



OFFICE *of* GOVERNMENT INFORMATION SERVICES

December 4, 2015—Sent via email

Ms. Lauren Harper
The National Security Archive
leharper@email.gwu.edu

Re: Case No.: 201501236
NG: CM

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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Dear Ms. Harper:

This responds to your September 23, 2015 request for assistance from the Office of Government Information Services (OGIS), which we received via email. Your request for assistance pertains to a Freedom of Information Act (FOIA) request to the Central Intelligence Agency (CIA).

As you are 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.

National Security Archive Project Director Nate Jones made a request to the CIA on February 24, 2015, for all records stored in the CIA Records Search Tool (CREST) database. In response, the CIA informed you that it considered this request to be unreasonably burdensome and that your request was therefore denied. You appealed this response, explaining that the records you seek are the same as those sought by Muckrock in the context of litigation. You asked for OGIS's assistance with this matter.

OGIS contacted the CIA to learn more about the status of this request. The CIA informed OGIS that it contacted Mr. Jones on October 30, 2015; that correspondence informed him that the agency declined to process his appeal. According to the CIA, it cited 32 C.F.R. § 1900.42 in making this determination. This section of the CIA's FOIA regulation stipulates that a requester has a right to appeal a determination, and the CIA will inform him or her of those rights in the initial response letter. The regulation further specifies that requesters may appeal fee waiver determinations, "no records" responses, and withholdings.

Regarding Mr. Jones's assertion that the CREST database was sought by MuckRock in the context of litigation, CIA FOIA staff acknowledged that



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MuckRock included this request in a larger litigation against the agency. The CIA explained that in its declaration responding to that litigation, the agency provided the same response that it provided to Mr. Jones, informing the court that it considers this request unduly burdensome. The CIA further informed OGIS that over the next four years, it will make the contents of the CREST database available on its public website.

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

Sincerely,

A handwritten signature in black ink that reads "James V.M.L. Holzer" with a stylized flourish at the end.

JAMES V.M.L. HOLZER
Director

cc: CIA 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.