



OFFICE *of* GOVERNMENT INFORMATION SERVICES

March 2, 2016—Sent via email

██████████  
██████████

Re: Case No.: 201600195  
NG: HK: CM

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

8601 ADELPHI ROAD  
OGIS  
COLLEGE PARK, MD  
20740-6001

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Dear ██████████:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on November 17, 2015 via fax. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the National Aeronautics and Space Administration (NASA).

As you may be aware, 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.

We carefully reviewed your submission of information, and we understand that you made a request to NASA for specific records related to the ██████████. NASA withheld the records responsive to your request in full pursuant to FOIA Exemptions 3 and 6, 5 U.S.C. §§ 552(b)(3) and (b)(6). You appealed that response, and NASA upheld its initial determination on your request. You ask for OGIS's assistance with this matter.

In response to your submission, we contacted NASA's FOIA office to discuss the agency's response to your request. NASA FOIA staff affirmed the agency's position on the records you seek. In cases such as this where an agency is firm in its position, there is little for OGIS to do beyond providing more information about the agency's actions.

Regarding NASA's use of FOIA Exemption 3, this exemption authorizes the withholding of agency records on subject matter exempt from disclosure by statute, provided that such statute, "requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or establishes particular criteria for withholding or refers to the types of material to be withheld." In this case, 22 U.S.C. § 2751 applies. We discussed the application of this statute with NASA's FOIA staff, and the agency declined to provide any additional information other than referring OGIS staff to its final response and confirming its decision in this matter.



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I hope you find this information useful in understanding why NASA withheld the material it did in response to your request. 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: NASA FOIA

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.