

# National Archives

Washington, DC 20408

## NEWS RELEASE

MEDIA ALERT

January 7, 2010

### National Archives FOIA Ombudsman Hosts Briefing January 14

**WHAT:** The Office of Government Information Services (OGIS), referred to by the U.S. Congress as the “FOIA Ombudsman,” will host a briefing for journalists, updating them on the priorities, progress, and next steps for OGIS.

OGIS was created within the National Archives and Records Administration when the OPEN Government Act of 2007 amended the Freedom of Information Act (5 U.S.C. 552). The Office began operations in September, 2009, with the appointment of Miriam Nisbet as Director, and will shortly be at its full complement of six staff members.

OGIS is charged with:

- Providing services to mediate disputes between FOIA requesters and Federal agencies;
- Reviewing policies and procedures of administrative agencies under FOIA;
- Reviewing agency compliance with FOIA; and,
- Recommending policy changes to the Congress and President to improve the administration of FOIA.

**WHO:** Archivist of the United States David S. Ferriero  
OGIS Director Miriam Nisbet

**WHEN:** Thursday, January 14, 2010, 10 AM

**WHERE:** National Archives, Madison Room  
Press should enter through the **Special Events Entrance**  
Constitution Avenue at 7<sup>th</sup> Street, NW, Washington, DC

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For press information, contact the National Archives Public Affairs Staff at (202) 357-5300.

10-44

January 14, 2010



## “The FOIA Ombudsman at Work”

The Office of Government Information Services (OGIS) opened its doors in September 2009, and requests for assistance from Freedom of Information Act requesters and agency officials were quick to follow. The office was created as a government-wide FOIA Ombudsman and was established through the OPEN Government Act of 2007, which amended the Freedom of Information Act (5 U.S.C. § 552).

OGIS is soliciting and receiving comments and questions from the public regarding the administration of FOIA, and will use the information to improve FOIA processes and to facilitate communications between Federal agencies and the public. OGIS is informally mediating disputes between FOIA requesters and agencies and will soon begin offering formal mediation services. OGIS will also review agency compliance and recommend policy changes to Congress and the President to improve the administration of FOIA.

Since OGIS was established, the office has:

- opened 38 cases and resolved 18 of them; staff continues to work with FOIA requesters and agency officials to find solutions to the remaining issues
- begun working with several agencies to develop mediation training for FOIA professionals and to use existing mediation programs to resolve disputes
- engaged a consultant to work with OGIS staff on the feasibility of resolving FOIA disputes online
- given numerous presentations on the new office in government and non-government training sessions and informal meetings

OGIS is committed to transparency and openness in government and will keep the public informed of its progress through its web site: [www.archives.gov/ogis](http://www.archives.gov/ogis). The site will also feature a weekly update of the OGIS Case Log, which tracks requests for assistance.

OGIS e-mail: [ogis@nara.gov](mailto:ogis@nara.gov) • phone 301-837-1996 • toll-free 1-877-684-6448 • fax: 301-837-0348  
web site: [www.archives.gov/ogis](http://www.archives.gov/ogis) • NARA's web site: <http://www.archives.gov>

# Office of Government Information Services (OGIS)

*Resolving Federal FOIA disputes through mediation*



## About OGIS ([www.archives.gov/ogis](http://www.archives.gov/ogis))

The Open Government Act of 2007 amended the Freedom of Information Act (5 U.S.C. Section 552) to create an Office of Government Information Services (OGIS) within the National Archives and Records Administration (NARA).

OGIS opened in early September 2009, with its main office at NARA in College Park, Maryland. The OGIS director is already working with the Department of Justice and other agencies, and with private sector stakeholders, to help define the scope of OGIS program implementation.

## OGIS Mission

- 1. Review and policy.** Review policies and procedures of administrative agencies under the Freedom of Information Act (FOIA). Review compliance with FOIA by agencies. Recommend policy changes to Congress and the President to improve the administration of FOIA.
- 2. Mediation.** Offer mediation services to resolve disputes between persons making FOIA requests and agencies (non-exclusive alternative to litigation). May issue advisory opinions if mediation has not resolved the dispute.
- 3. FOIA Ombudsman.**

## OGIS Contact Information

National Archives and Records Administration, OGIS – Room 2510

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# National Archives

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Washington, DC 20408

## NEWS RELEASE

FOR IMMEDIATE RELEASE

June 10, 2009

### **National Archives Appoints Miriam Nisbet as Director of the Office of Government Information Services**

Washington, D.C. . . . Acting Archivist of the United States Adrienne Thomas announced today the appointment of Miriam Nisbet as the director of the Office of Government Information Services (OGIS) within the National Archives and Records Administration. OGIS, an organization newly established under the OPEN Government Act of 2007, will provide policy guidance and mediation services for FOIA activities government-wide.

In making the announcement, Archivist Thomas said, "Ms. Nisbet is a devoted public servant who is uniquely qualified for this position. She has dedicated her entire professional life to working for open access to government records from the perspective of both the federal government and non-governmental institutions, as well as the international community. We are also delighted to welcome her back to the Archives, where she was Special Counsel for Information Policy in the 1990's."

"I am tremendously excited about the opportunity to be part of a new office and a new approach to make the Freedom of Information Act work better, for the requesters who seek access to records and for the federal officials who administer the law," said Ms. Nisbet.

Since 2007, Ms. Nisbet has been Director of the Information Society Division of the United Nations Educational Scientific and Cultural Organization (UNESCO), located in Paris. She is responsible for two major UNESCO programs: Information for All and Memory of the World. Her division also supports libraries and archives, particularly in developing countries, and promotes the use of information and communication technologies for education, science, culture and development.

Prior to her UNESCO appointment, Ms. Nisbet was the legislative counsel at the American Library Association where she was responsible for intellectual property issues raised by the digital information environment. She advised the association on legislation in the U.S. Congress and state legislatures, and advocated on behalf of libraries, educational institutions and the public in such matters.

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## THE U.S. NATIONAL ARCHIVES & RECORDS ADMINISTRATION

[www.archives.gov](http://www.archives.gov)

Printed on: Wednesday, January 13, 2010

### Biography of David S. Ferriero, Archivist of the United States



- [Larger Version](#)

David S. Ferriero, 10th Archivist of the United States  
[Speeches by David S. Ferriero](#)

David S. Ferriero was confirmed as 10th Archivist of the United States on November 6, 2009.

Previously, Mr. Ferriero served as the Andrew W. Mellon Director of the New York Public Libraries (NYPL). He was part of the leadership team responsible for integrating the four research libraries and 87 branch libraries into one seamless service for users, creating the largest public library system in the United States and one of the largest research libraries in the world. Mr. Ferriero was in charge of collection strategy; conservation; digital experience; reference and research services; and education, programming, and exhibitions.

Among his responsibilities at the NYPL was the development of the library's digital strategy, which currently encompasses partnerships with Google and Microsoft, a web site that reaches more than 25 million unique users annually, and a digital library of more than 750,000 images that may be accessed free of charge by any user around the world.

Before joining the NYPL in 2004, Mr. Ferriero served in top positions at two of the nation's major academic libraries, the Massachusetts Institute of Technology in Cambridge, MA, and Duke University in Durham, NC. In those positions, he led major initiatives including the expansion of facilities, the adoption of digital technologies, and a reengineering of printing and publications.

Mr. Ferriero earned bachelor's and master's degrees in English literature from Northeastern University in Boston and a master's degree from the Simmons College of Library and Information



# *National Archives and Records Administration*

700 Pennsylvania Avenue, NW  
Washington, DC 20408-0001

## **The National Archives and Records Administration (NARA)**

The National Archives and Records Administration ensures, for the citizen and the public servant, for the President and the Congress and the Courts, ready access to essential evidence that documents the rights of American citizens, the actions of Federal officials, and the national experience from the nation's beginnings in 1774. Among the records in its holdings are the Charters of Freedom: the Declaration of Independence, Constitution and Bill of Rights.

The records of the nation's civil, military and diplomatic activities are held by the National Archives and Records Administration in trust for present and future generations. These documents capture the sweep of America's past: slave ship manifests and the Emancipation Proclamation; journals of polar expeditions and photographs of Dust Bowl farmers; Indian treaties that made transitory promises, and the Louisiana Purchase Treaty that doubled the territory of the young republic; and the records of all our wars and conflicts. In Washington alone these records total more than six billion pieces of paper and over 13 million still pictures; 365,000 reels of motion pictures and 345,000 sound and video recordings; 3 million maps and charts; 4 million architectural and engineering plans; and 27 million aerial photographs.

David S. Ferriero was sworn in as tenth Archivist of the United States on November 13, 2009. Prior to becoming Archivist, Mr. Ferriero was the Andrew W. Mellon Director of the New York Public Libraries and is a leader in the field of research librarianship.

The National Archives and Records Administration, established in 1934, is more than a grand neo-classical building between the White House and the Capitol. It is a national resource, consisting of the National Archives at College Park, Maryland, 13 Presidential libraries, 22 regional records facilities located around the country as well as the Office of the Federal Register, the National Historical Publications and Records Commission (NHPRC), the Information Security Oversight Office (ISOO), the Office of Government Information Services (OGIS), and the National Declassification Center, (NDC).

The Office of the Federal Register edits and publishes a number of important legal and rulemaking publications of the Federal Government, including the daily Federal Register, the annual Code of Federal Regulations, the United States Statutes-at-Large, the Public Papers of the President, and the U.S. Government Manual. Currently, its publications are all available free of charge on the Internet, including the eCFR, today's in effect edition of the Code of Federal Regulations.

The NHPRC is the grant-making body of the National Archives and Records Administration. Established by law, with 15 members representing the three branches of government and professional societies, the NHPRC subsidizes printed publication series, such as the papers of Thomas Jefferson



## Office of Government Information Services Case Log

*Inquiries and requests as of January 8, 2010*

The format in which we receive our inquiries and requests is varied. As of January 8, 2010 we have received the following: 17 via e-mail; 14 via US Postal Service; 5 via telephone; and 2 via both phone and e-mail.

Case ID	Date Received	Dept/Agency	Description	Status	Date Completed
09-0001	9/9/2009	VA	Customer stated that 20 days have expired and no word from the Agency.	Administrative closure on 10/06/09. Requester withdrew request when records sought were received.	10/6/2009
09-0002	9/9/2009	N/A	Customer wanted info on filing a FOIA request.	Administrative closure on 10/22/09. Information provided.	10/22/2009
09-0003	9/30/2009	DOE & DOL	Customer wanted OGIS info and to inform OGIS about DOE and DOL issues.	Administrative closure on 10/07/09. Information provided.	10/7/2009
09-0004	10/26/2009	N/A	Info needed regarding mediation services.	Administrative closure on 10/28/09. Information provided.	10/28/2009
09-0005	10/1/2009	HHS	Requester complained that agency has systematically been denying requests. Appeal pending.	Dispute resolved via informal mediation 11/17/09. Staff will follow up on appeal with HHS (01/8/10) and inform requester of pending status.	11/17/2009

Case ID	Date Received	Dept/Agency	Description	Status	Date Completed
09-0012	11/9/2009	DOI	The requester was denied a contract between the agency and a third party under Ex. 5. The requester appealed in 2006 and was told in Nov. 2009 that his appeal is no. 331 in the queue.	Staff is awaiting an update from the agency to hear the details as to the delay on appeal. Will call back week of 01/11/10.	
09-0013	11/12/2009	DOD	Dispute between agency and requester regarding the extensive delay of request.	Pending response from agency. Follow up the week of 1/11/10.	
09-0014	11/12/2009	DOJ	Privacy Act request.	Administrative closure for Privacy Act Request on 11/30/09.	11/30/2009
09-0015	11/13/2009	DOJ	Request for information on OGIS mediation services for complaint with agency.	Administrative closure on 11/30/09. Information provided.	11/30/2009
09-0016	11/16/2009	DOD, CIA & NSA	Requester noted inconsistencies with agencies' treatment for fee status; also noted some agencies request high fees before responding to request.	Pending response from requester with additional information. Follow up 1/11/10.	
09-0017	11/19/2009	DOL	Dispute over fees in previous FOIA request that are delaying production in current FOIA request.	Administrative closure on 12/31/09. Requester was unresponsive to three attempts at contact.	12/31/2009

Case ID	Date Received	Dept/Agency	Description	Status	Date Completed
09-0024	12/10/2009	DOJ	OIP referred requester here to discuss the possibility of mediating the release of information withheld under Ex. 7(C) before filing an administrative appeal. Appeal time will run on 12/21/2009.	Administrative closure on 12/30/09. Customer agreed to contact INTERPOL to discuss a resolution and did not re-contact OGIS for further assistance.	12/30/2009
09-0025	12/6/2009	State	Privacy Act request.	Administrative closure on 12/15/09 for Privacy Act request. Spoke to requester to inform that OGIS does not handle Privacy Act requests.	12/11/2009
09-0026	12/11/2009	CIA	Dispute between requester and agency regarding the fee/requester category. Referred from Sen. Leahy's office.	Pending response from agency. Follow up the week of 1/11/10.	
09-0027	12/15/2009	NASA	Sen. Cornyn referred this to OGIS. Agency has not produced records in timely fashion; agreed to partial production est. for 01/06/09 but requester not satisfied, as the agency has said it won't include an index of all records even those not yet produced.	Will follow up with both sides after the est. partial production date of 01/06/09.	
09-0028	12/29/2009	DOJ	Privacy Act request.	Administrative closure on 12/29/09 for Privacy Act request.	12/29/2009
09-0029	12/29/2009	EEOC	Information sought was not contained in document requester believed it would be in, so requester had to ask for second set of records at great cost; disputes the cost since believes information should have been in first set of records.	Agency is reviewing its own documents and will contact OGIS to discuss the case. Follow up the week of 01/11/10 if have not heard from agency.	

Case ID	Date Received	Dept/Agency	Description	Status	Date Completed
10-0006	1/7/2010	DOJ	Requester denied investigative report, in part. Appeal upheld by OIP.	Pending.	
10-0007	1/7/2010	N/A	Request for assistance in filing a FOIA request.	Pending.	
10-0008	1/7/2010	DOJ	Sought access to files on 3 deceased individuals and learned that one file had been destroyed. Concerned that other files will be destroyed before requester receives the requested information.	Pending.	