



United States Department of State

Washington, D.C. 20520

February 5, 2026

David Burger
Guardian Legal Watch

Dear Mr. Burger:

Thank you for your letter of December 15, 2025, concerning Freedom of Information Act (“FOIA”) request number F-2025-28025, in which you note that the Department of State has not yet responded to your request.

Your FOIA request is not subject to administrative appeal at this time, since no specific material has been denied in response to the request.

The FOIA, 5 U.S.C. §(a)(6)(C)(i), provides that a requester “is deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions,” which is 20 days (with certain exceptions). In this situation, a requester may seek judicial review and institute a suit in federal court. This provision does not, however, provide a basis for an administrative appeal of a request that is still being processed. Moreover, the lack of a substantive response to date is not the same as a response indicating that no documents were found.

I have confirmed that your request is being processed. The Department receives thousands of FOIA and Privacy Act requests each year and yours will be processed in turn. I have sent a copy of your letter to the office that has been assigned responsibility for processing your request. If you need further assistance, please contact the FOIA Requester Service Center at (202) 261-8484 or FOIAstatus@state.gov.

Sincerely,

Philomena Hall

For,

Diamonece Hickson

Supervisory Government Information Specialist

Litigation and Appeals Office

Information Programs Access Directorate