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for purposes of identification.*

June 8, 2016

**Re: DEPARTMENT OF LABOR Office of the Secretary Privacy Act of 1974; Publication in Full of All Notices of Systems of Records, Including Several New Systems, Substantive Amendments to Existing Systems, Decommissioning of Obsolete Legacy Systems, and Publication of Proposed Routines Uses (Docket ID DOL-2016-0004-0001)**

**Comments of the Reporters Committee for Freedom of the Press**

The Reporters Committee for Freedom of the Press (“Reporters Committee” or “RCFP”) appreciates the opportunity to comment on the revisions to the Department of Labor’s (“DOL’s”) implementation of the Privacy Act (“PA”) (the “Proposed Revisions”).<sup>1</sup> These comments are submitted only to address the DOL/CENTRAL-5 system of records.

The press routinely relies on the Freedom of Information Act, 5 U.S.C. § 552, (“FOIA”) to gain access to government records in order to gather and disseminate information of public interest regarding the conduct of government entities and officials. Despite FOIA’s clear statutory deadlines and mandate of openness, members of the news media are frequently frustrated by delays and/or denials when requesting government records, inhibiting the public’s right to know “what their government is up to.” *United States Dep’t of Justice v. Reporters Comm. For Freedom of Press*, 489 U.S. 749, 773 (1989).

The Office of Governmental Information Services (“OGIS”) was created in 2007, with the support of the news media, to assist in improving

<sup>1</sup> The text of the notice is available at <https://www.gpo.gov/fdsys/pkg/FR-2016-04-29/pdf/2016-09510.pdf>. The Reporters Committee does not take any position on any portion of the Proposed Rule not specifically addressed herein.

FOIA's functionality. *See* OPEN Government Act of 2007, Pub. L. No 110-175 (2007). OGIS is tasked by statute to offer mediation services to FOIA requesters, issue advisory opinions, review FOIA policies and procedures of agencies, review agency compliance with FOIA, and recommend policy changes to Congress and the President to improve FOIA's administration. *See* 5 U.S.C. § 552(h). Accordingly, it is important that OGIS have access to the information of other agencies to carry out its statutory duties.

The Proposed Revisions with regard to the DOL/CENTRAL-5 system of records do not, in their current form, provide OGIS with sufficient access to carry out its statutory duties. That section's Routine Uses provision should be revised to match OGIS's model routine use language:

To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. § 552(h), to review administrative agency policies, procedures and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

OGIS, *Agency Review* <https://ogis.archives.gov/Page452.aspx> (last accessed Jun. 8, 2016); *see also* OGIS, *Correspondence Regarding Routine Uses for OGIS*, <https://ogis.archives.gov/about-ogis/statements/routine-uses-correspondencece.htm> (last accessed June 8, 2016). The Reporters Committee believes that incorporating this revision will assist OGIS's functionality, and consequently serve the news media and the general public who rely on FOIA for access to government records. We appreciate the DOL's consideration of these comments.

Sincerely,

The Reporters Committee for Freedom of the Press