U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of the Chief Information Officer
High Performance Computing and Communications

Via FOIAonline

Mr. Ryan P. Mulvey
Cause of Action
1919 Pennsylvania Ave. NW, Suite 650
Washington, DC 20006

Re: Request No. DOC-NOAA-2017-001101

Dear Mr. Mulvey,

This letter is in response to your Freedom of Information Act (FOIA) request received by our office on May 18, 2017, in which you requested:

"access to any final guidance concerning the retention of instant messaging sessions created or received through the "Google Chat" or "Google Hangouts" feature of the National Oceanic and Atmospheric Administration's ("NOAA") Unified Messaging System (i.e., NOAA's Google-hosted agency e-mail platform). According to a March 2012 handbook, "[p]er the decision of NOAA General Counsel," communications through Google Chat (or Google Hangouts) "will be considered 'off the record' and will not be recorded in anyway." Records concerning the Office of General Counsel's("OGC") "decision," in this respect, are responsive to CoA Institute's request, as are other records reflecting agency-wide guidance on the retention of chat/instant or text messages created or received through NOAA's Google-hosted e-mail platform."

We have located 74 documents responsive to your request. You are granted full access to those records, and a copy is enclosed. Your request is now completed.

Although we do not consider this to be a denial of your request, and although we are aware you have already commenced litigation on this matter, you have the right to file an administrative appeal if you are not satisfied with our response to your FOIA request. All appeals should include a statement of the reasons why you believe the FOIA response was not satisfactory. An appeal based on documents in this release must be received within 90 calendar days of the date of this response letter at the following address:
Assistant General Counsel for Litigation, Employment, and Oversight
U.S. Department of Commerce
Office of General Counsel
Room 5875
14th and Constitution Avenue, N.W.
Washington, D.C. 20230

An appeal may also be sent by e-mail to FOIAAppeals@doc.gov, or by FOIAonline at https://foiaonline.regulations.gov/foia/action/public/home#.

For your appeal to be complete, it must include the following items:

- a copy of the original request,
- our response to your request,
- a statement explaining why the withheld records should be made available, and why the denial of the records was in error.
- "Freedom of Information Act Appeal" must appear on your appeal letter. It should also be written on your envelope, or e-mail subject line.

FOIA appeals posted to the e-mail box, FOIAonline, or Office after normal business hours will be deemed received on the next business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

FOIA grants requesters the right to challenge an agency's final action in federal court. Before doing so, an adjudication of an administrative appeal is ordinarily required.
The Office of Government Information Services (OGIS), an office created within the National Archives and Records Administration, offers free mediation services to FOIA requesters. They may be contacted in any of the following ways:
Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
Email: ogis@nara.gov

Phone: 301-837-1996
Fax: 301-837-0348
Toll-free: 1-877-684-6448

If you have questions regarding this correspondence please contact Assistant United States Attorney Joshua Kolsky at Joshua.Kolsky@usdoj.gov, or call (202) 252-2541.

Sincerely,

GRAFF.MARK.HYRUM.1514447892

Digitally signed by GRAFF.MARK.HYRUM.1514447892
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=OTHER, cn=GRAFF.MARK.HYRUM.1514447892
Date: 2018.02.28 16:59:26 -05'00'

Mark H. Graff
NOAA FOIA Officer
National Oceanic and Atmospheric Administration