

Comments Submitted by APG to NARA's Freedom of Information Act Advisory Committee  
RE: FOIA Advisory Committee Seeks Input on Draft Model Determination Letter

July 27, 2023

The Association of Professional Genealogists (APG) wholeheartedly supports the Model Determination Letter recently published by the Office of Government Information Services (OGIS), which instructs agencies to provide thorough explanations to requesters about things such as how searches were done, or which specific exemptions are being invoked. Based on our members' experiences, we would like to make some suggestions for additional ways in which agencies can provide valuable information:

### **1. Explanation of Lost or Missing Records.**

In instances where requested records are known to have existed but cannot be located, it is imperative that agencies provide thorough explanations for their absence. Acknowledging the existence of such records without being able to produce them can be deeply frustrating for requesters and hinder their research. Therefore, the determination letter should outline all efforts made to locate these records, including searches through various databases, and historical repositories. By detailing the steps taken to find the records, agencies demonstrate transparency and ensure that researchers can trust in the integrity of their search process.

### **2. Records Destroyed Pursuant to a Retention Schedule.**

When records have been destroyed according to an established retention schedule, agencies should be forthcoming in providing clear information about the destruction. This enables requesters to comprehend the circumstances surrounding the loss of potentially valuable historical data and allows for alternative approaches to be explored in reconstructing the missing information.

### **3. Discretionary Release of Records That Are Not Technically Responsive.**

In some cases, an agency may possess records that do not strictly meet the technical parameters of the requester's inquiry but could still be of immense value in their research. Agencies should, therefore, exercise discretion and offer records they believe may be useful to the requester, even if not directly responsive to the specific request. This generous approach fosters collaboration and openness of government.



APG urges government agencies to adopt these practices in their determination letters, as they will significantly contribute to fostering a more transparent and cooperative relationship with the researcher community.

Respectfully,

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