



OFFICE *of* GOVERNMENT INFORMATION SERVICES

August 18, 2016—Sent via email

██████████
██████████

Re: Case No.: 201600900
NG: HK: CM

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 ██████████:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on March 31, 2016 via email. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to U.S. Citizenship and Immigration Services (USCIS).

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 USCIS for records related to ██████████. USCIS denied your request pursuant to FOIA Exemption 6, 5 U.S.C. § 552 (b)(6). You appealed this response, explaining the importance of the records you seek. USCIS denied your appeal. You seek assistance with this matter.

In response to your submission, we contacted USCIS to discuss your request and the agency's response. USCIS affirmed its 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 USCIS's use of FOIA Exemption 6 to withhold the records you seek, this exemption protects information from release that would be a "clearly unwarranted invasion of personal privacy." Courts have found that individuals have a privacy interests in their name, address, date of birth, place of birth, employment history, and *other personal information*, and that the privacy interest in protecting that information outweighs the public interest in the release of the information.

When making release determinations pursuant to Exemptions 6, an agency must weigh the public interest against an individual's right to privacy, and it is incumbent upon the requester to demonstrate that the public interest outweighs the privacy interest. As USCIS explained in its correspondence to you, when it reviews a request for third party records, it balances the public interest question against invasion of personal privacy by considering the extent to which disclosure of the information requested "sheds light on an agency's performance of its statutory duties" and lets citizens



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know "what their government is up to." See *U.S. Dept. of Justice v. Reporters Committee for Freedom of Press*, 489 U.S. 749 (SC 1989). See *U.S. Dept. of State v. Ray*, 502 US 164 (SC 1991). 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 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 Committee for Freedom of the Press*, 489 U.S. 749, 773 (1989).

Your submission to OGIS also included correspondence from the Department of Homeland Security Office of Intelligence and Analysis (I&A) indicating that your request for records regarding [REDACTED] [REDACTED] was referred to the U.S. Department of State. OGIS staff contacted I&A to inquire about the status of that referred request. I&A informed us that the Office will contact you directly with additional information about 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/

NIKKI GRAMIAN
Acting Director

cc: USCIS FOIA
I&A 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.