

FOIA Appeal: Imposition of FOIA Fee

Legal Opinion: GMP-0075

Index: 7.220

Subject: FOIA Appeal: Imposition of FOIA Fee

April 23, 1992

Mr. Ray T. Briggs  
P.O. Box 3569  
Palmer, Alaska 99645

Dear Mr. Briggs:

This is in response to your February 23, 1992 Freedom of Information Act (FOIA) appeal requesting administrative review of the response by the Anchorage, Alaska Office to your FOIA request dated January 28, 1992. Your request was for the following information: (1) all jobs done by Jacks Handyman Service for Rogers Realty acting as Area Management Broker for HUD; (2) all certified payroll records from Jacks Handyman Service; (3) all records for Purchase Order 89/3910 to Jacks Handyman Service; and (4) a copy of Standard Form 129, as submitted by Jacks Handyman Service.

I have determined to affirm the initial determination of the Anchorage Office.

In a letter to you dated January 27, 1992, Arlene Patton, Manager, Anchorage Office, provided you with copies of all purchase orders and back-up information regarding Jacks Handyman Service on file in the Anchorage Office. This information was in response to Item 1 of your request. She also advised you that the Department no longer retained a copy of the Standard Form 129 by Jacks Handyman Service in response to Item 4. In regard to Items 2 and 3, Ms. Patton explained that it would be necessary to retrieve at least 4,000 files from the Federal Records Center. Review of these files would require approximately 1,000 hours of staff time to examine further records and documents. The total estimated cost would exceed \$25,000.00. In a subsequent response, dated February 13, 1992, she informed you of the difficulty the office would have identifying work performed by contractors on the basis of purchase order numbers alone. She noted that, in order to expedite matters, specific addresses or case numbers would be required. She also pointed out that an additional 8,000 to 10,000 files involving Area Management Brokers would have to be examined to respond to your request, at an additional 2,000 hours of staff time.

We recently confirmed this information with both the Seattle and Anchorage Offices. We were informed that a representative of the Anchorage Office met with you on January 30, 1992 to discuss the concerns of your FOIA request.

If you wish the Department to initiate a search for additional information in response to your request, pursuant to 24 C.F.R. 15.18 you must provide reasonable assurance for

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payment regarding the assessed fee of \$25,000.00. The payment should be made in the form of a check to the Treasurer, United States and mailed to the Anchorage, Alaska Office, Attention Arlene Patton, Manager. The fee is only an estimate and actual costs of the search could exceed the stated amount once the search is completed.

Should you be able to narrow the scope of your request, it may be possible to provide information which would be helpful to you for less than the amount quoted herein.

You have the right to judicial review of this determination under 5 U.S.C. 552(a)(4).

Very sincerely yours

C.H. Albright, Jr.  
Principal Deputy General Counsel

cc: Yvette Magruder  
John VanderMolen, Regional Counsel  
Arlene Patton, Manager, Anchorage Office