



Allan Blutstein, Esq.
Ryan Mulvey, Esq.
Cause of Action
1919 Pennsylvania Ave., NW
Washington, DC

July 15, 2014

Dear Mssrs.Blutstein and Mulvey:

This is in response to your July 9, 2014 Freedom of Information Act (FOIA) request on behalf of Cause of Action that was faxed to this office for access to copies of this agency's response to an August 23, 2010 letter from Senator Grassley and Representative Issa to report whether political appointees played any role in the processing of requests made under the Freedom of Information Act. Your request was received on July 9, 2014 and was assigned case number 214057.

A thorough search was performed and enclosed is the document responsive to your request.in its entirety.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the 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 the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist

We hope you find this information helpful. Should you have any questions, feel free to contact this office at 202-693-5116.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Pacheco".

Kim Pacheco
Disclosure Officer

Enclosures

U.S. Department of Labor

Office of Inspector General
Washington, D.C. 20210



OCT 07 2010

The Honorable Charles E. Grassley
Ranking Member
Committee on Finance
U.S. Senate
Washington, D.C. 20510

The Honorable Darrell Issa
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Senator Grassley and Representative Issa:

This is in response to your August 23, 2010, letter expressing concerns about political review and involvement in the processing of requests for information received by the Department of Labor (DOL) pursuant to the Freedom of Information Act (FOIA). In particular, you referred to press reports that one Federal agency has impeded or delayed the FOIA response process by requiring that requests from "lawmakers, journalists, activists groups or watchdog organizations . . . go to . . . political appointees" for review. You requested that the Office of Inspector General (OIG) conduct an inquiry to determine "whether the Department of Labor is also engaged in the political filtering of information requests."

To address your concerns, we first interviewed the two Department of Labor employees who are most familiar with Department-wide FOIA policy (the Counsel for FOIA/FACA/Privacy Act [career] and the Deputy Solicitor of Labor [political appointee]). We were advised that there is no Department-wide policy requiring political appointees to review FOIA requests from any particular category of requester. In addition, we were informed that within DOL most FOIA requests are processed on a decentralized basis, with each component of the Department handling requests that are specific to that agency. Accordingly, to assess how DOL component agencies are in fact addressing FOIA requests, we interviewed DOL Headquarters Disclosure Officers and FOIA Coordinators in five major components of DOL: The Employment and Training Administration (ETA); the Wage and Hour Division (WHD); the Employee Benefits Security Administration (EBSA); the Mine Safety and Health Administration (MSHA); and the Occupational Health and Safety Administration (OSHA). These individuals are the career employees through whom any FOIA requests would be forwarded to political appointees in their agencies if that were happening in the Department.

The individuals we interviewed from each of these DOL components confirmed that, since January 2009, there has been no filtering of FOIA requests by political appointees of the type addressed in your August 23 letter. In no case were we advised that any political appointee delayed the FOIA response process or in any way impeded the release of documents that the career FOIA processors planned to release. The Disclosure Officers and FOIA Coordinators further confirmed that referrals of FOIA requests to political appointees occur in a relatively limited number of cases.

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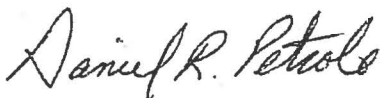
Generally, it is done primarily for informational purposes when matters that could lead to litigation or that are likely to lead to a lot of publicity are involved.

For example, one DOL component (ETA) advised us that they send FOIA requests and their responses to their Assistant Secretary for review if the matter could obligate the Department in any way (such as by leading to litigation), if there is broad public or media interest in the matter, if the request is for Congressional correspondence, or if the matter involves issues that could generate controversy or potential embarrassment. We were advised that the referrals to the Assistant Secretary are for informational purposes. Moreover, we were advised that the Assistant Secretary has not slowed the process and has not held any response for more than about 48 hours. We were told that the Assistant Secretary may edit the response but has never asked to withhold any document that the career FOIA processors proposed to release, that the Assistant Secretary does not ask questions about the background of the requesters, and that the Assistant Secretary has never done anything indicating favorable or adverse treatment of any FOIA requester based on their political party or ideology. Contrary to the concerns raised in your August 23 letter, we were advised that ETA's Assistant Secretary has taken the President's commitment to transparency quite seriously, and that she has actually been a strong leader in expediting the FOIA process, as indicated by a significant decrease in the backlog of FOIA cases during her tenure. The FOIA response process described to us by ETA echoes what we were told is occurring in the other four DOL agencies we spoke with as well.

Lastly, we were informed that the Office of the Solicitor handles only the more complex requests, such as those that involve documents in the possession of several components of the Department of Labor, as well as high profile requests. However, we were advised that, since January 2009, review of those FOIA requests by political appointees has been undertaken only in a limited number of cases. In those cases, a political appointee reviewed the request for informational purposes only, inasmuch as it was believed that the subjects of the FOIA requests were of sufficient public interest that the political appointees should be aware that there could be follow-up inquiries from the media, interested parties, or the general public, or that there could be related litigation. In addition, one FOIA request was brought to the attention of the Secretary's office because it related directly to the Secretary's travel. We were further advised that, in none of those cases was there any delay in FOIA response time incurred because of the review by any political appointee. Further, we were advised that there was no requirement to report the party affiliation of FOIA requesters to any political appointees, whether the requester is from Congress, from another organization or entity, or a private citizen.

I hope this information is sufficient to address the concerns raised in your August 23 letter. If you have any questions or would like to discuss this matter further, feel free to contact me at 202-693-5100. Alternatively, your staff can contact Howard L. Shapiro, Counsel to the Inspector General, at 202-693-5116.

Sincerely,



Daniel R. Petrole
Acting Inspector General