



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Jeramie D. Scott, Esq.
Electronic Privacy Information Center
Suite 200
1718 Connecticut Avenue NW
Washington, DC 20009
FOIA@epic.org

Re: Appeal No. AP-2015-05369
Request No. 1326085
SRO:JMB

VIA: E-mail

Dear Mr. Scott:

You attempted to appeal from the failure of the Federal Bureau of Investigation to respond to your request for access to records concerning "any memorandum of understanding between the FBI and the Department of Defense . . . for sharing of biometric and other identity management information."

Department of Justice regulations provide for an administrative appeal to the Office of Information Policy only after there has been an adverse determination by a component. See Disclosure or Production of Records or Information, 80 Fed. Reg. 18099, 18110 (Apr. 3, 2015) (to be codified at 28 C.F.R. pt. 16.8(a)). As no adverse determination has yet been made by the FBI, there is no action for this Office to consider on appeal.


As you may know, the Freedom of Information Act authorizes requesters to file a lawsuit when an agency takes longer than the statutory time period to respond. See 5 U.S.C. § 552(a)(6)(C)(i). However, I can assure you that this Office has contacted the FBI and has been advised that your request is currently being processed. If you are dissatisfied with the FBI's final response, you may appeal again to this Office.

This Office has forwarded a copy of your letter to the FBI. You should contact the FBI's Requester Service Center at 540-868-1535 for further updates regarding the status of your request.

Sincerely,

8/31/2015

X



Sean R. O'Neill
Chief, Administrative Appeals Staff
Signed by: Sean O'Neill