

Frequently Asked Questions

1. Is the Smithsonian governed by the Freedom of Information Act? If not, by what authority does the Smithsonian provide documents to the public?

You may have requested documents from government agencies through the Freedom of Information Act (FOIA), which governs the way Executive Branch agencies provide documents to the public. The Smithsonian is a trust instrumentality of the United States, not an Executive Branch agency, and FOIA does not apply to the Smithsonian.

The Smithsonian provides information to the public consistent with the principles of disclosure under FOIA and in a manner that fosters openness and accountability and supports the Smithsonian's mission (the increase and diffusion of knowledge). In January 2009, the Smithsonian revised its policy about how to provide documents to the public. That policy, *Smithsonian Directive 807 – Requests for Smithsonian Institution Information*, is available on this website. The Smithsonian provides information and documents to the public consistent with Directive 807.

2. What kind of documents and information can I request?

You can request documents, photographs, electronic data, spreadsheets, emails, and tape recordings. Objects in the Smithsonian collections (artifacts, paintings and sculptures, for example) are not records under FOIA.

You need *not* make a request for material about Smithsonian collections and programs that is ordinarily made available through the Smithsonian Institution Archives, the Visitor Information and Associates' Reception Center, the Smithsonian Institution Libraries, and the Research Information System. These offices will continue to provide a wealth of materials directly to you.

3. Will I receive everything I request?

We respond fully to every request and provide documents whenever possible. Occasionally we will withhold an entire document, but only if Smithsonian policy permits. If we withhold a document, we will tell you the basis for the withholding and you will have the right to appeal our decision. We also may redact specific information from a document consistent with our policy. We will provide a reason for any redactions, either by noting the FOIA exemption in the document or by explanation in our response letter. You have the right to appeal a partial or full denial of your request (see information about Appeals, below).

You can read more about the Smithsonian's policy for redacting or withholding information in the *Smithsonian Directive 807 – Requests for Smithsonian Institution Information*.

4. When will I receive documents?

The Smithsonian provides documents as quickly as possible, taking into account how many documents you have asked for, how long it will take staff to search and retrieve them, and how

many people must be involved in the review process. In general, the more documents you request the longer it will take to provide them to you.

5. How are requests processed?

The Smithsonian will process your request in a manner similar to the FOIA Requester Centers in government agencies. The Office of General Counsel (OGC) will determine which Smithsonian offices are likely to have the records you seek, and will then ask each office to conduct a search and deliver the documents to OGC. OGC staff will review and redact (if necessary) the documents. If a document contains information written by someone outside the Smithsonian, we will forward the document to the author for a consultation and an opportunity to object to disclosure. When the review is complete OGC will provide the documents to you, along with a cover letter explaining any redactions or withholdings. The OGC Staff may request payment before or after sending the documents.

You can read a more detailed description in Smithsonian Directive 807 – *Requests for Smithsonian Institution Records*.

6. Do you publish reports about the documents you provide?

We post monthly and annual reports on our website. The reports provide general information about requests for Smithsonian documents, such as the number of requests and the type of documents requested. Requests are listed by a tracking number assigned to each request.

7. If I don't like a decision, can I appeal?

You have 60 days to appeal a partial or full denial of your request. Send your appeal to the General Counsel, to the same address you sent your request (listed above). Explain the reason for your appeal and why you think it should be granted. The Smithsonian's Under Secretary for Finance and Administration will decide your appeal. You will not have to appear. You will receive a written answer that tells you the reason(s) for granting or denying your appeal.

8. Is there an opportunity for external review of a decision to withhold documents?

You may request that the Office of Government Information Services, a part of the National Archives and Records Administration, offer dispute resolution services and issue advisory opinions to resolve any disputes about a Smithsonian decision to withhold documents under its policy. If the Office of Government Information Services issues an advisory opinion, the Smithsonian will provide a written response and post both the advisory opinion and the Smithsonian's response on its website.

9. Who should I contact if I have questions or concerns?

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