Interior (DOI), tracking No. [REDACTED].

Congress created OGIS as the Federal FOIA Ombudsman to complement existing FOIA practice and procedure; we strive to work in conjunction with the agency's 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.

You contacted OGIS about a FOIA appeal filed by your client, [REDACTED]. [REDACTED] I understand that after you appealed the Bureau of Land Management's (BLM's) decision to withhold a number of documents, you were notified by DOI's Office of the Solicitor that BLM reversed its decision and would release a number of documents to you. You have not received those documents, and you have not been able to obtain status information from the Office of the Solicitor. You asked OGIS to look into this matter.

Although OGIS cannot direct an agency to process a particular request or appeal before others, we encourage agencies to practice good customer service in every stage of the FOIA process. We reached out to DOI and requested a date by which the agency expects to send the materials to you. DOI declined to provide information about the status of your case or an estimated date of completion.

Please know that FOIA, 5 U.S.C. § 552(a)(7)(B), gives requesters the right to request an estimated date on which an agency expects to respond to a request. Although the statute specifically refers to *requests* with regard to estimated dates of completion, the Department of Justice's Office of Information Policy,



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which issues government-wide FOIA guidance, says that agencies should provide status information to requesters when they ask for it whether it be for their requests or their administrative appeals.

Please also know that the President's FOIA Memorandum (available online at [www.whitehouse.gov/the\\_press\\_office/FreedomofInformationAct/](http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/)) and the Attorney General's FOIA Guidelines ([www.justice.gov/sites/default/files/ag/legacy/2009/06/24/foia-memo-march2009.pdf](http://www.justice.gov/sites/default/files/ag/legacy/2009/06/24/foia-memo-march2009.pdf)) call on agencies "to work 'in a spirit of cooperation' with FOIA requesters." The Attorney General's Guidelines also emphasize that agencies should avoid unnecessary bureaucratic hurdles when administering the law.

In cases such as this where an agency declines to provide information about an appeal, there is little assistance OGIS can offer. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,



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

cc: Bobby Talebian, Chief, FOIA Compliance Staff, DOJ/OIP  
Darrell Strayhorn, FOIA & Privacy Act Appeals Officer, DOI  
Edward Keable, Deputy Solicitor-General, DOI

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.