

Legal Opinion: GMP-0120

Index: 7.205
Subject: FOIA Appeal: Overly Broad Request

September 21, 1992

Mr. Anthony Cherry, Jr.
2000 Druid Hill Avenue, Front Door
Baltimore, Maryland 21217

Dear Mr. Cherry:

This is in response to your Freedom of Information Act (FOIA) appeal dated July 10, 1992. You appeal the response dated June 24, 1992 issued by James S. Kelly, Acting Freedom of Information Liaison Officer, Baltimore Field Office, which stated that the Baltimore Office has no documents concerning the use of Community Development Block Grant (CDBG) funds for activities involving the property located at 2000 Druid Hill Avenue, Baltimore, Maryland. You state that the Baltimore Office interpreted your FOIA request too narrowly because it did not address whether federal assistance other than CDBG funding might be involved in connection with the property.

Pursuant to the FOIA, the agency must be provided with a request for an identifiable record. 24 C.F.R. Section 15.41. A record is identifiable if the request gives sufficient information to enable HUD to locate the record.

I have reviewed your FOIA request of June 12, 1992, and have determined that the request was overly broad and did not provide sufficient information to enable HUD to locate an identifiable record with a reasonable amount of effort. In view of the lack of information provided to the agency, I do not believe the Department interpreted your FOIA request too narrowly.

We would be glad to reconsider your request if you can provide us additional information pertaining to the programs of the Department in which you are interested. You may resubmit your FOIA request to the Baltimore Office.

You are advised that you have a right to judicial review of this determination under 5 U.S.C. Section 552(a)(4).

Very sincerely yours,

George L. Weidenfeller
Deputy General Counsel (Operations)

cc: Yvette Magruder
Peter Campanella, 3G