Re: Freedom of Information Act Request No. 200203010

Dear Ms. Fuchs:

Thank you for your letter of January 28, 2003, concerning Freedom of Information request number 200203010, in which you note that the Department of State has not yet responded to Mr. William Ferrogetti's FOIA request.

This FOIA request is not subject to administrative appeal at this time, since no specific material has been denied in response to the request. Section (a)(6)(C) of the Act provides that a requester shall be deemed to have exhausted his administrative remedies if an agency fails to respond within the applicable time limit specified in the paragraph, which is twenty days. The requester, therefore, would not be required to appeal administratively before instituting suit in federal court. This provision does not, however, provide a basis for an administrative appeal.

I can confirm to you that your request is being processed, but am unable to predict the length of time before action on it will be completed. I have sent a copy of your letter to the office, which has been assigned responsibility for processing your request. You may address further questions to that unit, at the following address: Branch Chief, A/RPS/IPS/CR/M/PD, Room 4081, SA-2, Department of State, Washington, DC 20522-6001.

Sincerely,

Charles Lahiguera
Appeals Officer
Office of IRM Programs and Services