

October 30, 2014

Miriam Nisbet, Director  
Office of Government Information Services (OGIS)  
National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

**Re: Impermissible Administrative Closures**

Dear Director Nisbet,

The undersigned organizations are writing to inform the Office of Government Information Services (“OGIS”), as the FOIA Ombudsman, of a particular problem with administration of the Freedom of Information Act (“FOIA”) by the Transportation Security Agency (“TSA”), the Department of Justice (“DOJ”), the Environmental Protection Agency (“EPA”), the Department of State (“State”), Federal Emergency Management Agency (“FEMA”) and other agencies. Federal agencies are improperly closing FOIA requests and breaching their obligations under the FOIA. We are writing to ask that you proceed with an investigation of this matter.

FOIA requesters have reported frequently encountering improper administrative closures across a variety of federal agencies. We are including evidence of several examples. Attachments 1, 3-8. One particularly troubling instance of administrative closure arose from a request that the Electronic Privacy Information Center (“EPIC”) made to the TSA.

Over the years, EPIC and other organizations have pursued many FOIA requests submitted to the TSA. This is a reflection of the significant role that the agency plays in collecting information on Americans and undertaking controversial screening activities. *See e.g.* EPIC v. TSA, Case No. 11-0290 (RWR) (D.D.C. filed Feb. 2, 2011). EPIC has frequently faced substantial delays caused by the TSA, and has been forced to file suit to obtain documents that the agency has failed to disclose within the deadline mandated by the Act. *Id.*

On May 21, 2014, EPIC received a response from TSA regarding a FOIA request EPIC had filed with the agency in June 2010. *See* Attachment 1, 2. In the letter, the agency stated:

Before we begin this time-consuming review process, we want to ensure that you are still interested in continuing the processing of this request. Please indicate your continued interest in pursuing these records within 20 days from the date of this letter. Accordingly, we ask that you respond to this notice by June 9, 2014. If we do not receive your response by that date, we will assume you are no longer interested in this FOIA request, and the case will be administratively closed. (emphasis added)

## Attachment 2.

After waiting four years to respond to EPIC's request, the agency informed EPIC that if EPIC did not reply to TSA's letter within 20 days, the agency would automatically close EPIC's FOIA request. The agency cited no statutory basis for closing the request, nor did it advise EPIC of any appeal rights regarding this decision. *See id.* In fact, the agency did not even tell EPIC where to address a response. *See id.*

The FOIA plainly states:

Except with respect to the records made available under paragraphs (1) and (2) of this subsection, and except as provided in subparagraph (E), each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

5 U.S.C. §552(A)(3).

In TSA's response to EPIC, the agency did not attempt to argue that EPIC's request did not reasonably describe records or that EPIC's request did not comply with the agency's regulations. In other words, it presented no evidence as to why it should not simply process the request. *See Attachment 2.*

We know of no provision in the Act that allows for administrative closure simply due to the lapse of time, and in this case, the delay was only caused by the TSA. Nor is there a provision under the DHS FOIA Regulations (6 C.F.R. 5) that allows for administrative closure due to the age of a request. In fact, under the agency's current regulations, the only scenario under which DHS is permitted to administratively close a request is if a requester fails to agree to pay fees. 6 C.F.R. 5.3(c) ("If you do not provide a firm commitment to pay the anticipated fee within the time period specified by the component, the request will be administratively closed.")

Other FOIA requesters, including some of the undersigned requesters, have received similar letters. We have attached letters by the DHS, FEMA, DOJ, EPA, and State. Attachments 3-8. In meetings with transparency advocates, the Department of Justice's Office of Information has publicly stated that it supports this practice.

We know agencies often have insufficient resources to devote to FOIA requests and we certainly agree those resources should not be consumed satisfying requests in which the requester no longer has an ongoing interest. But the approach discussed above goes well beyond addressing this concern, and runs the risk legitimate FOIA requests will be improperly closed because the requester fails to respond within an arbitrary time period the agency has imposed.

We ask that OGIS investigate this practice and its impact on FOIA requesters as a barrier to pursuing government records. How often are letters like the one that EPIC received sent to requesters? How widespread is this practice across federal agencies? What is the source of this tactic – what trainings and guidance created it? What percentage of requests subject to administrative closure letters end up being closed?

Based on this investigation, the undersigned organizations request that OGIS develop guidance advising agencies how to deal with the issue of older requests in a manner that complies with the FOIA, yet recognizes the agency interest in conserving scant FOIA resources. We further request that OGIS publish a report of its findings in this matter.

Thank you for your attention to this matter. We look forward to your continued work on this issue. If you would like to follow up with us regarding this investigation, please contact Ginger McCall, Director, EPIC Open Government Project at [mccall@epic.org](mailto:mccall@epic.org) or (202) 483-1140 x 111.

Sincerely,

Cause of Action  
Center for Effective Government  
Citizens for Responsibility and Ethics in Washington  
Electronic Privacy Information Center  
Government Accountability Project  
James Madison Project  
Law Offices of Mark Zaid  
MuckRock  
National Security Archive  
National Security Counselors  
[Openthegovernment.org](http://Openthegovernment.org)  
Project on Government Oversight  
Public Employees for Environmental Responsibility  
Sunlight Foundation



June 11, 2010

VIA U.S. MAIL (CERTIFIED DELIVERY)  
 Mary Ellen Callahan  
 Chief Privacy Officer/Chief FOIA Officer  
 The Privacy Office  
 U.S. Department of Homeland Security  
 245 Murray Drive SW, Building 410  
 STOP-0655  
 Washington, D.C. 20528-0655

1718 Connecticut Ave NW  
 Suite 200  
 Washington DC 20009  
 USA  
 +1 202 483 1140 [tel]  
 +1 202 483 1248 [fax]  
 www.epic.org

RE: Freedom of Information Act Request and Request for Expedited Processing

Dear Ms. Callahan:

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center ("EPIC"). EPIC seeks the results of the operational environment testing for Full Body Scanning ("FBS") devices and all other related reports, memoranda, or other records.<sup>1</sup>

### Background

FBS devices are currently used by the Transportation Security Administration ("TSA"), a component of the Department of Homeland Security ("DHS"), to screen air travelers as they pass through TSA's airport security checkpoints.<sup>2</sup> The TSA currently has deployed two types of FBS devices in domestic airports: backscatter and millimeter wave.<sup>3</sup> Full body imaging produces unique, detailed, three-dimensional images of individuals which can identify individual passengers. The searches have been described by security experts as the equivalent of "a physically invasive strip-search."<sup>4</sup>

<sup>1</sup> FBS includes all advanced imaging technology ("AIT") used by the Transportation Security Administration ("TSA") to screen passengers for security purposes at domestic airports.

<sup>2</sup> Letter from Sen. Susan Collins, Sen. Saxby Chambliss, and Sen. Jon Kyl to Sec'y Janet Napolitano, U.S. Dep't. of Homeland Security (Apr. 12, 2010) *available at* [http://hsgac.senate.gov/public/index.cfm?FuseAction=Press.MinorityNews&ContentRecord\\_id=f8689ee7-5056-8059-767f-091debe8eae4](http://hsgac.senate.gov/public/index.cfm?FuseAction=Press.MinorityNews&ContentRecord_id=f8689ee7-5056-8059-767f-091debe8eae4).

<sup>3</sup> TSA: Imaging Technology, [http://www.tsa.gov/approach/tech/imaging\\_technology.shtm](http://www.tsa.gov/approach/tech/imaging_technology.shtm) (last visited June 7, 2010).

<sup>4</sup> Joe Sharkey, *Whole-Body Scans Pass First Airport Tests*, N.Y. Times, Apr. 6, 2009, *available at* [http://www.nytimes.com/2009/04/07/business/07road.html?\\_r=1](http://www.nytimes.com/2009/04/07/business/07road.html?_r=1); Schneier on Security, June 9, 2005, [http://www.schneier.com/blog/archives/2005/06/backscatter\\_x-r.html](http://www.schneier.com/blog/archives/2005/06/backscatter_x-r.html) ("[whole body

In the past the intrusive passenger imaging has been called “whole body imaging” and “digital strip searches.”<sup>5</sup> Recently the TSA rebranded the FBS program, changing the descriptive, “whole body imaging” name to the vague, “advanced imaging technology.”<sup>6</sup>

In February 2007, the TSA began testing whole body imaging on air travelers in domestic airports.<sup>7</sup> In April 6, 2009, TSA’s plans to replace the walk-through metal detectors at airport checkpoints with whole-body imaging became public.<sup>8</sup> Despite travel complaints and public outcry, in March 2010, the TSA began deploying 450 FBS units throughout the United States.<sup>9</sup> In the face of mounting controversy and evidence regarding safety and privacy issues, the TSA has avoided addressing these issues by continually providing various hollow assurances regarding safety and privacy of whole body imaging.

The effectiveness of the FBS program is questionable. While the TSA asserts that FBS can detect metallic and non-metallic threats, including weapons and explosives, other sources and the device specifications indicate that some non-metallic threats, such as powdered explosives, may not be detectable by FBS.<sup>10</sup>

---

imaging] technology is incredibly intrusive. I don't think that people should be subjected to strip searches before they board airplanes.”) (last visited June 11, 2010).

<sup>5</sup> See Whole Body Imaging Technology, EPIC, <http://epic.org/privacy/airtravel/backscatter/> (last visited June 4, 2010); TSA: Whole Body Imaging, [http://www.tsa.gov/approach/tech/body\\_imaging.shtm](http://www.tsa.gov/approach/tech/body_imaging.shtm) (last visited Apr. 10, 2009, no longer available); The Privacy Coalition, <http://www.stopdigitalstripsearches.org/> (last visited June 7, 2010).

<sup>6</sup> U.S. GOV’T ACCOUNTABILITY OFFICE, STATEMENT FOR THE RECORD TO THE COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, HOMELAND SECURITY: BETTER USE OF TERRORIST WATCHLIST INFORMATION AND IMPROVEMENTS IN DEPLOYMENT OF PASSENGER SCREENING CHECKPOINT TECHNOLOGIES COULD FURTHER STRENGTHEN SECURITY, Jan. 27, 2009 at unpaginated Highlights page, available at <http://www.gao.gov/new.items/d10401t.pdf>; see also TSA: Whole Body Imaging, *supra* at 5; TSA: Imaging Technology, *supra* at 3.

<sup>7</sup> *Supra* note 3.

<sup>8</sup> Joe Sharkey, *Whole-Body Scans Pass First Airport Tests*, N.Y. Times, April 6, 2009, available at [http://www.nytimes.com/2009/04/07/business/07road.html?\\_r=2](http://www.nytimes.com/2009/04/07/business/07road.html?_r=2).

<sup>9</sup> *Id.*

<sup>10</sup> *Supra* note 3; TSA Procurement Specifications at 4 (requiring that body scanners to detect liquid, but not powdered material) available at [http://epic.org/open\\_gov/foia/TSA\\_Procurement\\_Specs.pdf](http://epic.org/open_gov/foia/TSA_Procurement_Specs.pdf). See also Spencer S. Hsu, *GAO says airport body scanners may not have thwarted Christmas Day bombing*, Wash. Post, March 18, 2010, also available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/17/AR2010031700649.html>; Jane Merrick, *Are Planned Airport Scanners Just a Scam?*, THE INDEPENDENT, Jan. 3, 2010, available at <http://www.independent.co.uk/news/uk/home-news/are-planned-airport-scanners-just-a-scam-1856175.html> (noting that body-scanners “have been touted as a solution to the problem of detecting ... liquids, chemicals or plastic explosive. But Ben Wallace, the Conservative MP, who was formerly involved in a project by a leading British defence research firm to develop the scanners for airport use, said trials had shown that such low-density materials went undetected.”).

An October 2009, U.S. Government Accountability Office (“GAO”) report states the TSA expected to complete operational testing on FBS by the end of the 2009 fiscal year.<sup>11</sup> A later GAO report indicates that the TSA stated that it had completed the operational testing of FBS by the end of 2009.<sup>12</sup>

### Documents Requested

EPIC requests copies of the following agency records in the possession of DHS:

1. All documents and communications concerning testing of “Advanced Imaging Technology” in control and operational settings.

### Request for Expedited Processing

This request warrants expedited processing because it is made by “a person primarily engaged in disseminating information ...” and it pertains to a matter about which there is an “urgency to inform the public about an actual or alleged federal government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II) (2008); *Al-Fayed v. CIA*, 254 F.3d 300, 306 (D.C. Cir. 2001).

EPIC is “primarily engaged in disseminating information.” *American Civil Liberties Union v. Department of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004).

There is a particular urgency for the public to obtain information about the privacy implications of the TSA's whole body imaging program. The TSA is presently expanding its FBS program to be used as the primary screening method in all domestic airports.<sup>13</sup> The system is capable of generating, displaying, and storing detailed images of travelers that are so graphic that security experts liken them to virtual “strip searches.” While the TSA claims that the FBS devices are effective at detecting such threats as small amounts of powder, documents TSA has produced present evidence to the contrary.<sup>14</sup> The documents requested by EPIC will inform the public about the effectiveness of these controversial scanners.

---

<sup>11</sup> U.S. GOVERNMENT ACCOUNTABILITY OFFICE, REPORT TO CONGRESSIONAL REQUESTERS, AVIATION SECURITY: DHS AND TSA HAVE RESEARCHED, DEVELOPED, AND BEGUN DEPLOYING PASSENGER CHECKPOINT SCREENING TECHNOLOGIES, BUT CONTINUE TO FACE CHALLENGES, Oct. 2009 at 35, available at <http://www.gao.gov/new.items/d10128.pdf> (Operational testing of the THz and GHz technologies were estimated to be completed in the 2009 and 2010 fiscal years, see note d).

<sup>12</sup> *Supra* at note 6.

<sup>13</sup> *An Assessment of Checkpoint Security: Are Our Airports Keeping Passengers Safe?: Hearing Before the Subcomm. On Transp. Sec. and Infrastructure Prot.*, 111<sup>th</sup> Cong. (2010) (statement of Robin Kane, Assistant Administrator, Operational Process and Technology, Transportation Security Administration), also available at <http://hsc.house.gov/SiteDocuments/20100317140301-14594.pdf>.

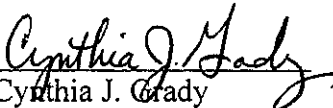
<sup>14</sup> TSA Procurement Specifications, *supra* note 10.

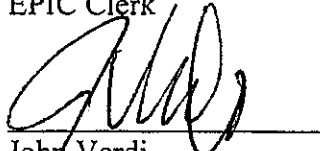
Request for "News Media" Fee Status

EPIC is a "representative of the news media" for fee waiver purposes. *EPIC v. Department of Defense*, 241 F. Supp. 2d 5 (D.D.C. 2003). Based on our status as a "news media" requester, we are entitled to receive the requested record with only duplication fees assessed. Further, because disclosure of this information will "contribute significantly to public understanding of the operations or activities of the government," any duplication fees should be waived.

Thank you for your consideration of this request. As provided in 6 C.F.R. § 5.5(d)(4), I will anticipate your determination on our request for expedited processing with ten (10) calendar days.

Respectfully submitted,

  
Cynthia J. Grady  
EPIC Clerk

  
John Verdi  
Director, Open Government Project



Transportation  
Security  
Administration

MAY 20 2014

3600.1

FOIA Case Number: 2010-TSFO-00613

Old Case Number: TSA10-0642

Cynthia Grady  
EPIC  
1718 Connecticut Ave, NW  
Suite 200  
Washington, DC 20009

Dear Ms. Grady:

This letter pertains to your June 11, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS). DHS referred your request to the Transportation Security Administration (TSA) for processing and a direct response to you. You requested documents concerning Advanced Imaging Technology (AIT) control and operational testing.

We regret that we did not advise you that due to the increasing number of FOIA requests received by this office, we could encounter some delay in processing your request. We are advising you now and sincerely apologize for the delay and any inconvenience it may have caused. However, we want to let you know that we have been making earnest and diligent efforts to reduce the backlog of cases, and that your file is scheduled to be reviewed in the near future.

Before we begin the time-consuming review process, we want to ensure that you are still interested in continuing the processing of this request. Please indicate your continued interest in pursuing these records within 20 days from the date of this letter. **Accordingly, we ask that you respond to this notice by June 9, 2014.** If we do not receive your response by that date, we will assume you are no longer interested in this FOIA request, and the case will be administratively closed.

In an effort to maintain a more robust/efficient process to streamline reporting requirements, the TSA, through the Department of Homeland Security, converted to a new FOIA tracking system in October 2013. This modification has resulted in the inability to continue tracking requests with the tracking number assigned by the old system, and changed our naming convention. We are referencing both old and new tracking numbers in our response. We apologize for any confusion this may cause and appreciate your understanding.



If you have any questions regarding this matter, please refer to 2010-TSFO-00613. We can be reached at 1-866-364-2872 or locally at 571-227-2300 or by email at [FOIA@tsa.dhs.gov](mailto:FOIA@tsa.dhs.gov).

Sincerely,

A handwritten signature in cursive script that reads "Amanda Deplitch".

Teri M. Miller or Amanda Deplitch  
Acting FOIA Branch Officers



**DEPARTMENT OF HOMELAND SECURITY**  
UNITED STATES SECRET SERVICE  
WASHINGTON, D.C. 20223

Freedom of Information Act & Privacy Acts Branch  
Communications Center  
245 Murray Lane, S.W., Building T-5  
Washington, D.C. 20223

Date: AUG 22 2014

Shawn Musgrave  
P.O. Box 55819  
Boston, MA 02205-5819

File Number: 20131468

Dear Requester:

Reference is made to your Freedom of Information Act/Privacy Acts (FOIA/PA) request which was originally submitted to the United States Secret Service (USSS) on September 16, 2013, for information pertaining to all records on, about, mentioning, or concerning Margaret Hilda Thatcher, Baroness Thatcher, nee Robert (13 October 1925 - 8 April 2013)

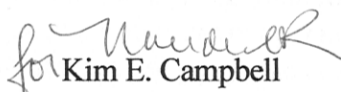
In our acknowledgement letter to you, dated September 30, 2013, we advised you that due to the increasing number of FOIA requests received by this office, we could encounter some delay in processing your request. We sincerely apologize for the delay and any inconvenience it may have caused. However, we want to let you know that we have been making every effort to reduce the backlog of cases, and your file is scheduled to be reviewed in the near future.

Before we continue the time-consuming review process, we want to ensure that you are still interested in continuing with the processing of the request. If you are still interested in pursuing your request, please notify this office within thirty (30) days of the date of this letter, by writing to the above captioned address. Please note that failure to respond, within 30 days of the above date, will result in the administrative closure of your file.

If you have any questions or would like to discuss this matter, please contact this office at (202) 406-5838. Please use the file number indicated above in all future correspondence with this office.

Thank you for your continued patience and cooperation in this matter.

Sincerely,

  
for Kim E. Campbell  
Special Agent In Charge

Freedom of Information Act & Privacy Acts Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF INTERNATIONAL  
AND TRIBAL AFFAIRS

June 26, 2014

Mr. Nate Jones  
The National Security Archive  
The George Washington University  
Gelman Library, Suite 701  
2130 H Street, NW  
Washington, DC 20037

20101219EPA034                      EPA  
RECNO:42801                      SEQCOR:178688  
6/30/2014                          FOISG: Jones, Nate

20101214EPA033                      EPA  
RECNO:42796                      SEQCOR:178687  
6/30/2014                          FOISG: Jones, Nate

Request Number/Subject: See attached

Dear Mr. Nate Jones:

We are writing you in regard to your Freedom of Information Act (FOIA) requests.

According to our records, your requests are still pending with the Agency. As part of an ongoing effort, we are writing to determine whether you are still interested in having your FOIA requests processed. If you are still interested in having your FOIA requests processed, please notify Vanessa Fleeton in writing within 10 days of the date of this letter. You can either mail your response to us at EPA/OITA/OMIS, 1200 Pennsylvania Avenue NW, Mail code 2680R, Washington, DC 20460; fax your response to us at (202) 565-2427; or email us at [fleeton.vanessa@epa.gov](mailto:fleeton.vanessa@epa.gov).

If we do not hear from you within 10 days of the date of this letter, we assume you are no longer interested in having EPA search for the documents you requested and we will close your file. If you have any questions, please contact Vanessa Fleeton on (202) 564-4762.

EPA  
SEQCOR:178689  
FOISG: Jones, Nate  
  
20101228EPA035  
RECNO:42810  
6/30/2014

20101188EPA032                      EPA  
RECNO:42768                      SEQCOR:178686  
6/30/2014                          FOISG: Jones, Nate

20101148EPA031                      EPA  
RECNO:42721                      SEQCOR:178685  
6/30/2014                          FOISG: Jones, Nate

Sincerely,

Dennis Cunningham, Deputy Director  
Office of Management & International  
Services

Attachment

20100821EPA022                      EPA  
RECNO:42345                      SEQCOR:178684  
6/30/2014                          FOISG: Jones, Nate

20100541EPA011                      EPA  
RECNO:42013                      SEQCOR:178683  
FOISG: Jones, Nate  
NSPD-66/HSPD-25



**FEMA**

**DEC 04 2013**

Mr. Jason Smathers  
MuckRock News  
DEPT MR 1126  
P.O. Box 55819  
Boston, Massachusetts 02205-5819

Re: **FEMA 12-321 (2013-FEFO-00430)**

Dear Mr. Smathers:

This letter pertains to your February 24, 2012, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested all records referencing the five oldest FOIA and Privacy Act requests which are still being processed including the request letters. Your request was received in this office on February 27, 2012.

By letter, dated February 27, 2012, we advised you that due to the increasing number of FOIA requests received by this office, we could encounter some delay in processing your request. We sincerely apologize for the delay and any inconvenience it may have caused. However, we want to let you know that we have been making earnest and diligent efforts to reduce the backlog of cases, and that your file is scheduled to be reviewed in the near future.

Before we begin the time-consuming review process, we want to ensure that you are still interested in continuing the processing of this request. Please indicate your continued interest in pursuing these records within 7 days from the date of this letter, or we will assume you are no longer interested in this FOIA request, and the case will be administratively closed.

If you have any questions regarding this matter, please refer to **FEMA 12-321 (2013-FEFO-00430)**. We can be reached at (202) 646-3323 or electronically at [FEMA-FOIA@dhs.gov](mailto:FEMA-FOIA@dhs.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Cochran".

Terry Cochran  
Chief, Disclosure Branch  
Records Management Division  
Mission Support Bureau



U.S. Department of Justice

Office of Information Policy

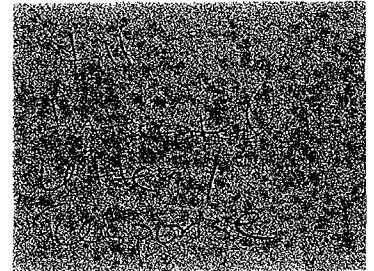
Telephone: (202) 514-3642

Washington, D.C. 20530

First Amendment Fellow  
Legal Department  
The New York Times  
620 8<sup>th</sup> Avenue  
Eighteenth Floor  
New York, NY 10018

Re: OLP/09-R0858  
DAG/10-R0805  
OLP/10-R0806  
LAD:JBG

OCT 27 2010



To Whom It May Concern:

This is in reference to the Freedom of Information Act (FOIA) requests in which your organization requested Department of Justice records related to the service and nomination of two individuals to serve as federal judges. This response is made on behalf of the Office of Legal Policy.

As you may be aware, your organization currently has two FOIA requests pending in this Office. These requests were sent by Jacob Goldstein and his predecessor, Itai Maytal. The requests sought Department of Justice records in connection with the nomination of Sonia Sotomayor to the Second Circuit Court of Appeals in 1997, and in connection with Merrick B. Garland during his time as a Principal Deputy Attorney General from 1994-1997 and as a nominee to the United States District Court for the District of Columbia from 1995-1997. Mr. Goldstein informed the FOIA Specialist working on these requests, that he would no longer be with your organization after August 31, 2010, but he indicated that he would provide a new point of contact for these requests. However, no information was conveyed to OIP before, nor immediately after this date. As we no longer have a point of contact for these requests, and are unclear of any continued interest, we are hereby inquiring into your continued interest in the currently pending requests listed below (for your information, OIP assigned the request for records on Merrick B. Garland two tracking numbers based on the scope of the records sought):

OLP/09-R0858 - Records on Judge Sotomayor  
DAG/10-R0805 - Records on Merrick B. Garland  
OIP/10-R0806 - Records on Merrick B. Garland

If you do not indicate continued interest in these requests within fourteen days of the date of this letter, I will assume you are not interested in pursuing these requests and I will administratively close this case. If you do indicate your organization's continued interest, we will continue to process your request.

Sincerely,

Laurie A. Day  
Chief, Initial Request Staff

**From:** "elmore.roxann@epa.gov" <elmore.roxann@epa.gov>  
**Date:** July 1, 2014 at 11:06:03 AM EDT  
**To:** "abennett@openthegovernment.org" <abennett@openthegovernment.org>  
**Subject:** EPA-HQ-2013-004333 re: Job Series

07/01/2014 11:02 AM

Good morning Ms.Bennett,

Please let me know if you still request the information pertaining to the above subject I assign it to the appropriate office. Please let me know no later than July 17, 2014, otherwise case closed, thank you.

Pursuant to the federal Freedom of Information Act, 5 U.S.C. Sec. 552, I request access to documents that reflect what the agency has done to implement the recently-created FOIA Government Information Series, 0306. According to the Office of Personnel Management Memorandum for Chief Human Capital Officers accompanying the Position Classification Government Information Series, 0306, agencies are required to apply new or updated positions within 12 months of the date of issuance. I would like access to and copies of the agency has done to meet the up-coming March 9th implementation deadline.

I would like to receive the information in the following format: electronic. Openthegovernment.org be charged search or review fees for this request because each organization qualifies as "news media" pursuant to the FOIA.

OpenTheGovernment.org is a coalition of journalists, consumer and good government organizations, labor and others united to make the federal government a more transparent, safer, strengthen public trust in government, and support our democratic principles. OpenTheGovernment.org's primary objectives is to "raise the visibility of a secrecy/open work with the media, through our website, and through coordination with our partners, accomplish this goal, OTG routinely and systematically disseminates information through policy and news updates. OTG engages in analysis and produces reports on developments which are widely disseminated to the public. Please justify all deletions by reference to FOIA to release all segregable portions of otherwise exempt material.OIA Request: EPA-HQ



Nate Jones <foiadesk@gmail.com>

---

## John Prados FOIA Request F-2007-04344

---

Gifford, Wesley P <GiffordWP@state.gov>  
To: "foiamail@gwu.edu" <foiamail@gwu.edu>

Mon, Oct 20, 2014 at 10:19 AM

Dear Mr. Prados:

The Office of Information Programs and Services ("IPS") is in the process of reviewing open Freedom of Information Act ("FOIA") requests and would like to apologize for the delays so far in processing your request, F-2007-04344.

The State Department's mission is global in nature and in turn the records that document our mission are global in nature too. The Department maintains its records both domestically and at hundreds of posts located around the world. Moreover, many of the Department's records contain national security information and are classified pursuant to executive order or other sensitive information that is exempt from release under the FOIA. All of these factors combine to make for a complex and lengthy administrative FOIA process. We sincerely regret the delay in processing your request and are providing you with this status update to keep you informed about your case. IPS receives, on average, more than 17,000 FOIA requests each fiscal year and works very hard to respond to all requests in as timely a manner as possible.

In an effort to better manage our workload, we would like additional information from you as to whether you would like to narrow the scope of your request to hasten processing or if circumstances have changed and you are no longer interested in pursuing your request. We would greatly appreciate it if you would contact the Department by responding to this e-mail, or by fax or letter, confirming how you would like us to proceed with the processing of your request. If we do not receive a response within 15 calendar days of this email, we will conclude you are no longer interested in the request, and it will be administratively closed. If for some reason you open this email more than 15 calendar days after its date and do not want your request to be closed, please contact us to discuss whether you would like it reinstated in its original place in our queue.

If you need to contact this office please send a letter to the address below:

Office of Information Programs and Services

A/GIS/IPS/EAN, Room 8100

U.S. Department of State, SA-2

Washington, D.C. 20522-8100

You may also contact us by telephone [\(202\) 261-8484](tel:202-261-8484) or fax [\(202\) 261-8579](tel:202-261-8579). When replying to an e-mail message please include current e-mail, telephone, or address updates that will allow us to reach you.

Please be sure to refer to your request number in all correspondence about this case.

Sincerely,

**Wesley P Gifford**

Department of State

Program Analyst

This email is UNCLASSIFIED.