



U.S. Department of Justice

Office of the Inspector General

September 18, 2013

Allan Blutstein
Senior Counsel
Cause of Action
1919 Pennsylvania Ave, NW
Suite 650
Washington, D.C. 20006

Subject: Freedom of Information/Privacy Act Request [13-OIG-199]

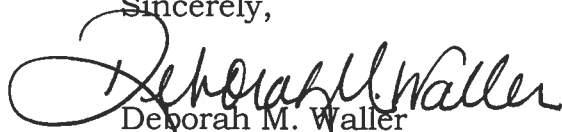
Dear Mr. Blutstein:

This responds to your request under the Freedom of Information Act for access to records maintained by the Office of the Inspector General (OIG). Specifically, you seek a copy of the OIG's response to the August 23, 2010 letter from Senator Charles Grassley and Representative Darrell Issa requesting the OIG "to review whether political appointees were made aware of Freedom of Information Act (FOIA) requests and played decision-making roles in those requests." The responsive documents have been reviewed. It has been determined that these documents are appropriate for release without excision and a copy is enclosed.

If you are dissatisfied with my action on this request, you may appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530. Your appeal must be received by OIP within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, which is also where the records you seek are located.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah M. Waller". The signature is written in a cursive style with a large, looping initial "D".

Deborah M. Waller

FOI/PA Specialist

Office of the General Counsel



U.S. Department of Justice

Office of the Inspector General

September 20, 2010

The Honorable Charles E. Grassley
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Darrell Issa
Ranking Member, Committee on Oversight and Government Reform
U.S. House of Representatives
2347 Rayburn House Office Building
Washington, D.C. 20515

Dear Senator Grassley and Congressman Issa:

This is in response to your letter to me of August 23, 2010 requesting that the Department of Justice Office of the Inspector General (OIG) conduct an inquiry into certain aspects of the Department of Justice's (Department) practices under the Freedom of Information Act (FOIA). Specifically, you asked the OIG "to determine whether, and if so, the extent to which political appointees are made aware of information requests and have a role in request reviews and decision making."

The Department's Office of Information Policy (OIP) manages the Department's overall FOIA compliance. Accordingly, we contacted OIP's career Senior Executive Service Director about your request. In view of the time frame requested for a response, she prepared the enclosed memorandum addressing the questions raised in your letter about the role of political appointees in FOIA matters.

If you have any questions, please feel free to contact OIG General Counsel William Blier.

Sincerely,

A handwritten signature in cursive script that reads "Glenn A. Fine".

Glenn A. Fine
Inspector General

Enclosure



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

September 17, 2010

MEMORANDUM

To: Glenn A. Fine
Inspector General

From: Melanie Ann Pustay
Director

Re: Department of Justice FOIA Practices

Pursuant to my discussions with Bill Blier, this memorandum summarizes the results of my survey of Department of Justice components concerning the extent to which political appointees are made aware of FOIA requests, or have a role in their handling.

As an initial matter, the Department of Justice handles FOIA requests on a decentralized basis. FOIA requests are required by our regulations to be directed to the components, and then each component has a FOIA Office which handles the processing of the requests. For the Senior Management Offices of the Department, specifically, the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Legislative Affairs, Public Affairs, Legal Policy, and Intergovernmental and Public Liaison, the Office of Information Policy (OIP) handles their FOIA requests. OIP also handles the administrative appeals arising from denials of FOIA requests by all of the Department's components, with the exception of the United States Parole Commission. OIP also manages the Department's overall FOIA compliance. In addition, OIP is responsible for encouraging compliance with the FOIA government-wide and for ensuring that the President's FOIA Memorandum and the Attorney General's FOIA Guidelines are fully implemented across the government.

In response to the inquiry from Senator Grassley and Representative Issa, OIP reached out to all the Department's FOIA Offices and asked them whether political appointees in their component were made aware of FOIA requests and whether they had a role in reviewing those requests or in decision-making on them. The responses fell into three general categories. Some components advised that they had no political appointees in their components, or in their FOIA Office. The questions were thus not applicable to those components. Other components advised that they did not make political appointees aware of requests, or involve them in the FOIA

process. For the remaining components, the FOIA Offices advised that they did, to varying degrees, make their political leadership aware of FOIA requests, and seek their input on responding. For example, some component FOIA Offices advised that when they received high-profile requests that they believed senior officials should be made aware of, or which they might be asked questions about, the FOIA Office made their component's political leadership aware of the request. Moreover, when a FOIA request sought, or included records of political appointees, those appointees, or a designated appointee in the component, would have a role in the search for, and review of, the responsive records. This typically entailed a political appointee providing views on the sensitivity of the records to the component's FOIA Office, or reviewing the proposed response to the request made by the FOIA Office.

The results of this survey were what I expected. There was nothing remarkable in what was reported. Components described procedures that are the traditional FOIA procedures of the Department. The practice of some components to notify their political leadership of significant FOIA requests and to seek their input when the records at issue originate with their office has been long-standing in the Department, going back for decades.