



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
STATION PLACE  
100 F STREET, NE  
WASHINGTON, DC 20549-2465

Office of FOIA Services

August 17, 2022

Mr. Connor Hindley  
500 Lake Dillon Dr., Unit 1370  
Dillon, CO 80435

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552  
Request No. **22-02530-FOIA**

Dear Mr. Hindley:

This letter is in response to your request, dated July 18, 2022 and received in this office on July 18, 2022, asking for information the SEC knows about the count or count estimation of shares of GameStop held by retail investors. You specifically ask:

- 1) Has the SEC performed an audit of common retail broker-dealers as to how many shares are held?
- 2) If the SEC has performed an audit - how many shares were held?
- 3) If the SEC has not performed an audit - why not?
- 4) Is the SEC aware of any times when there were more shares in retail brokerage accounts than there should have been shares outstanding?
- 5) Has the SEC been keeping a list of broker-dealers responsible for the transactions that have failed to deliver? Can this list be made public?

Please be advised that the FOIA establishes a statutory scheme for the public to use in making requests for agency records. However, that scheme does not obligate agencies to conduct research on behalf of requesters or answer questions disguised as FOIA requests. Your request improperly seeks to have the Commission conduct legal research and/or provide answers to interrogatories. Therefore, I find that you do not satisfy the requirements for making a proper FOIA request. Consequently, we have administratively closed your request.

If you consider this response to be a denial of your request, you have the right to appeal the adequacy of our search or finding of no responsive information to the SEC's General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(f)(1). The

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appeal must be received within ninety (90) calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

You may file your appeal by completing the online Appeal form located at [https://www.sec.gov/forms/request\\_appeal](https://www.sec.gov/forms/request_appeal), or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

Finally, SEC fails to deliver data is publicly available on our website at the following link:  
<https://www.sec.gov/data/foiadocsfailsdatahtm>

If you have any questions, please contact Warren Jackson of my staff at [jacksonw@sec.gov](mailto:jacksonw@sec.gov) or (202) 551-8312. You may also contact me at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,

A handwritten signature in cursive script that reads "Carrie Hyde-Michaels".

Carrie Hyde-Michaels  
FOIA Branch Chief

Enclosure

## ADDENDUM

For further assistance you can contact a SEC FOIA Public Liaison by calling (202) 551-7900 or visiting <https://www.sec.gov/oso/help/foia-contact.html>.

SEC FOIA Public Liaisons are supervisory staff within the Office of FOIA Services. They can assist FOIA requesters with general questions or concerns about the SEC's FOIA process or about the processing of their specific request.

In addition, you may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. OGIS can be reached at 1-877-684-6448 or via e-mail at [ogis@nara.gov](mailto:ogis@nara.gov). Information concerning services offered by OGIS can be found at their website at [Archives.gov](https://www.archives.gov). Note that contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.