



Kohl Harrington <kohl@harringtonfilms.com>

Appeal NGC20-092

1 message

Kohl Harrington <kohl@harringtonfilms.com>
To: foia@nara.gov
Cc: gary.stern@nara.gov
Bcc: Kohl Harrington <kohl@harringtonfilms.com>

Tue, Mar 24, 2020 at 10:21 AM

Hello,

I am appealing my FOIA request NGC 20-092.

NARA has not responded to my FOIA request with records in the times outlined in federal regulations and law.

-Kohl Harrington
Harrington Films
323-237-9958



Your FOIA Appeal of NGC20-092

1 message

Susan Gillett <susan.gillett@nara.gov>
To: Kohl Harrington <kohl@harringtonfilms.com>

Thu, Mar 26, 2020 at 1:54 PM

March 26, 2020

Kohl Harrington
29201 Heathercliff Rd. #1205
Malibu, CA 90265

Re: NGC20-092/ NARA Appeal No. NGC20-034A

Dear Mr. Harrington:

On March 24, 2020, we received on behalf of the Deputy Archivist of the United States, your administrative appeal that you submitted via email to foia@nara.gov. You are appealing FOIA request NGC20-092. You are appealing because you have not received a response within 20 working days. We assigned your appeal a case number NGC20-034A . Please provide this number in any future correspondence about this appeal.

The Deputy Archivist of the United States has the responsibility to adjudicate such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Due to the COVID-19 pandemic, and pursuant to guidance received from the Office of Management and Budget (OMB), NARA has adjusted its normal operations to balance the need of completing its mission-critical work while also adhering to the recommended social distancing for the safety of our staff. As a result of this re-prioritization of activities, you may experience a delay in receiving a substantive response to your FOIA request and to your appeal. We apologize for this inconvenience and appreciate your understanding and patience.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact us at foia@nara.gov, or write to the address below.

Sincerely,

Susan Gillett
Government Information Specialist
Office of General Counsel, Room 3110
8601 Adelphi Rd.
College Park, MD 20740-6001
Susan Gillett
Government Information Specialist
Office of General Counsel
National Archives and Records Administration
College Park, MD 20740-6001
301-837-3409
susan.gillett@nara.gov





April 20, 2020

Kohl Harrington
Harrington Films
kohl@harringtonfilms.com

Re: Freedom of Information Act Appeal No. NGC20-034A

Dear Mr. Harrington:

This is in response to your Freedom of Information Act (FOIA) appeal received in our office on March 24, 2020, in which you appeal the National Archives and Records Administration's Office of the General Council (NGC) administration of your initial FOIA requests assigned tracking number NGC20-092. Your appeal was assigned tracking number NGC20-034A.

In your November 27, 2019 *FOIAonline* request, you asked for “the email records date range (August 01, 2019 through November 27, 2019) for OGIS employee, Kirsten Mitchel, who is the Compliance Team Lead, Office of Government Information Services, and the email records I'm requesting are for key words Kohl Harrington, Sarah Kotler, Kim Hutchinson, Michael Marquis. Additionally, I am requesting all emails OGIS employee Kirsten Mitchel has exchanged with FDA FOIA employee Sarah Kotler (Sarah.Lotler@fda.hhs.gov), Kim Hutchinson (Kim.Hutchinson@hhs.gov), and Michael Marquis (Michael.Marquis@hhs.gov).”

In an email exchange dated February 6, 2020, you requested an update to your request. NGC staff responded and stated that your request is number 156 in our Complex FOIA queue and that there were over 40 emails that may be responsive to your request and will have to be reviewed for relevance and for exemptions that may apply under the FOIA. In an email dated March 23, 2020, you requested information on how to submit a FOIA appeal. NGC staff responded and provided you the link to NARA's FOIA Reference Guide and stated that your appeal does not commence until after you receive a response to your FOIA request.

In your March 24, 2020 email, you appealed the fact that NARA has not responded to your request stating, “NARA has not responded to my FOIA request with records in the times outlined in federal regulations and law.”

Under the FOIA, you may file an administrative appeal with NARA for any of the following decisions: the refusal to release the record, either in whole or in part; the determination that a record does not exist or cannot be found; the determination that the record you sought was not

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001
www.archives.gov

Exhibit 13

subject to the FOIA; the denial of a request for expedited processing; or the denial of a fee waiver request. See 36 C.F.R. § 1250.70 and [NARA's FOIA Reference Guide](#). Your appeal stating that NARA has not yet completed processing of your request is not a valid basis for an administrative FOIA appeal. As such, your appeal is being denied as an improper FOIA appeal.

As of today, your FOIA request is number 154 in our Complex queue.

This completes the processing of your appeal.

For your information, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Please consider using OGIS services, and this does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
ogis@nara.gov
ogis.archives.gov
202-741-5770
1-877-684-6448

Your administrative remedies are now exhausted. If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B). You may seek judicial review in the District of Columbia, in the United States District Court for the judicial district in which you reside or do business, or the judicial district where the records are located – in this instance, in the District of Maryland.

Sincerely,

Debra Steidel Wall

DEBRA STEIDEL WALL
Deputy Archivist of the United States

Official: NGC

Reading: NGC

Information Copy: NGC

NGC: JFoor/jf 04/20/2020

S:FOIA/FOIA APPEALS/FY 2020/ NGC20-033A File code 1103-6



FOIA Request NARA-NGC-2020-000313 Submitted

1 message

admin@foiaonline.gov <admin@foiaonline.gov>
To: kohl@harringtonfilms.com

Thu, Feb 6, 2020 at 6:39 PM

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: NARA-NGC-2020-000313
- Requester Name: Kohl Harrington
- Date Submitted: 02/06/2020
- Request Status: Submitted
- Description: I am requesting the email records date range (November 28, 2019 through February 06, 2020) for OGIS employee, KIRSTEN MITCHELL, who is the Compliance Team Lead, Office of Government Information Services, and the email records I'm requesting are for key words kohl harrington, sarah kotler, Kim Hutchinson, Michael Marquis. Additionally, I am requesting all emails OGIS employee KIRSTEN MITCHEL has exchanged with FDA FOIA employee sarah kotler (Sarah.Kotler@fda.hhs.gov), kim hutchinson (Kim.Hutchinson@hhs.gov), and Michael Marquis (Michael.marquis@hhs.gov)



FOIA Request NARA-NGC-2020-000314 Submitted

1 message

admin@foiaonline.gov <admin@foiaonline.gov>
To: kohl@harringtonfilms.com

Thu, Feb 6, 2020 at 6:44 PM

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: NARA-NGC-2020-000314
- Requester Name: Kohl Harrington
- Date Submitted: 02/06/2020
- Request Status: Submitted
- Description: I am requesting the email records date range (November 28, 2019 through February 6, 2020) for OGIS employee, Martha Wagner Murphy, who is the Deputy Director, Office of Government Information Services, and the email records I'm requesting are for key words kohl harrington, sarah kotler, Kim Hutchinson, Michael Marquis. Additionally, I am requesting all emails OGIS employee Martha Wagner Murphy has exchanged with FDA FOIA employee sarah kotler (Sarah.Kotler@fda.hhs.gov), kim hutchinson (Kim.Hutchinson@hhs.gov), and Michael Marquis (Michael.marquis@hhs.gov)



Kohl Harrington <kohl@harringtonfilms.com>

FOIA Request NARA-NGC-2020-000315 Submitted

1 message

admin@foiaonline.gov <admin@foiaonline.gov>
To: kohl@harringtonfilms.com

Thu, Feb 6, 2020 at 6:47 PM

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: NARA-NGC-2020-000315
- Requester Name: Kohl Harrington
- Date Submitted: 02/06/2020
- Request Status: Submitted
- Description: I would like all records for OGIS Case No. 20-0407



FOIA Request NARA-NGC-2020-000474 Submitted

1 message

admin@foiaonline.gov <admin@foiaonline.gov>
To: kohl@harringtonfilms.com

Thu, Mar 26, 2020 at 8:28 AM

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: NARA-NGC-2020-000474
- Requester Name: Mr. Kohl Harrington
- Date Submitted: 03/24/2020
- Request Status: Submitted
- Description: Requesting the email records date range (November 28, 2019-March 24, 2020) for OGIS employee, KIRSTEN MITCHELL, who is the Compliance Team Lead, Office of Government Information Services, and the email records I'm requesting are for key words; kohl harrington, sarah kotler, Kim Hutchinson, Michael Marquis. Additionally, I am requesting all emails OGIS employee KIRSTEN MITCHEL has exchanged with FDA FOIA employee sarah kotler (Sarah.Kotler@fda.hhs.gov), kim hutchinson (Kim.Hutchinson@hhs.gov), and Michael Marquis (Michael.marquis@hhs.gov). See attached request from National FOIA portal.



Re: New FOIA request received for Select National Archives component for me

1 message

Susan Gillett <foia@nara.gov>
To: Kohl Harrington <kohl@harringtonfilms.com>

Dear Mr. Harrington:

We have received your request below for emails of OGIS employee Kirsten Mitchell. We assigned it an internal tracking number of **NGC20-328** in addition to a FOIAonline tracking number NARA-NGC-2020-000474. Please cite both tracking numbers in any future correspondence about this request.

Sincerely,

Susan Gillett
Government Information Specialist
Office of General Counsel
National Archives and Records Administration
College Park, MD

On Tue, Mar 24, 2020 at 12:10 PM 'National FOIA Portal' via FOIA <FOIA@nara.gov> wrote:
Hello,

A new FOIA request was submitted to your agency component:

The following list contains the entire submission submitted March 24, 2020 12:10:03pm ET, and is formatted for ease of viewing and printing.

Contact information

First name Kohl
Last name Harrington
Mailing Address 29201 Heathercliff RD
1205
City Malibu
State/Province California
Postal Code 90265
Country United States
Phone 3232379958
Company/Organization Harrington Films
Email kohl@harringtonfilms.com

Request

Request ID 116561
Confirmation ID 116036

Request description I am requesting the email records date range (November 28, 2019–March 24, 2020) for OGIS employee, KIRSTEN MITCHELL, who is the Compliance Team Lead, Office of Government Information Services, and the email records I'm requesting are for key words; kohl harrington, sarah kotler, Kim Hutchinson, Michael Marquis. Additionally, I am requesting all emails OGIS employee KIRSTEN MITCHELL has exchanged with FDA FOIA employee sarah kotler (Sarah.Kotler@fda.hhs.gov), kim hutchinson (Kim.Hutchinson@hhs.gov), and Michael Marquis (Michael.marquis@hhs.gov)

Supporting documentation

Fees

Request category ID media
Fee waiver no
Willing to pay 25

Expedited processing

Expedited Processing no

The following table contains the entire submission, and is formatted for ease of copy/pasting into a spreadsheet.

request_id	confirmation_id	address_city	address_country	address_line1	address_line2	address_state_province	address_zip_postal_code	company_organization	email	expedited_processing	fee_amount_willing	fee_waiver	name_first	name_last	p
116561	116036	Malibu	United States	29201 Heathercliff RD		California	1205	Harrington Films	kohl@harringtonfilms.com	no	25	no	Kohl	Harrington	3:



FOIA Request NARA-NGC-2020-000475 Submitted

1 message

admin@foiaonline.gov <admin@foiaonline.gov>
To: kohl@harringtonfilms.com

Thu, Mar 26, 2020 at 8:45 AM

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: NARA-NGC-2020-000475
- Requester Name: Mr. Kohl Harrington
- Date Submitted: 03/24/2020
- Request Status: Submitted
- Description: I am requesting the email records date range (November 28, 2019-March 24, 2020) for OGIS employee, Martha Wagner Murphy, who is the Deputy Director, Office of Government Information Services, and the email records I'm requesting are for key words; kohl harrington, sarah kotler, Kim Hutchinson, Michael Marquis. Additionally, I am requesting all emails OGIS employee Martha Wagner Murphy has exchanged with FDA FOIA employee sarah kotler (Sarah.Kotler@fda.hhs.gov), kim hutchinson (Kim.Hutchinson@hhs.gov), and Michael Marquis (Michael.marquis@hhs.gov). See attached request via National FOIA portal.

Fwd: New FOIA request received for Select National Archives component for me

1 message

Susan Gillett <foia@nara.gov>
 To: Kohl Harrington <kohl@harringtonfilms.com>

Dear Mr. Harrington:

We have received your request below for emails of OGIS employee Martha Murphy. We assigned it an internal tracking number of **NGC20-329** in addition to a FOIAonline tracking number NARA-NGC-2020-000475. Please cite both tracking numbers in any future correspondence about this request.

Sincerely,

Susan Gillett
 Government Information Specialist
 Office of General Counsel
 National Archives and Records Administration
 College Park, MD

----- Forwarded message -----

From: 'National FOIA Portal' via FOIA <FOIA@nara.gov>
 Date: Tue, Mar 24, 2020 at 12:10 PM
 Subject: New FOIA request received for Select National Archives component for me
 To: <FOIA@nara.gov>

Hello,

A new FOIA request was submitted to your agency component:

The following list contains the entire submission submitted March 24, 2020 12:10:03pm ET, and is formatted for ease of viewing and printing.

Contact information

First name	Kohl
Last name	Harrington
Mailing Address	29201 Heathercliff RD
	1205
City	Malibu
State/Province	California
Postal Code	90265
Country	United States
Phone	3232379958
Company/Organization	Harrington Films
Email	kohl@harringtonfilms.com

Request

Request ID 116556
Confirmation ID 116031

Request description I am requesting the email records date range (November 28, 2019-March 24, 2020) for OGIS employee, Martha Wagner Murphy, who is the Deputy Director, Office of Government Information Services, and the email records I'm requesting are for key words; kohl harrington, sarah kotler, Kim Hutchinson, Michael Marquis. Additionally, I am requesting all emails OGIS employee Martha Wagner Murphy has exchanged with FDA FOIA employee sarah kotler (Sarah.Kotler@fda.hhs.gov), kim hutchinson (Kim.Hutchinson@hhs.gov), and Michael Marquis (Michael.marquis@hhs.gov)

Supporting documentation**Fees**

Request category ID	media
Fee waiver	no
Willing to pay	25

Expedited processing

Expedited Processing	no
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The following table contains the entire submission, and is formatted for ease of copy/pasting into a spreadsheet.

request_id	confirmation_id	address_city	address_country	address_line1	address_line2	address_state_province	address_zip_postal_code	company_organization	email
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request_id confirmation_id address_city address_country address_line1 address_line2 address_state_province address_zip_postal_code company_organization email

116556	116031	Malibu	United States	29201 Heathercliff RD	1205	California	90265	Harrington Films	kohl@harringt
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 FOIA Request confirmation #116031.pdf
4K