



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

OFFICE OF THE  
GENERAL COUNSEL

Stop 9613

November 20, 2024

*Via electronic mail*  
[joe@canary-data.com](mailto:joe@canary-data.com)

Mr. Joe O'Donnell  
Canary Data



Re: Appeal, Freedom of Information Act Request No. 25-00024-FOIA, designated on appeal as No. 25-00026-APPS

Dear Mr. O'Donnell:

This responds to your Freedom of Information Act (FOIA) appeal of the FOIA Officer's decision regarding your October 3, 2024 FOIA request for records concerning "[a]ny investigation(s) or inquiries that directly pertain to the conduct, disclosures, and/or transactions of the registrant Roblox from January 1, 2023." By letter dated October 17, 2024, the FOIA Officer denied your request pursuant to FOIA Exemption 7(A).

On October 21, 2024, you filed this appeal. You state that you "want to make sure that an adequate search was performed before this determination."<sup>1</sup> I have considered your appeal, and it is denied.

The question raised by a challenge to the adequacy of a search is "whether the search was reasonably calculated to discover the requested documents, not whether it actually uncovered every document extant."<sup>2</sup> "[T]he adequacy of a FOIA search is generally determined not by the

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<sup>1</sup> As you do not question the FOIA Office's Exemption 7(A) determination, this issue is not under review in this appeal decision.

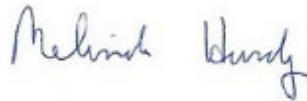
<sup>2</sup> *SafeCard Services, Inc. v. SEC*, 926 F.2d 1197, 1202 (D.C. Cir. 1991); *see also In re: Clinton*, 973 F.3d 106, 116 (D.C. Cir. 2020) ("[A]n agency responding to a FOIA request is simply required to conduct a search *reasonably calculated* to uncover all *relevant documents*." (internal quotations omitted); *Amadis v. Dep't of State*, 971 F.3d 364, 368 (D.C. Cir. 2020) (a reasonable search is one that is calculated to locate responsive documents); *DiBacco v. Dep't of the Army*, 926 F.3d 827, 832-33 (D.C. Cir. 2019) (agency's "search efforts [must be] reasonable and logically organized to uncover relevant documents but [ ] need not knock down every search design advanced by every requester") (internal quotations omitted).

fruits of the search, but by the appropriateness of the methods used to carry out the search.”<sup>3</sup> Further, “there is no requirement that an agency search every record system.”<sup>4</sup>

In responding to your request, the FOIA Office reviewed computer indices for investigations and contacted Division of Enforcement staff that perform enforcement functions relevant to the company for which you seek records. Enforcement staff identified the documents the FOIA Office withheld under Exemption 7(A) as being responsive and did not identify any additional documents. On appeal, my staff has determined that the FOIA Office identified all investigative matters related to the company for which you seek records and re-confirmed with Enforcement staff that the records withheld under Exemption 7(A) are responsive and that they do not have additional responsive documents. Accordingly, the search conducted was reasonable and adequate.

You have the right to seek judicial review of my determination by filing a complaint in the United States District Court for the District of Columbia or in the district where you reside or have your principal place of business.<sup>5</sup> Voluntary mediation services as a non-exclusive alternative to litigation are also available through the National Archives and Records Administration’s Office of Government Information Services (OGIS). For more information, please visit [www.archives.gov/ogis](http://www.archives.gov/ogis) or contact OGIS at [ogis@nara.gov](mailto:ogis@nara.gov) or 1-877-684-6448. If you have any questions concerning my determination, please contact Mark Tallarico, Senior Counsel, at 202-551-5132.

For the Commission  
by delegated authority,



Melinda Hardy  
Assistant General Counsel for  
Litigation and Administrative Practice

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<sup>3</sup> *Iturralde v. Comptroller of the Currency*, 315 F.3d 311, 315 (D.C. Cir. 2003).

<sup>4</sup> *Oglesby v. Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990).

<sup>5</sup> See 5 U.S.C. § 552(a)(4)(B).