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Mr. John Livornese
FOIA/PA Officer
Office of FOIA Services
Securities & Exchange Commission
100 F Street NE
Washington, DC 20549-5041

Submitted to the via email to rule-comments@sec.gov as per instructions in the Federal Register notice, Vol. 79, No. 124/Friday, June 27, 2014/Proposed Rules

RE: File No. S7-07014, Securities and Exchange Commission Proposed Rule to its Freedom of Information Act Regulations: Fee Schedule, Addition of Appeal Time Frame, and Miscellaneous Administrative Changes, 17 C.F.R. Part 200, Release No. 34-72440, File No. S7-07014, RIN 3235-AL58, Docket No. 2014-14979

These comments are offered on behalf of the National Archives and Records Administration's Office of Government Information Services (OGIS) regarding the Securities and Exchange Commission (SEC) Proposed Rule to its Freedom of Information Act Regulations: Fee Schedule, Addition of Appeal Time Frame, and Miscellaneous Administrative Changes.

OGIS, created by Congress in the OPEN Government Act of 2007, has the statutory mandate under the Freedom of Information Act (FOIA) to recommend policy changes to Congress and the President, offer mediation services to resolve disputes between FOIA request and agencies, and review agency FOIA policies, procedures and compliance. As part of its review mission, OGIS comments on proposed new and updated agency FOIA regulations.

§ 200.80 Commission records and information.

With regard to subsection (d)(6)(i), OGIS suggests that the SEC consider allowing 60 days for

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requesters to appeal. OGIS has observed that mail screening by Federal agencies can slow the amount of time it takes appeals to reach their destination.

§ 200.80e Appendix E—Schedule of fees for records services.

OGIS recommends that the SEC allows documents to be released generally without any charge or at a reduced charge at its discretion and/or if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. The CIA’s FOIA regulations, for example, allow administrative discretion to release records without charge or at a reduced rate whenever the Agency determines “[t]hat, as a matter of administrative discretion, the interest of the United States Government would be served.” (32 C.F.R. § 1900.13(b)(1)) OGIS has seen fee disputes that have consumed agency resources that in the end were not worth fighting, serving only to waste agency resources and delay release of requested documents. OGIS suggests this in the interest of better serving FOIA and making government more efficient.

*Comments submitted on behalf of the National Archives by:
Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road—OGIS
College Park, MD 20740
ogis.archives.gov; E-mail: ogis@nara.gov
Telephone: 202-741-5770; Toll-free: 1-877-684-6448
Facsimile: 202-741-5769*