



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

APR 23 2008

Mr. Roy Den Hollander  
Apartment 10D  
545 East 14th Street  
New York, NY 10009

Re: Appeal No. 08-0918  
Request No. 2008-3783  
ALB:KMR

Dear Mr. Hollander:

You appealed from the action of the Executive Office for Immigration Review (EOIR) on your request for access to records pertaining to yourself, to include certain records pertaining to "Alina (a.k.a. Angelina) Alexandrovna Shipilina (a.k.a. Chipilina)."

After carefully considering your appeal, I am affirming, on partly modified grounds, EOIR's action on your request. EOIR properly withheld this information in its entirety because it is protected from disclosure under the Freedom of Information Act pursuant to 5 U.S.C. § 552(b)(7)(C). This provision concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

In your letter dated January 26, 2008, you state that you are "requesting a determination of [your] Privacy Act request based on the Privacy Act and not the FOIA." Please be advised that the Privacy Act provides an individual with a means of access to his own records that are maintained in Privacy Act systems of records. See 5 U.S.C. § 552a(d)(1) (2007). EOIR informed a member of my staff that it could locate no records responsive to your request contained in a Privacy Act system of records. See 5 U.S.C. § 552a(a)(5) (2007) (defining a Privacy Act "system of records" as "a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual"). I have determined that EOIR's response was correct and that it conducted an adequate, reasonable search for records responsive to your request.

If you are dissatisfied with my action on your appeal, you may file a lawsuit in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Janice Galli McLeod  
Associate Director

By: *Anne D. Work*

Anne D. Work  
Deputy Chief  
Administrative Appeals Staff