



OFFICE of GOVERNMENT INFORMATION SERVICES

December 10, 2015—sent via email

Marc Rotenberg
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Dear Mr. Rotenberg:

This letter is to update you on the status of the review by the Office of Government Information Services (OGIS) of the use of “still interested” letters by Federal agencies.

EPIC and a coalition of open government groups originally raised the issue of the use of “still interested” letters to administratively close Freedom of Information Act (FOIA) requests with OGIS on October 30, 2014. On August 27, 2015, I wrote to you to let you know that I had tasked the OGIS Compliance Team with looking at the issue, and expected that OGIS would issue a report on the practice before the end of the calendar year.

OGIS’s Compliance Team has reviewed available statistics on the use of “still interested” letters by Federal agencies. One of the difficulties with this work is that agencies report the use of these letters in a variety of ways and it can be hard to distinguish cases closed by the use of “still interested” letters from other administrative closures. OGIS is following up with particular agencies to learn more about how those agencies capture and use these letters. Collecting this information and ensuring that the OGIS Compliance Team the information it needs to thoroughly review the use of the letters has taken longer than anticipated. We expect that we will release our report on the use of “still interested” letters by the end of March 2016.

Aside from launching the government-wide review of the use of “still interested” letters, since my August 27, 2015, letter to you the OGIS Compliance Team has issued assessments of FOIA compliance at the Federal Emergency Management Administration (FEMA) and the United States Coast Guard, and we hope to issue our assessment of the Transportation Security Administration’s FOIA program very soon. We reviewed the use of “still interested” letters at these FOIA units. I also wrote to the Chief FOIA Officer at the Department of Homeland Security (DHS) on September 15, 2015, to bring her attention to non-compliance with current guidance on the topic from the Department of Justice by FEMA.

Thank you again for bringing this matter to our attention. If you have any questions, please do not hesitate to contact me at 202-741-5771 or at james.holzer@nara.gov.

Sincerely,

JAMES V.M.L. HOLZER
Director

