



OFFICE of GOVERNMENT INFORMATION SERVICES

August 15, 2016 — Sent via email

[REDACTED]

Re: Case No. 201600891  
NG: CM: KG

NATIONAL  
ARCHIVES  
and RECORDS  
ADMINISTRATION

8601 ADELPHI ROAD  
OGIS  
COLLEGE PARK, MD  
20740-6001

web: [www.ogis.archives.gov](http://www.ogis.archives.gov)  
e-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
phone: 202-741-5770  
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Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on June 5, 2016 via email. Your request for assistance pertains to your records request to the Department of Justice (DOJ), Federal Bureau of Investigation (FBI).

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. This process helps us gather necessary background information, assess whether the issues are appropriate for mediation, and determine the willingness of the parties to engage in our services. As part of our information gathering, OGIS carefully reviewed your submission of information regarding your FBI records request.

You made a request to the FBI on [REDACTED] for documents related to [REDACTED]

[REDACTED] The FBI divided your requests into two separate request. [REDACTED] pertains to your request for records [REDACTED]

[REDACTED] . [REDACTED] pertains to your request for records related to [REDACTED]



██████████  
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**Request No.** ██████████

On ██████████, the FBI responded to your request for documents related to ██████████, denying your request pursuant to FOIA Exemption 6 and 7(C), 5 U.S.C. §552a (b)(6) and (b)(7)(C). You provided additional correspondence to the FBI dated ██████████ about this denial, and the FBI reaffirmed its denial based on your additional correspondence on ██████████. On ██████████ you appealed this determination.

**Request No.** ██████████


On ██████████ the FBI responded to your request for documents related ██████████. The agency's letter informed you that it conducted a search of the Central Records System but were unable to identify main file records responsive to your request. The agency also cited FOIA Exemption 7(E), 5 U.S.C. §552a (b)(7)(E), to neither confirm or deny the existence of ██████████ on any watch list. You appealed this determination on ██████████. OIP assigned your appeal number ██████████.

On ██████████ OIP responded to your appeals. OIP explained that the office administratively closed Appeal No. ██████████ as a duplicate, of Appeal No. ██████████. In the determination letter, OIP explained that the office reviewed your appeal of your request for documents pertaining to ██████████. While OIP affirmed FBI's search for records pertaining ██████████, it did, however, remand that aspect of your request for the ██████████ back to the FBI for further processing, since the FBI did not initially address that portion of your request.

OGIS contacted the FBI to obtain the status of the remanded request. According to FBI staff, the agency sent a letter to you on ██████████ to inform you that your request was reopened as a result of OIP's remand. A search for any responsive records is underway.

In regards to the agency's use of Exemption 7(E), the FBI routinely informs all FOIA requesters that it can neither confirm nor deny the existence of their names on a watch list. As OIP informed you in its ██████████ response to your appeal, the FBI's response is standard and does not indicate whether watch list records pertaining to you exist.

In neither confirming nor denying that ██████████ is in the Government's "Terrorist Screening Database," the FBI cited FOIA Exemption 7(E). Exemption 7(E) authorizes an agency to withhold information compiled for law enforcement purposes that "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law." In the case of watch lists, confirmation that an individual is or is not included on such a list may reveal information that could assist a terrorist organization in circumventing the law by determining which of its members are likely to be questioned or detained. Federal courts have consistently held that records pertaining to terrorism watch lists are appropriately withheld under Exemption 7(E).

  
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I hope that this information about your requests is useful to you. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

/s/

NIKKI GRAMIAN

Acting Director

cc: Michael Seidel, FOIA Public Liaison, Federal Bureau of Investigation

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.