



U.S. Department of Justice

Office of Privacy and Civil Liberties

Telephone: (202) 514-0208

Washington, D.C. 20530

July 5, 2022

Mr. William Fernandes
56099-11148410@requests.muckrock.com

Re: Your inquiry dated May 9, 2022

Dear Mr. Fernandez:

This letter is in response to your FOIA STAR submission dated May 9, 2022, sent to the Office of Information Policy (OIP) concerning your attempt to amend the responses of the Office of Inspector General (OIG) and OIP to your Freedom of Information Act request and appeal (OIG Request No. 18-OIG-332; OIP Appeal No. A-2022-00406). By memorandum dated May 10, 2022, OIP forwarded your inquiry to this Office because we are responsible for reviewing amendment appeal requests, in accordance with the Privacy Act. *See id.* § 552a(d)(2); 28 C.F.R. § 16.46 (2019).

In your May 9, 2022 inquiry, you reference an earlier January 24, 2022 attempt to amend OIG and OIP responses to your FOIA request and appeal. I have reviewed the records at issue in your May 9, 2022 inquiry and have determined that you are attempting to utilize the Privacy Act amendment process to collaterally attack OIG and OIP responses to your FOIA request and appeal, respectively, which is outside the scope of the Privacy Act. *See* Off. of Mgt. & Budget, Exec. Off. of the President, Privacy Act Implementation: Guidelines and Responsibilities, 40 Fed. Reg. 28,948, 28,969 (July 9, 1975); *see also* Sydnor v. OPM, 336 F. App'x 175, 180 (3d Cir. 2009) (unpublished opinion) (concluding that “a collateral attack upon that which has been or could have been the subject of a judicial, quasi-judicial or administrative proceeding” lies “outside the scope of the Privacy Act”); Milhous v. EEOC, No. 97-5242, 1998 WL 152784, at *1 (6th Cir. Mar. 24, 1998) (“The Privacy Act may not be used to challenge unfavorable agency decisions[.] It is intended solely to be used to correct factual or historical errors.”).

If you are still dissatisfied with the action on your appeal, you have the right to seek judicial review in accordance with 5 U.S.C. § 552a(g)(1)(A).

Sincerely,

Katherine M. Harman-Stokes
Acting Director

Mr. William Fernandes

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cc:

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