

From: [Hurd, Matthew \(OIP\)](#)
To: [David Pritzker](#)
Cc: [Mallon, Carmen L \(OIP\)](#); [Pustay, Melanie A \(OIP\)](#); [O'Neill, Sean \(OIP\)](#); [Talebian, Bobak \(OIP\)](#)
Subject: OIP's Proposed Language Change
Date: Thursday, April 24, 2014 6:46:11 AM

Dear Mr. Pritzker:

As we discussed via email, OIP would like to make the following proposed comment/edit on the paragraph that is located on page four of the draft recommendation that you prepared on behalf of ACUS. This is the second full paragraph located on page four. For ease of review, I have provided the language as it currently exists in the proposed recommendation and our suggested edit, directly below.

Original Paragraph (Pg. 4; 2nd Full Paragraph):

“Although the Office of Information Policy (OIP) in the Department of Justice (DOJ) historically considered itself to have a role as “FOIA ombudsman,” the legislation that created OGIS clearly assigned a mediation role to OGIS and, in effect, a “FOIA ombudsman” responsibility. Underlying this policy decision was the fact that DOJ, including OIP, previously had both a FOIA compliance promotion function and a responsibility to represent agencies in lawsuits arising under FOIA. Under the OPEN Government Act of 2007, OGIS has statutory responsibility to promote compliance but possesses no agency representation responsibilities.”

Proposed Substitute language:

“The Office of Information Policy (OIP) has long assisted requesters who have concerns about the way in which the FOIA is being administered. OIP's statutory responsibilities include encouraging agencies to properly comply with the FOIA; therefore, when concerns are brought to OIP's attention regarding compliance, OIP looks into the matter. While historically OIP had at times used the term “ombudsman,” it now uses the more precise term “compliance inquiries” to describe this work, which is fully in keeping with OIP's statutory responsibilities and does not involve mediation. As part of the OPEN Government Act of 2007, Congress created a new office, OGIS, and specifically assigned to it the responsibility to offer mediation services as a non-exclusive alternative to litigation.”

I would like to thank you and ACUS again for allowing OIP to be a part of this process. I look forward to working with you again in the future. Please contact me if you have any questions regarding this proposed comment/edit.

Sincerely,

Matthew Hurd
Attorney Advisor
OIP