

17, 2024); Memorandum of Phone Conversation between MA-70/72 SME and OHA (Dec. 17, 2024).

OPI issued a determination letter to the Appellant on October 29, 2024, explaining that MA-70/72 had completed a search, but no responsive documents had been located. Determination Letter from OPI to Rachel Santarsiero at 1 (Oct. 29, 2024).

The Appellant timely appealed the determination letter to OHA on December 5, 2024. Appeal Letter from Rachel Santarsiero to OHA (Dec. 5, 2024). In her appeal, the Appellant challenged the adequacy of the search. *Id.* at 1. The Appellant argued that “[g]iven [DOE]’s direct and indirect involvement in carrying out the conditions of the 2015 Paris Agreement, as well as former Secretary of Energy Rick Perry’s well-documented preference for staying in the Accords,” she found it “unlikely that there would be no responsive records from the White House to [DOE] with either guidance or instructions following President Trump’s decision to withdraw from the Accords.” *Id.* The Appellant requested DOE to “undertake a second, more careful review of relevant records.” *Id.*

II. Analysis

A FOIA request requires an agency to “conduct a search reasonably calculated to uncover all relevant documents.” *Truitt v. Dep’t of State*, 897 F.2d 540, 542 (D.C. Cir. 1990). The standard of reasonableness we apply “does not require absolute exhaustion of the files; instead, it requires a search reasonably calculated to uncover the sought materials.” *Miller v. Dep’t of State*, 779 F.2d 1378, 1384–85 (8th Cir. 1985); *accord Truitt*, 897 F.2d at 542. “The adequacy of a FOIA search is generally determined not by the fruits of the search, but by the appropriateness of the methods used to carry out the search.” *Jennings v. Dep’t of Justice*, 230 F. App’x 1, 1 (D.C. Cir. 2007) (internal quotation marks omitted). We have not hesitated to remand a case where it is evident that the search conducted was in fact inadequate, and whether the search conducted was reasonable depends on the facts of each case. *See, e.g., Ayyakkannu Manivannan*, OHA Case No. FIA-17-0035 (2017); *Coffey v. Bureau of Land Mgmt.*, 249 F. Supp. 3d 488, 497 (D.D.C. 2017) (citing *Weisberg v. Dep’t of Justice*, 745 F.2d 1476, 1485 (D.C. Cir. 1984)).

Upon receipt of the appeal, the MA-70/72 SME voluntarily ran an additional search for responsive documents. Memorandum of Phone Conversation between MA-70/72 SME and OHA (Dec. 5, 2024). The SME applied the same search terms that were utilized in the initial search, searched the same records management systems, and again reviewed the returned documents for responsive records. Memorandum of Phone Conversation between MA-70/72 SME and OHA (Dec. 17, 2024). Just as in the initial search, no responsive records were located. *Id.*

We find that OPI and MA-70/72 conducted a search reasonably calculated to uncover all relevant documents. First, we find that it was reasonable for OPI to transfer the FOIA request to MA-70/72, given that these offices control correspondence addressed to the Office of the Secretary, which is where guidance from the White House on such a major policy issue would most likely be found. Memorandum of Telephone Conversation between OPI and OHA (Dec. 5, 2024). The Appellant offered no argument as to why these search locations were inadequate or unlikely to contain responsive records. Next, in its initial search, the MA-70/72 SME used broad-sweeping terms that

were reasonably calculated to uncover responsive records. For example, it is difficult to imagine a responsive document that would not simply contain the phrase “Paris Climate,” let alone *any* of the other ten terms. Lastly, although DOE was not required to conduct an additional search on appeal, OPI and MA-70/72 went above-and-beyond by voluntarily conducting such a search, which again failed to uncover responsive records. Although the Appellant argues that it is “unlikely” that a responsive record would not exist, this assertion is akin to “mere speculation.” *SafeCard Services, Inc. v. SEC*, 926 F.2d 1997, 1201 (D.C. Cir. 1991). The fact that the searches failed to yield any responsive documents is not indicative of an inadequate search. *See Jennings*, 230 F. App’x at 1; *see also White v. U.S. Dep’t of Just. Exec. Off. for U.S. Att’ys*, 2012 WL 3059571, at *1 (D.C. Cir. July 19, 2012) (concluding that agency’s “failure to locate documents responsive to [the] request appears to be a function of the limited information provided in [the] request, and [requester] has not demonstrated that [agency] had a duty to investigate and provide additional search terms”). Accordingly, based on the foregoing, we find that the search performed by OPI and MA-70/72 was reasonably calculated to uncover all responsive documents in the possession of DOE.

III. Order

It is hereby ordered that the appeal filed by Rachel Santarsiero on December 5, 2024, Case No. FIA-25-0010, is denied.

This is a final order of the Department of Energy from which any aggrieved party may seek judicial review pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B). Judicial review may be sought in the district in which the requester resides or has a principal place of business, or in which the agency records are situated, or in the District of Columbia.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect the right to pursue litigation. OGIS may be contacted in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
Web: ogis.archives.gov Email: ogis@nara.gov
Telephone: 202-741-5770 Fax: 202-741-5769
Toll-free: 1-877-684-6448

Poli A. Marmolejos
Director
Office of Hearings and Appeals