



# United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:  
Appeal No. 2014-152

July 1, 2015

Crystal Bond

(b) (6)

Dear Ms. Bond:

This responds to your undated Freedom of Information Act ("FOIA") appeal ("appeal") to the Department of the Interior ("Department"), which you e-mailed here on April 19, 2014, and that the Department assigned as **Appeal Number 2014-152**. Your appeal concerns your October 3, 2013, FOIA request to the Bureau of Indian Affairs ("BIA") that sought three categories of documents:

1. All Email records and all other communications between BIA Management and BIA FOIA personnel between January 2013 to present that pertain to the process of filling [your] FOIA Requests, specifically all email and other communications initiated, received or sent by Jeannette Hanna, Tommy Thompson, Michael Black, Larry Ecohawk, Paul Tsoasie and by all FOIA Officers and staff tasked with responding to my FOIA requests.
2. All Email records generated, initiated by, received by and mailed by Jeannette Hanna that are in any way related to any of [your] FOIA Requests submitted to the BIA FOIA Office between January 1, 2010 and present, including all communications between Jeanette Hanna and all BIA FOIA personnel.
3. All Emails and other communications regarding the processing of all of Crystal Bond's FOIA Requests regarding Jeanette Hanna from January 1, 2010 to present.

In response to the FOIA request, the BIA advised you that it "conducted a search and located one record consisting of three pages," which it released to you in its entirety. You filed this appeal to challenge the BIA's determination, stating "[you] have reason to believe that BIA's search for responsive records was inadequate and incomplete and that records were withheld with neither acknowledgement nor explanation as required by applicable Interior regulations."

In response to your appeal, the Department requested that the BIA review the issues that you raised regarding its search for responsive documents and the initial file search that it conducted to locate them. After performing these reviews, the BIA has advised that it has located additional documents that are responsive to the aspect of your October 3, 2013, FOIA request that seeks documents from the BIA's FOIA personnel. Therefore, to complete the BIA's response to this aspect of the FOIA request, **by copy of this letter, the BIA is directed to:**

- **Correspond directly with the Appellant regarding the releasability of the additional documents that it located from its FOIA personnel within 20 workdays of the date of this decision and release the non-exempt portions of any of the documents within this time frame.**

As for the aspect of your October 3, 2013, FOIA request that seeks documents from BIA personnel outside of its FOIA Office, the BIA has not established that any of those individuals, whom you specifically named in your FOIA request, conducted searches of their files to determine what, if any, responsive documents they may have. The BIA's failure to establish that any of these individuals conducted searches (or, if they were/are no longer with the Department, that other personnel who may have access to their paper and electronic files performed searches) for responsive documents renders its processing of the October 3, 2013, FOIA request procedurally deficient.

To correct the issue with the BIA's search, **by copy of this letter, the Department is remanding the appeal to the BIA for it to:**

- **Conduct searches of the paper and electronic files (including e-mails) of all of the likely possessors of responsive documents whom the Appellant identified by name in the FOIA request** using key words from the request that are likely to uncover any responsive documents that might exist.
- **Make a determination on the releasability of any documents that it may locate during this search**, ensuring that any decision to withhold documents in full or in part includes a response that complies with § 2.24 of the Department's FOIA regulations.
  - If the BIA's search of its files does not yield additional responsive documents, it will advise the Appellant of this finding.
- **The BIA will correspond directly with the Appellant regarding the results of its search within 20 workdays of the date of this decision** (including releasing the non-exempt portions of any additional documents that it locates), with a copy of its letter to this Office.

This completes the Department's response to your appeal. If you have any questions regarding this matter, please call the FOIA Appeals Office at (202) 208-5339.

Sincerely,



Darrell R. Strayhorn  
FOIA Appeals Officer  
Department of the Interior

cc: Daniel Largo, FOIA Officer, BIA (**FOR ACTION**)  
Monique Hartgrove, Government Information Specialist, BIA  
Cindy Cafaro, Departmental FOIA Officer