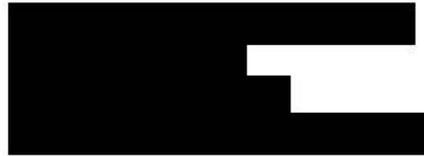




OFFICE of GOVERNMENT INFORMATION SERVICES

February 4, 2015 — Sent via email



Re: Case No. 201400856
NG: CM: AS

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

web: www.ogis.archives.gov
e-mail: ogis@nara.gov
phone: 202-741-5770
toll-free: 1-877-684-6448
fax: 202-741-5769

Dear [REDACTED]:

This responds to your August 18, 2014 request for assistance from the Office of Government Information Services (OGIS), which we received by email. Your request for assistance pertains to your appeal, No. [REDACTED], to U.S. Citizenship and Immigration Services (USCIS) seeking information pertaining to your relative, [REDACTED].

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 contacted USCIS staff to inquire about your request. USCIS initially identified three pages that were responsive to your request. Of those documents, USCIS provided you two pages without redaction. USCIS used FOIA Exemption 6 to partially withhold one page. Upon appeal, USCIS upheld their withholding.

Per additional information from USCIS, I will explain the exemption along with the type of information withheld.

Exemption 6, 5 U.S.C. § 552(b)(6), protects information from release that would be a “clearly unwarranted invasion of personal privacy.” Courts have found that individuals have privacy interests in their names, addresses, date of birth, place of birth and employment history, among other information, and that those privacy interests outweigh public interest in release.

This exemption exists to protect records about third parties as well as records provided by third parties. Regarding information provided by a third party to a



Federal agency, the majority of courts that have addressed the issue have held that individuals writing to the government in their personal capacity generally do so with some expectation of confidentiality unless otherwise advised in advance.

In your case, USCIS cited Exemptions 6 to withhold the two witnesses to Petition for Naturalization signed on [REDACTED]. It appears that while the witness names were not redacted, their home address was withheld.

USCIS staff reviewed all withheld information in response to [REDACTED] and determined that it was properly withheld under the applicable exemptions discussed above.

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. While I understand that this is not the result for which you hoped, I hope that this additional information about your request is useful to you. Thank you for bringing this matter to OGIS; at this time there is no further action for us to take and we will consider this matter closed.

Sincerely,



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

cc: Office of the Chief Counsel, USCIS, via email

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.