

February 11, 2022

(FYSA. FOIA Requesters interested in collaboration may contact me at FOIAcomplaine@gmail.com)

FOIA Office

National Archives and Records Administration

foia@nara.gov; garym.stern@nara.gov;

Subject: Expedited FOIA NARA 22-U.R.MUCK. OGIS ADR +Chief FOIA Officers Meeting 2 Feb 2022

I am submitting this request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 et seq., as amended. *If you deny all or any part of this request, please cite each specific exemption you think justifies your decision not to release the information and notify me of appeal procedures available under the law. References cited below apply.*

*****This Request will be timely for Judicial Review in twenty working days*****

RECORDS SOUGHT VIA FOIA.

NARA 22-U.R.MUCK. OGIS ADR +Chief FOIA Officers Meeting 2 Feb 2022

See PDF. See Requested Format.

Background.

1. By emails from foiacompliance@gmail.com of January 16, 2022, **Subject:** Chief FOIA Officers Council Meeting February 2, 2022, 1400 EST, I notified several hundred Chief FOIA Officers and FOIA Professionals of said meeting and further stated :

Please pay particular attention to the attached Public Comment, “Mandatory Right to OGIS Dispute Resolution (20220116).” Your agency is likely citing unlawful language, potentially as the result of previously disseminated errant OGIS guidance as OGIS may have sought to minimize workload due to grossly inadequate funding for mediation (and FOIA compliance oversight).

2. On January 16, 2022 6:54 PM I nest that same email (Attachment A) to ogisopenmeeting@nara.gov; alina.semo@nara.gov; bobak.Talebian@usdoj.gov; kirsten.mitchell@nara.gov; Vanita.Gupta19@usdoj.gov; debra.wall@nara.gov; martha.murphy@nara.gov; sheela.portonovo@nara.gov; carrie.mcguire@nara.gov; teresa.brady@nara.gov; dwaine.bacon@nara.gov; jessica.hartman@nara.gov; christa.lemelin@nara.gov; garym.stern@nara.gov.

3. OGIS Director, recently stated (contrary to law and OGIS/DOJ model language policy), “Agencies have the option to include either or both the FPL and OGIS in adverse determinations.”

4. NARA, DOJ, and agencies across the Federal Government have been citing unlawful language wrt OGIS dispute resolution requiring requesters to contact the Agency FPL first:

“If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman’s office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies.”

Requested Records.

I am respectfully seeking as **individual files records in NARA’s custody only** from January 15 2022 to present records related to said January 16, 2022 emails and any emails or other OGIS or DOJ correspondence relating to OGIS dispute resolution services as follows:

1. Records of receipt, forwarding and replies to the January 16, 2022 6:54 PM email from foiacompliance@gmail.com **Subject:** Chief FOIA Officers Council Meeting February 2, 2022, 1400 EST.
2. Records of receipt, forwarding and replies to any emails received from FOIA Officers or other party regarding any January 16, 2022 email from foiacompliance@gmail.com **Subject:** Chief FOIA Officers Council Meeting February 2, 2022, 1400 EST.
3. Records of any emails from OGIS or DOJ OIP to Chief FOIA Officers, FOIA professionals or others discussing the right to OGIS dispute resolution, mediation or assistance, FPL dispute resolution or assistance, and/or OGIS or DOJ model language regarding OGIS/FPL assistance, mediation, or dispute resolution services.
4. I am also seeking a copy of this FOIA Request, which is an Agency record subject to that exists and is in the Agency’s possession at the time of my FOIA request. This record is a responsive record integral to my Request. Release of the Agency’s copy is not optional.

NOTE: To the extent that you contend that any records are exempt, you must identify the specific records and release all segregable portions. I may seek an in-camera inspection in any court proceeding. This is a simple request.

REQUESTED FORMAT.

I am seeking an ADA accessible PDF file by with: (1) a signed and dated cover letter (citing my personally assigned requester control number); (2) with record page count for all records released records (3) a copy of this request in your reply. I seek records in PDF format with an imbedded copy of my requests to (1) impede the agency from not addressing the FOIA Request; (2) impede the Agency from not providing the documents stated in the Agency’s letter reply, and (3) make it obvious in any subsequent review what the Agency has or has not done.

Further, I request that these records be sent in any digital formats in which they exist (such as PDF and Excel). Under the terms of the E-FOIA Amendments of 1996, Section 5, if a document exists in electronic format, it must be released in that format upon request.

Each record must be provided as a distinct record in their native format. Emails should be provided as MS Outlook files, if not encrypted or otherwise unable to be opened by me. Only if this is not possible, emails should be produced with their embedded hyperlinked attachments by using the "File => Save as Adobe PDF" command within Outlook or by other software that produces the same result.

I am also seeking the "**Description Available to the Public**" field I FOIAonline be set to yes and that all records be released to and viewable in the application by the general Public. The release type must be set to "**Unredacted – Releasable to the General Public: Will be available to the general public,**" or to "**Redacted – Releasable to the General Public: Will be available to the general public.**"

This request is distinctly separate from any other. Please do not combine this request with any other request in your reply. I am requesting that each element of the records sought be specifically addressed in the reply.

FEE WAIVER/ PUBLIC INTEREST/PUBLIC RELEASE. Notwithstanding my agreement to pay fees below if my fee waiver is denied, I am seeking a fee waiver due to significant public interest in this information. The subject of the requested records concerns "the operations or activities of the government." The disclosure is "likely to contribute" to an understanding of government operations or activities. There is no commercial interest. There is significant public interest. I am also seeking the "**Description Available to the Public**" field I FOIAonline be set to yes and that all records be released to and viewable in the application by the general Public. The release type must be set to "**Unredacted – Releasable to the General Public: Will be available to the general public,**" or to "**Redacted – Releasable to the General Public: Will be available to the general public.**"

AGREEMENT TO PAY FEES.

I agree to pay fees for searching or copying the records up to \$25. If the fees exceed this amount please advise me of the cost before proceeding. I do not believe that there should be any charge for providing these records, as there is public interest in government operations. I am a private individual not seeking documents for commercial use, such that the following applies: "No fees may be charged by any DoD Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge." I would note that because I am requesting an electronic file, there should not be a per page copy fee. The OMB Guidelines direct that searches for responsive records should be done in the "most efficient and least expensive manner." See OMB Fee Guidelines, 52 Fed. Reg. at 10,017. As an "all others" requester, I may only be assessed search and duplication fees and not fees for review. See 32 CFR 286.12 - Schedule of fees. Also, please note that, should payment become necessary, the Coinage Act of 1965, specifically Section 31 U.S.C. 5103, entitled "Legal tender," states: " United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes, and dues. Foreign gold or silver coins are not legal tender for debts.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 980 ; Pub. L. 97–452, §1(19), Jan. 12, 1983, 96 Stat. 2477.)

EXPEDITED PROCESSING.

I am seeking expedited processing. In any denial of my request for expedited processing the Agency must state in detail how my request does not meet requirement and who, by name, was involved in the denial determination.

1. The subject is of widespread and exceptional media interest and the information sought involves possible questions about the government's integrity that affect public confidence.

- a. U.S.C § 552(k)(6)(B) requires the full Council, not just the co-chairs. Did OGIS announce the meeting as the full Council and notify all in the same manner as other Council meetings Per FOIA. “Not less frequently than annually, the Council shall hold a meeting that shall be open to the public and permit interested persons to appear and present oral and written statements to the Council.” This meeting did not meet those requirements.
- b. There was no such a meeting per 5 USC § 552(k)(6)(B) in 202, 2020, 2019, etc.
- c. The February 2, 2022 stealth Chief FOIA Officers Council meeting was not advertised in the normal way for such meetings and was not posted on either the NARA or DOJ websites (DOJ ma have posted the day before). this meeting was so poorly advertised and not posted in advance to the OGIS or DOJ OIP websites.
- d. The meeting was not on You Tube for public viewing and preservation. I have not seen that before for a FOIA open meeting.
- e. Federal Register Notice 01/20/2022 says, “Additional details about the Chief FOIA Officers Council and the meeting, including the agenda, are available on OGIS's website.” This was false.
- f. Chief FOIA Officer and FOIA Advisory Committee meetings are typically 3 hours not 1 hour.
- g. Comments were limited to 5 min per requester.
- h. I have been in contact with multiple members of the media regarding these matters, both before and after the meeting, There is exceptional interest in Saving FOIA Part II.
- i. OGIS and DOJ OIP intentionally did not address my questions submitted in advance of the meeting and during the meeting into the online chat. This appears to be a violation of law.
- j. DOJ and NARA continue to hold unlawful meetings. FOIA Improvement Act states, “Not later than 10 business days before a meeting of the Council, notice of such meeting shall be published in the Federal Register.” Not done for the Nov17, 2021 meeting. ?OGIS: For Nov17, 2021 meeting oral comments were limited to 3 minutes, even though 15 minutes were allocated and I continued to call in. Why the limitation and why was I not recognized a 2nd time?

2. There is a reasonable expectation of an imminent loss of a substantial due process rights in connection with statutory times for FOIA actions.

- a. OGIS and DOJ OIP intentionally did not address my questions submitted in advance of the meeting and during the meeting into the online chat. This appears

to be a violation of law affecting my due process rights in connection with open FOIA meetings.

3. **Information is urgently needed to inform the public concerning some actual or alleged government activity/malfeasance.**
 - a. See paragraph 1 above.
 - b. I am an individual primarily engaged in dissemination of information via extensive email lists, blogs, coordination with Open Government Advocate Organizations and members of the media.

In any denial of my request for expedited processing, I am seeking that the Agency identify who, by name and email was consulted and that the Agency provide specific justification as to how my request stated herein does not qualify.

STILL-INTERESTED PREEMPTIVE REPLY. This is a preemptive reply to the Justice Department guidelines the procedure known as a “still interested” inquiry, through which a FOIA officer can confirm that the requester has not lost interest in obtaining the documents.

My interest in all FOIA requests submitted to your office is enduring, meaning that my interest in seeking replies to all past and future FOIA request remains in effect until each request has been answered fully and the time for judicial review has passed. Please do not initiate any "still interested" inquiries. This serves as my notice of enduring interest and automatic reply to any future questions of interest by your office. There are no reasonable grounds to ever conclude in the future that I am not interested in this request.

Implementation Checklist for DOJ OIP Guidance on “Still-Interested” Inquiries

1. Ensure there are reasonable grounds to make a “still-interested” inquiry in first instance.
2. Absent good cause, do not make multiple “still-interested” inquiries.
3. Use requester’s preferred method of communication and in the absence of a preference, communicate by telephone or email as the default.
4. Memorialize any decision by a requester to withdraw a request that is conveyed by telephone by sending the requester a brief email or letter noting the withdrawal.
5. Provide requesters no less than thirty (30) working days to respond to the “still-interested” inquiry and ensure that there is a simple way to do so.
6. Advise the requester that if they elect not to respond to the inquiry, the request will be administratively closed at the conclusion of the designated time period (which must be at least 30 working days).
7. Prior to administratively closing a request based upon the lack of a response by the requester, make good faith efforts to reach out to the requester using multiple methods of communication.
8. In the event a requester responds to the “still- interested” inquiry within a reasonable time after the deadline has passed, reopen the request and place it back into the processing queue where it would have been.

PRESERVE RECORDS AND SEARCHES FOR JUDICIAL REVIEW.

Please search for, locate and preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer. NARA GRS 4.2 requires that FOIA and Privacy Act case files be retained for 6 years after final agency action or 3 years after final adjudication by the courts, whichever is later.

Records of responsive searches would include but not be limited to: searches conducted for each specific record sought and all other records known to the Agency, including dates, manner of searching, responsible agent or employee conducting each search and the results thereof. Such persons determining the locations of responsive records must be inclusive of persons who would know such locations and their identities and manner of determining search locations must be preserved.

In any subsequent proceedings, I may seek sworn declarations and a court order appointing a special counsel, as appropriate. Similarly, I may pursue additional venues.

Any deletion of potentially responsive records by any party having knowledge of this Request may be a violation of law. In as much as applicable staff and leadership have knowledge of my subject request, the Agency must search for, locate and preserve all responsive or potentially responsive records and records of searches in their FOIA case file, and leadership must ensure that this is done. Failing to do so and allowing records to be deleted IAW any other records management schedule may be a violation of law.

ELECTRONIC RECORDS PRESERVATION.

The Agency must preserve all electronically stored information, copies and backup, as defined by Rule 34 of the Federal Rules of Civil Procedure, along with any paper files which the Agency maintains, relevant to this action I am seeking electronic data in the Agency's custody and control that is relevant to this action, including without limitation emails, along with metadata, and other information contained on Agency computer systems and any electronic storage systems. I consider this electronic data and paper files to be valuable and irreplaceable sources of discoverable information in this matter. No procedures should have been implemented to alter any active, deleted or fragmented data. Moreover, no electronic data should have been disposed of or destroyed. (ETL Institute for Advancement of America's Legal System).

Further, to properly fulfill your preservation obligation, stop all scheduled data destruction, electronic shredding, rotation of backup tapes, and the sale, gift or destruction of hardware. Notify all individuals and of the need and duty to take the necessary affirmatives steps to comply with the duty to preserve evidence. (2008 Thomson Delmar Learning).

The Agency's Director of Information Operations or similar organization must initiate procedures to preserve electronic records.

ALTERATION/DESTRUCTION OF RECORDS

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence

the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both. 18 U.S. Code § 1519 - Destruction, alteration, or falsification of records. (Added Pub. L. 107–204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.).

18 U.S.C. 641 and 2071. The penalties for the unlawful or accidental removal, defacing, alteration, or destruction of Federal records or the attempt to do so, include a fine, imprisonment, or both (18 U.S.C. 641 and 2071).

36 CFR § 1230 UNLAWFUL OR ACCIDENTAL REMOVAL, DEFACING, ALTERATION, OR DESTRUCTION OF RECORDS

§1230.3

Unlawful or accidental destruction (also called unauthorized destruction) means disposal of an unscheduled or permanent record; disposal prior to the end of the NARA-approved retention period of a temporary record (other than court-ordered disposal under §1226.14(d) of this subchapter); and disposal of a record subject to a **FOIA request**, litigation hold, or any other hold requirement to retain the records.

IMPROPERLY WITHHOLDING RECORDS

Pursuant to FOIA:

“Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.” 5 U.S.C. § 552(a)(4)(F)(i).

PERJURY

Whoever-

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and

contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under [section 1746 of title 28, United States Code](#), willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

18 U.S. C. § 1621 - Perjury generally (June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88–619, §1, Oct. 3, 1964, 78 Stat. 995 ; Pub. L. 94–550, §2, Oct. 18, 1976, 90 Stat. 2534 ; Pub. L. 103–322, title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.

SUBORDINATION OF PERJURY

The term *subornation of perjury* further describes the circumstance wherein an [attorney at law](#) causes a client to lie under oath or allows another party to lie under oath

Title [18 U.S.C. § 1622](#) provides:

Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.

FALSE OFFICIAL STATEMENTS.

18 U.S.C. § 1001. Statements or entries generally:

- a. Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully --
 - 1.falsifies, **conceals**, or covers up by any trick, scheme, or device a **material fact**;
 - 2.makes any materially false, fictitious, or fraudulent statement or representation; or
 - 3.makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both.

10 U.S. Code § 907. Art. 107. False official statements; false swearing:

- (a) FALSE OFFICIAL STATEMENTS. Any person subject to this chapter who, with intent to deceive—
 - (1) signs any false [record](#), return, regulation, order, or other official document, knowing it to be false; or
 - (2) makes any other false official statement knowing it to be false;

shall be punished as a [court](#)-martial may direct.”

LEGAL FRAMEWORK OF FOIA

1. The definition of “records” includes:
“[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made *or received* by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.”
44 U.S.C. § 3301 (emphasis supplied).
2. FOIA requires that “each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person” 5 U.S.C. § 552(a)(3)(A).
3. FOIA requires that “each agency shall establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request” 5 U.S.C. § 522(a)(7)(A).
4. FOIA requires that each agency shall “establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including the date on which the agency originally received the request; and an estimated date on which the agency will complete action on the request. 5 U.S.C. § 522(a)(7)(B).
5. FOIA also requires federal agencies to make a final determination on FOIA administrative appeals that it receives within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal, unless the agency expressly provides notice to the requester of “unusual circumstances” meriting additional time for responding to a FOIA request. 5 U.S.C. § 552(a)(6)(A)(ii).
6. FOIA expressly provides that a person shall be deemed to have constructively exhausted their administrative remedies if the agency fails to comply with the applicable time limitations provided by 5 U.S.C. § 552(a)(6)(A)(I) - (ii). *See also* 5 U.S.C. § 552(a)(6)(C).
7. FOIA provides that any person who has not been provided the records requested pursuant to FOIA, after exhausting their administrative remedies, may seek legal redress from the Federal District Court to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.
8. Regarding the names of the FOIA requesters, the courts have held that under the FOIA requesters do not have an expectation of privacy. *Stauss v. IRS*, 516 F. Supp. 1218, 1223 (D.D.C. 1981),
9. Under FOIA, the federal agency has the burden of sustaining its actions. 5 U.S.C. § 552(a)(4)(B).
10. Pursuant to FOIA, a Court may assess attorney fees and litigation costs against the United States if the Plaintiff prevails in an action thereunder. 5 U.S.C. § 552(a)(4)(E).

11. Department of Justice (DOJ) has issued a handbook addressing FOIA Annual Reports. See DOJ, *Handbook for Agency Annual Freedom of Information Act Reports*, “Disposition of FOIA Requests,” (available at http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/department_of_justice_handbook_for_agency_annual_freedom_of_information_act_reports.pdf) (“DOJ Handbook”).

12. Among other things, the DOJ Handbook states, “All requests (perfected and non-perfected), appeals, and consultations that were pending at any time during the relevant fiscal year [October 1st through September 30th] will be captured.”

13. The DOJ Handbook also states:

“[E]ach agency is ultimately responsible for the accuracy and completeness of its Annual FOIA Report. It is therefore essential for agencies to take steps that will ensure that they are adequately tracking all of the information necessary to complete the Annual FOIA Report sections detailed below. Agencies that utilize a tracking or case management system for this purpose are responsible for ensuring that the system they are using can produce an accurate Annual FOIA Report that is in compliance with the law and Department of Justice guidance.” DOJ Handbook, at 3.

I believe that I have adequately described the records that I am seeking. If you believe that my request is unclear, if you have any questions, or if there is anything else that you need from me to complete this request in a timely manner, please contact me in writing, so that I may perfect my request. If you deem that any portion of my request is unclear, answer the remaining portions and I will perfect a request for additional material as needed.

Thank you very much in advance.

With my respect,

/s/

Robert Hammond
Requester
Whistleblower

Attachment: Hammond Comments Questions to Chief FOIA Officers Council 2 Feb 2022 v4

References:

- (a) The Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended,
- (b) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, “Your Right to Federal Records”
- (c) The Privacy Act (“PA”) of 1974, 5 U.S.C. § 552a, *et seq.*, as amended
- (d) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
- (e) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program
- (f) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation
- (g) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act

- (h) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports
- (i) (b) Administrative Instruction 106, “Alternative Dispute Resolution (ADR) Program,” January 30, 2014
- (j) DoD Directive 5145.01, “General Counsel of the Department of Defense (GC DoD),” December 2, 2013, as amended
- (k) DoD Directive 5145.04, “Defense Legal Services Agency (DLSA),” April 16, 2012
- (l) (f) DoD Directive 5400.11, “DoD Privacy Program,” October 29, 2014
- (m) DoD Manual 8910.01, Volume 1, “DoD Information Collections Manual: Procedures for DoD Internal Information Collections,” June 30, 2014
- (n) Executive Order 12988, “Civil Justice Reform,” February 5, 1996
- (o) Public Law 101-552, “Administrative Dispute Resolution Act,” November 15, 1990
- (p) Public Law 104-320, “Administrative Dispute Resolution Act of 1996,” October 19, 1996
- (q) Presidential Memorandum for Heads of Executive Departments and Agencies, “Designation of Interagency Committees to Facilitate and Encourage Agency Use of Alternate Means of Dispute Resolution and Negotiated Rulemaking,” May 1, 1998
- (r) United States Code, Title 5
- (s) DoD Instruction 5145.05, “Alternative Dispute Resolution (ADR) and Conflict Management”
- (t) Alternate Dispute Resolution Handbook (opm.gov/policy-data-oversight/employee-relations/employee-rights-appeals/alternative-dispute-resolution/handbook.pdf)
- (u) President Obama's FOIA Memorandum and Attorney General Holder's FOIA Guidelines (justice.gov/sites/default/files/oip/legacy/2014/07/23/foia-memorandum.pdf)

Attachment A. Email from foiacompliance@gmail.com Subject: Chief FOIA Officers Council Meeting February 2, 2022, 1400 EST

From: foiacompliance@gmail.com <foiacompliance@gmail.com>

Sent: Sunday, January 16, 2022 6:54 PM

To: FOIAcompliance@gmail.com

Cc: ogisopenmeeting@nara.gov; alina.semo@nara.gov; bobak.Talebian@usdoj.gov; kirsten.mitchell@nara.gov; Vanita.Gupta19@usdoj.gov; debra.wall@nara.gov; martha.murphy@nara.gov; sheela.portonovo@nara.gov; carrie.mcguire@nara.gov; teresa.brady@nara.gov; dwaine.bacon@nara.gov; jessica.hartman@nara.gov; christa.lemelin@nara.gov; garym.stern@nara.gov

Subject: Chief FOIA Officers Council Meeting February 2, 2022, 1400 EST

Chief FOIA Officers and interested parties (approximately 1,000 addressees in multiple iterations):

Please pay particular attention to the attached Public Comment, “Mandatory Right to OGIS Dispute Resolution (20220116).” Your agency is likely citing unlawful language, potentially as the result of previously disseminated errant OGIS guidance as OGIS may have sought to minimize workload due to grossly inadequate funding for mediation (and FOIA compliance oversight). I have been working with others to gain additional funding for OGIS, as well as Congressional oversight hearings and audits. (Great folks at OGIS (copied here); just not nearly enough of them (need 10x – 20x more). I want OGIS to succeed. Meanwhile, some are advocating removing OGIS from NARA and placing OGIS under Congress with direct funding from and reporting to Congress.

Please see the meeting announcement below regarding the Chief FOIA Officers Council Meeting February 2, 2022, 1400 EST. Since I have removed hyperlinks, you may contact: ogisopenmeeting@nara.gov; alina.semo@nara.gov; bobak.Talebian@usdoj.gov; kirsten.mitchell@nara.gov; Or (www.) [eventbrite.com/e/meeting-with-the-co-chairs-of-the-chief-foia-officers-council-tickets-244647095047?aff=ebemoffollowpublishemail&utm_term=Meeting+with+the+Co-chairs+of+the+Chief+FOIA+Officers+Council&utm_medium=email&utm_content=follow_notification&utm_source=eventbrite&utm_campaign=following_published_event](https://www.eventbrite.com/e/meeting-with-the-co-chairs-of-the-chief-foia-officers-council-tickets-244647095047?aff=ebemoffollowpublishemail&utm_term=Meeting+with+the+Co-chairs+of+the+Chief+FOIA+Officers+Council&utm_medium=email&utm_content=follow_notification&utm_source=eventbrite&utm_campaign=following_published_event)

I have forwarded the following (attached) Public Comments to be posted to the Chief FOIA Officers Council website (www.) [archives.gov/ogis/about-ogis/chief-foia-officers-council](https://www.archives.gov/ogis/about-ogis/chief-foia-officers-council):

- Mandatory Right to OGIS Dispute Resolution (20220116)
- Comments to Unlawful Chief FOIA Officers Meeting November 17, 2021
- Failure - FOIA Compliance Oversight & Funding. Part 2. No Joking Matter.
- “The Uncommon Man” Re - Hon David S Ferriero Comments to Chief FOIA Officers Council
- OGIS response Hammond public comments 9 July 2021.pdf
- Subpoena Threat & Congressional Demand for OGIS to Release Records. OMB Kills Recommendations. What has changed? (20220116).

Attachment A. Email from foiacompliance@gmail.com Subject: Chief FOIA Officers Council Meeting February 2, 2022, 1400 EST

My currently posted Public Comments are:(www.archives.gov/ogis/about-ogis/chief-foia-officers-council)

Public Comments Submitted to the CFO Council

Robert Hammond - October 28, 2021 - Failure: FOIA Compliance Oversight & Funding

Robert Hammond - October 22, 2021 - Update 2021.10.22. OGIS Mediation and DOD's change to CFR 32 CFR part 286.4

Robert Hammond - October 22, 2021 - OGIS Posting Policy for Public Comments

Robert Hammond - October 22, 2021 - Senator Grassley: DOJ OIP's Position Doesn't Pass the "Common-Sense Test"

Robert Hammond - October 22, 2021 - NARA, Please Fund OGIS!! (PART 1)

Robert Hammond - May 3, 2021 - Recommended System Change Requests to FOIAonline. Including Simple Solution for "Release to One, Release to All"

Robert Hammond - May 3, 2021 - OGIS Mediation and DOD's change to CFR 32 CFR part 286.4

Robert Hammond - May 3, 2021 - Status of 2018 - 2020 Recommendation #19

Robert Hammond - May 3, 2021 - Violations of the ADA in FOIA Redactions

Some of these matters are also being addressed by the FOIA Advisory Committee.

With my respect,

Robert Hammond

From: Eventbrite <noreply@reminder.eventbrite.com>

Subject: Don't miss this new event by Office of Government Information Services on Feb 2!