

**From:** Christa Lemelin [mailto:[christa.lemelin@nara.gov](mailto:christa.lemelin@nara.gov)]

**Sent:** Tuesday, March 27, 2018 3:38 PM

**To:** Jennie Santos <[jsantos@aijustice.org](mailto:jsantos@aijustice.org)>

**Subject:** Re: Mediation re: FOIA Request CBP-2017-033315 (CBP-AP-2018-019088) - OGIS Final Response Email

**Re:** OGIS Case No. 18-01356

Dear Ms. Santos-Bourne:

This responds to your January 24, 2018 request to the Office of Government Information Services (OGIS), which we received via email. Your assistance request concerns your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) for records concerning the Department of Homeland Security and CBP contractual relationships with medical providers in the Rio Grande Valley sector for a particular time period. Thank you for your patience as we handled your case.

We understand that you appealed CBP's constructive denial of your request. On appeal, CBP's FOIA Appeals, Policy & Litigation Branch referred the matter to the agency's FOIA Division. The agency's appeal determination letter informed you that FOIA Division's search for responsive records was complete and review of the records was ongoing, noting that the agency may not be able to process your request within 20 days. CBP's delay in processing your January 16, 2017 FOIA request dissatisfies you and you sought OGIS assistance with the matter.

Congress created OGIS to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. Our goal is to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

OGIS provides mediation services to resolve disputes between FOIA requesters and Federal agencies. After opening a case, OGIS gathers information from the requester and the agency to learn more about the nature of the dispute. This process helps us

gather necessary background information, assess whether the issues are appropriate for mediation, and determine the willingness of the parties to engage in our services. As part of our information gathering, we contacted CBP's FOIA Division to inquire about your request's status.

The FOIA Division informed OGIS that it located thousands of pages responsive to your request. The agency must finish reviewing the documents to determine what information it can release and what information it must withhold to protect government and personal privacy interests. CBP estimates that it will complete processing your request by April 10, 2018. The estimated date of completion provided to us by CBP is just that, an estimate. It is not a guarantee that the agency will have processed your request by that time. If you haven't received a response to your request by the end of April 2018, please contact CBP and/or OGIS for assistance.

Thank you for bringing the matter to OGIS. I hope you find this information useful. At this time, however, we can offer no further assistance, and as a result we will close your case. Please contact me if you have any questions.

Sincerely,

Christa Lemelin