



UNITED STATES DEPARTMENT OF COMMERCE  
Office of Inspector General  
Washington, D.C. 20230

June 14, 2013

Allan Blutstein  
Senior Counsel  
Cause of Action  
1919 Pennsylvania Ave. NW, Ste. 650  
Washington, DC 20006

Re: Freedom of Information Act Request OIG # 13-063

Dear Mr. Blutstein:

This is in response to your Freedom of Information Act (FOIA) request dated May 30, 2013, in which you seek a copy of the Department of Commerce Office of Inspector General's (OIG) response to a letter dated August 23, 2010 from Senator Charles Grassley and Representative Darrell Issa.

A search of records maintained by OIG has located three pages that are responsive to your request. We have reviewed these pages under the terms of FOIA and have determined they may be released in their entirety. Copies of the three pages are enclosed.

Please note that Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all OIG requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions, please call the Office of Counsel at (202) 482-5992.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wade Green, Jr.", with a long horizontal flourish extending to the right.

Wade Green, Jr.  
Counsel to the Inspector General

Enclosures



**UNITED STATES DEPARTMENT OF COMMERCE**  
**The Inspector General**  
Washington, D.C. 20230

September 21, 2010

The Honorable Charles E. Grassley  
Ranking Member  
Finance Committee  
United States Senate

The Honorable Darrell Issa  
Ranking Member  
Committee on Oversight and Government Reform  
United States House of Representatives

Dear Senator Grassley and Representative Issa:

This letter responds to your August 23, 2010, request that we examine the Department of Commerce's (DOC) process for responding to requests for information under the Freedom of Information Act (FOIA). In your letter, you requested that we determine "whether, and if so, the extent to which political appointees are made aware of information requests and have a role in request reviews or decision-making." We have completed our review of the Department's process for responding to FOIA requests. We found that political appointees are made aware of information requests but only have a limited effect on request reviews and are not involved in decision-making.

Our review included interviews with employees responsible for the FOIA process in the Department, including two political appointees who began their tenure during the current administration and a long-term career employee. Specifically, we interviewed the politically-appointed Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA), a politically-appointed counsel within the Office of Secretary's Office of the General Counsel (OGC), and the departmental FOIA officer, a career employee. The CFO/ASA is the Department of Commerce Agency Chief FOIA Officer as designated under Executive Order 13,392, Improving Agency Disclosure of Information. The counsel interviewed is the OGC's designated member, and de facto lead, of the DOC FOIA Coordinated Review Team (CRT). The departmental FOIA officer, who has served in her present role since 1993, is responsible for coordinating Department-wide FOIA requests and is involved in developing and implementing departmental FOIA policy and compliance.



Our review found that political appointees are made aware of FOIA requests for information as the CRT is composed entirely of political appointees representing the OGC, the Office of Legislative and Intergovernmental Affairs (OLIA), the Office of Public Affairs (OPA), and the Office of the Chief of Staff (COS). The departmental FOIA officer is not a member of the CRT. We also learned that the CRT was formed similar to the model of review teams used in previous administrations, dating back at least to the early 1990s.

The Department processes FOIA requests under the following methodology. Requests for information are received and processed by the departmental FOIA officer and FOIA officers in the individual DOC bureaus. According to the Department's most recent FOIA Annual Report, Commerce received 2091 FOIA requests in Fiscal Year 2009 and processed 2092. The FOIA officers are responsible for coordinating the collection of responsive documents and ensuring responses are provided to the requestor in a timely manner. The departmental FOIA officer compiles a weekly list of all FOIA requests sent to DOC and provides the list to the four members of the CRT. These lists include the requestor's name, city, state, and if the request is made on behalf of an organization, the name of that entity. The lists also summarize the information sought by each request. The CRT then flags requests that are deemed to be of potential interest to allow the Department to be prepared for congressional, media, or other inquiries prompted by the public release of certain information under FOIA. Before the documents are released to the requestor, the flagged requests and responsive documents are sent to the CRT for review. Once the CRT has completed its review, the FOIA officer can release the response to the requestor. This review, as it was described to our office, is designed to identify in advance any significant information that will be released to the public.

The CRT's OGC representative asserted that the reviews do not significantly delay the release of FOIA responses and are completed within one to two days on average. The departmental FOIA officer, a career employee, concurred with the stated timeline and commented that the reviews generally do not significantly delay response times and have not, to date, caused a response to be delinquent. The Department does not formally track when flagged FOIA requests are provided to the CRT or when the CRT completes its reviews. Although the departmental FOIA officer was able to provide several examples of the CRT review that supported the stated timeline, we were unable to fully determine the accuracy of the statement due to the lack of consistent documentation.

Our review did not provide any indication that the CRT plays a role in decision-making related to FOIA requests nor that it has a role in the review process beyond viewing the response prior to releasing documents to the requestor. The officials we interviewed stated that the CRT did not have the authority to alter or withhold documents.

If you have any questions or if we can be of further assistance, please do not hesitate to contact me at (202) 482-4661.

Sincerely,

A handwritten signature in black ink that reads "Todd J. Zinser". The signature is written in a cursive style with a large, sweeping flourish at the end.

Todd J. Zinser

cc: The Secretary

Scott Quehl, Chief Financial Officer and Assistant Secretary for Administration