



OFFICE of GOVERNMENT INFORMATION SERVICES

September 28, 2015 — Sent via U.S. Mail

NATIONAL  
ARCHIVES  
and RECORDS  
ADMINISTRATION

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[REDACTED]

Re: Case No.: 201501116  
NG: CM: KG

Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on August 24, 2015 via U.S. mail. Your request for assistance pertains to your records request to the Federal Bureau of Prisons (BOP).

OGIS was created to complement existing Freedom of Information Act (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. Please know that 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. OGIS then decides how and whether to proceed on the request for assistance.

OGIS staff carefully reviewed the correspondence you submitted with your request for assistance. You submitted a FOIA request to BOP for [REDACTED]

[REDACTED] Though you did not provide OGIS with a copy of BOP's response letter, it appears that the agency withheld [REDACTED] under FOIA Exemptions 6, 7(C), and 7(F). You appealed this determination. The Department of Justice's Office of Information Policy (OIP) affirmed this determination on June 4, 2015.

In your request, you asked for records about [REDACTED]. When you request access to records about an individual other than yourself (a third party), please know that in order to protect that individual's personal privacy, both the FOIA and the Privacy Act of 1974 prohibit the government from releasing information about the third party without his or her written consent, or proof of his/her death, or without a showing of an overriding public interest in disclosure of the information. Your request did not include this information; therefore, BOP withheld [REDACTED] you

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requested, in part, under Exemptions 6 and 7(C) to protect the information of the other individuals mentioned in the records.

FOIA Exemptions 6 and 7(C) protect personal privacy interests. FOIA Exemption 6, 5 U.S.C. § 552(b)(6), protects information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), is limited to information compiled for law enforcement purposes and protects personal information when disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy.”

In considering withholding records under Exemptions 6 and 7(C), an agency must weigh the interest in public disclosure against an individual’s right to privacy. Courts have consistently held that the central purpose of FOIA is to allow people to learn about the conduct of agencies, not to discover information about other individuals. The U.S. Supreme Court held that “the statutory purpose [of FOIA] is not fostered by disclosure of information about private citizens that is accumulated in various governmental files but that reveals little or nothing about an agency’s own conduct.” *U.S. Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989). BOP protects the identity of third parties in much the same way that it would protect your identity were it to receive a request for your records from anyone other than you.

FOIA Exemption 7(F), 5 U.S.C. § 552(b)(7)(F), applies to information compiled for law enforcement purposes that “could reasonably be expected to endanger the life or physical safety of any individual.” Courts have extended Exemption 7(F)’s protections to include information about inmates, law enforcement officers, confidential sources and *third parties*. Please know that courts have given federal agencies broad latitude to withhold information under Exemption 7(F) when there is reasonable cause to believe that disclosure of the information risks physical harm to any individual. In your case, the agency determined that the redacted information, if released, could pose such a risk.

In your correspondence to OGIS you assert that you are [REDACTED] and have no other choice but to sue them. BOP informed OGIS that inmates can use the BOP Administrative Remedy Process to report issues related to an inmate’s incarceration. We included with this letter the BOP’s Administrative Remedy Program Policy. If you wish to pursue the Administrative Remedy Process you need to obtain a Request for Administrative Remedy Form, (Form BP-9) (BP-22) from institution staff, and follow the instructions in the attached policy.

I hope you find this information useful in understanding why the BOP responded to your request as it did. 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/

JAMES V.M.L. HOLZER  
DIRECTOR

cc: Matthew Hurd, Senior Attorney, Department of Justice, Office of Information Policy

Enclosure