U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
(202) 804-7000
www.osc.gov

February 10, 2026

Dan McGrath
American Oversight
1030 15ht Street, NW
Suite B255
Washington, DC 20005

Sent via email: foia@americanoversight.org

Re: OSC Freedom of Information Act and/or Privacy Act Request (2026-047)

Dear Dan McGrath,

This letter is in response to your Freedom of Information Act (FOIA)/Privacy Act (PA) request dated February 6, 2026. You requested the following information under FOIA, 5 U.S.C. § 552 and PA, 5 U.S.C. § 552(a):

"On January 20, 2026, Politico reported that the Social Security Administration (SSA) referred two members of the SSA DOGE team to the U.S. Office of Special Counsel for potential Hatch Act violations. American Oversight seeks records that may shed light on this matter." You also provided proposed search terms and custodians in connection with this request.

OSC is an independent federal investigative and prosecutorial agency. Our primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing. Our records indicate that the information you seek is part of an active investigation that is currently open and on-going. The pre-mature release of information could inhibit the ability of the agency to conduct its investigation. Therefore, the information you seek is protected pursuant to FOIA Exemptions (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), and OSC's Federal Regulation, 5 CFR Part 1820.14.

- FOIA Exemption 6 protects information if disclosure would constitute a clearly unwarranted of personal privacy. See U.S.C. § 552(b)(6).
- FOIA Exemption 7(A) permits withholding of records when law enforcement proceedings can be reasonably expected. See 5 U.S.C § 552(7)(A).
- FOIA Exemption 7(C) protects law enforcement information if disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C § 552(b)(7)(C).
- FOIA Exemption 7(D) permits withholding of records when revealing a confidential source or information provided by a confidential source could reasonably be expected. See 5 U.S.C

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§ 552(b)(7)(D).

Because the FOIA Team does not provide information for an ongoing investigation, it is administratively closing your request. You may submit a new FOIA request when the investigation has concluded.

If you disagree with this response, you may appeal this response to OSC's Office of General Counsel. If you choose to appeal, the General Counsel must receive your FOIA/PA appeal no later than 90 days from the date of this letter. Your appeal must be made in writing. You may submit your appeal and accompanying materials to OSC's Office of General Counsel by mail, email, or by using our OSC PAL link at https://efoia.osc.gov/app/Home.aspx. Please note that, if the original request was not submitted using our OSC PAL link, you must register in order to file an appeal. Please ensure to use the same email address you submitted when filing your initial FOIA request.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact) and email address in case the General Counsel needs additional information or clarification of your appeal. OSC's Office of General Counsel's Contact Information is the following:

The U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
Attn: Office of General Counsel
Telephone: 202-804-7000
Email: FOIAappeal@osc.gov

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Record Administration to inquire about mediation services they offer to resolve disputes between FOIA requestors and Federal Agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001

E-mail: ogis@nara.gov
Web: https://ogis.archives.gov
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448

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Please note that using OGIS services does not affect the timing of filing an appeal with the OSC's Office of General Counsel.

If you have any questions, you may contact our office by email at FOIArequest@osc.gov or telephone at 202-804-7000.

Sincerely,
John Hanna
John Hanna

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