

# ACCESS TO PUBLIC INFORMATION

## INTRODUCTION

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This handbook is intended to assist you in making Freedom of Information Act (FOIA) requests for Selective Service System (SSS) records. It will get you started and provide you with a brief description of your rights and the manner in which SSS will respond to your requests.

The FOIA, which is known by its legal cite as 5 U.S.C. §552, along with the SSS Regulations, governs how requests will be processed within SSS. SSS Regulations can be found at 32 Code of Federal Regulations Chapter XVI which is available in most libraries.

The Public and Intergovernmental Affairs(PIA) Office is responsible for responding to all FOIA requests for SSS. If you desire records from SSS, you should send your request to:

Selective Service System  
Public and Intergovernmental Affairs  
Arlington, VA 22209-2425

## SSS FOIA READING ROOM

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Selective Service can provide a FOIA “reading room” for individuals who wish to review Selective Service headquarters orders and directives, manuals, and regulations. Requests must be specific and presented in writing, identifying information requested for review. Send written requests to:

Selective Service System  
Public and Intergovernmental Affairs  
Arlington, VA 22209-2425

## SSS ELECTRONIC ACCESS

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Selective Service’s Home Page contains information on Selective Service’s mission and description of Selective Service’s organizational structure. The section under FOIA contains Selective Service’s FOIA regulations, this handbook, Selective Service’s FOIA Annual Reports for the most recent six years, a link to Selective Service’s Government Information Locator System (GILS), which contains a list of Selective Service’s major information systems and record locator systems.

In addition, the Home Page provides access to the latest copy of Selective Service’s Annual Report to Congress as well as other Selective Service documents. Electronic versions of Selective Service documents are intended to provide broad access to the text of Selective Service directives and other key information. The World Wide Web address for the Selective Service Home Page is:

<http://www.sss.gov>

## FREEDOM OF INFORMATION ACT

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The Freedom of Information Act (FOIA) which is found at 5 U.S.C. 552, is a law that gives a person the right to obtain federal agency records unless the records (or parts of the records) are protected from disclosure by any of the nine exemptions contained in the law. The FOIA was recently amended by the Electronic Freedom of Information Act of 1996 (E-FOIA Amendments).

Regulations that set forth procedures for requesting Selective Service records under the FOIA are published at 32 CFR Part 1662. The CFR can be found in all law libraries and federal depository libraries. You may also obtain a copy from Selective Service at the address listed below or at the Selective Service's Home Page.

Selective Service makes available in its Public Reading Room information pertaining to matters issued, adopted or promulgated by Selective Service; these are commonly known as "reading room materials." These materials include Selective Service Headquarters and Directives, regulations, Selective Service's Annual FOIA reports, and Selective Service's Annual Report to Congress. Many of these documents are also available through the Public and Intergovernmental Affairs Office, and Selective Service's Home Page.

In addition to gaining access to reading room materials, requesters may also file FOIA requests with Selective Service to obtain records. It is important to understand that there is no central office in the government which processes FOIA request for all agencies; each federal agency responds to FOIA requests for records of its own files. Thus, the public must submit FOIA requests to Selective Service to obtain records that are in Selective Service files. Please be aware that the FOIA does not require agencies to do research, to analyze data, to answer written questions, or to create records in order to respond to a request.

Requests for information should be as specific as possible. Requesters should consult Selective Service's FOIA regulations, which outline the procedures governing the FOIA request process.

Send written request to:

Selective Service System  
Public and Intergovernmental Affairs  
Arlington, VA 22209-2425

## PRIVACY ACT

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Information may also be requested from Selective Service under the Privacy Act, 5 U.S.C. 552a. Generally, the Privacy Act permits a person to seek access to agency records pertaining to the requester, provided the record is maintained within a “system of records”, i.e., the record is retrieved by the individual requester’s name or personal identifier. Privacy Act requests for information in Selective Service’s files must be in writing, and sent to:

Selective Service System  
Public and Intergovernmental Affairs  
Arlington, VA 22209-2425

Selective Service’s Privacy Act regulations are published at 32 CFR Part 1665.

## FREQUENTLY ASKED QUESTIONS

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### **What is the FOIA?**

The FOIA is a Federal law that establishes the public’s right to request existing records from Federal government records.

### **Who can file a FOIA request?**

Any “person,” organization, university, business or state and local government can file a FOIA request.

### **What is a record?**

A record is the product(s) of data compilation, such as all books, papers, maps, and photographs, machine readable materials, inclusive of those in electronic form or format, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law in connection with the transaction of public business and in Selective Service possession and control at the time the FOIA request is made.

### **Can we ask questions under FOIA?**

The FOIA does not require federal agencies to answer questions, render opinions, or provide subjective evaluations. Requests must seek records, such as those mentioned above.

### **How do I file a FOIA request?**

- (1) Label your request “Freedom of Information Act Request,” preferably within the request letter and on the envelope, and address the request to:

Selective Service System  
Public and Intergovernmental Affairs  
Arlington, VA 22209-2425.

- (2) Describe the specific records you are requesting in enough detail so that the record(s) can be located with a reasonable amount of effort.
- (3) State your willingness to pay applicable fees. If you seek a waiver, provide a justification for such a waiver.

**What are some of the reasons for not releasing a record?**

- (1) A reasonable search of files failed to identify records responsive to your request.
- (2) The request is withdrawn by the requester.
- (3) The requester is unwilling to pay fees associated with a request; the requester is past due in the payment of fees from a previous FOIA request; or the requester disagrees with the fee estimate.
- (4) A record has not been described with sufficient information to enable Selective Service to locate a record.
- (5) The information requested is not a record within the meaning of the FOIA and Selective Service Regulations.
- (6) The request is a duplicate request (e.g., a requester asks for the same information more than once).
- (7) The record is denied in whole or in part in accordance with the provisions of the FOIA.

**What are FOIA exemptions?**

Records (or portions of records) will be disclosed unless that disclosure would be inconsistent with a FOIA exemption. The nine FOIA exemptions are cited in the FOIA as 5 U.S.C. § 552 (b)(1) through (b) (9):

- (b)(1) - records currently and properly classified in the interest of national security;
- (b)(2) - records related solely to internal personnel rules and practices;
- (b)(3) - records protected by another law that specifically exempts the information from public release;
- (b)(4) - trade secrets and commercial or financial information obtained from a private source which would cause substantial competitive harm to the source if disclosed;

(b)(5) - internal records that are deliberative in nature and are part of the decision making process that contain opinions and recommendations;

(b)(6) - records which if released, would result in clearly unwarranted invasion of personal privacy;

(b)(7) - investigatory records or information compiled for law enforcement purposes;

(b)(8) - records for the use of any agency responsible for the regulation or supervision of financial institutions; and

(b)(9) - records containing geological and geophysical information (including maps) concerning wells.

### **Can I appeal a denial?**

Yes. If your request is initially denied in whole or in part, you will be advised of your appeal rights and the proper procedures for submitting the appeal.

### **How long will it take for my request to be processed?**

In fairness to all requesters, Selective Service processes requests in order by date of receipt. Depending on the complexity of the request, a response should be generated within 20 working days of receipt of the request. If a response cannot be generated within the above time period, an interim response is forwarded to the requester indicating when a response may be anticipated.