



What is FOIA.gov?

FOIA.gov is a government-wide portal for the Freedom of Information Act that was developed as part of the [Department of Justice's Open Government plan](#). At FOIA.gov, you have access to all the FOIA data collected by the Department of Justice on behalf of the federal government.

What is on FOIA.gov?

On FOIA.gov, you'll find the data contained in the annual reports submitted by federal departments and agencies to the Department of Justice. These reports contain a detailed look at the numbers of requests received, how they were handled by the agency, as well as information on processing times, backlogs, fees and personnel needs to comply with the FOIA.

Who can make a FOIA request?

The general rule is that any person – citizen or not – can make a FOIA request. It's easy to do so. There is no specific form that must be used to make a request. The request simply must be in writing, reasonably describe the information you seek, and comply with specific agency requirements. Most federal agencies now accept FOIA requests electronically, including by web form, e-mail or fax. If you want records on yourself, you will be required to provide proof of your identity in order to protect your privacy and to ensure that private information about you is not disclosed to someone else.

How do I make a FOIA request?

To get information under the FOIA, typically you must make a "FOIA request." This is a written request in which you describe the information you want, and the format you want it in, in as much detail as possible. You should be aware that the FOIA does not require agencies to do research for you, analyze data, answer written questions, or create records in response to your request. Finally, you should know that the FOIA requires that federal agencies release certain information automatically, without the need for you to make a request. So, before you send in that FOIA request, it's a good idea to look at an agency's website first to see what's already available.

Where do I send a FOIA request?

There is no one place to send all FOIA requests. Each federal agency handles its own records in response to requests. Your request will receive the quickest possible response if it is addressed directly to the agency and office that you believe has the records you are seeking. See [the list of federal agencies](#) for the individual contact information for each agency.

Is there a special form I have to use to make a FOIA request?

There is no specific form that must be used to make a request. The request simply must be in writing, reasonably describe the information you seek, and comply with specific agency requirements. Most federal agencies now accept FOIA requests electronically, including by web form, e-mail or fax. See [the list of federal agencies](#) for details about the methods of making a request at each agency and any specific requirements for seeking certain records.

What can I ask for under the FOIA?

A FOIA request can be made for any agency record. You can also specify the format in which you wish to receive the records. You should be aware that the FOIA does not require agencies to do research for you, to analyze data, to answer written questions, or to create records in response to a request.

Who oversees the FOIA?

It is the Executive Branch, led by the President, that is responsible for the administration of the FOIA across the government. The Department of Justice's Office of Information Policy oversees agency compliance with these directives and encourages all agencies to fully comply with both the letter and the spirit of the FOIA.

Who handles FOIA requests?

There is no central office in the government that handles FOIA requests for all federal departments and agencies. Each federal agency processes its own records in response to FOIA requests. There are many different officials at these agencies who work hard every day to make sure that the FOIA works. There are the FOIA professionals who search for and process records in response to FOIA requests, FOIA Public Liaisons and FOIA Contacts who work with FOIA requesters to answer questions and resolve concerns, and Chief FOIA Officers who oversee their agency's compliance with the FOIA.

How is a FOIA request processed?

After an agency receives your FOIA request, you will usually receive a letter acknowledging the request with an assigned tracking number. If the agency requires additional information before it can begin to process your request, it will contact you. The agency will typically search for records in response to your request and then review those records to determine which – and what parts of each – can be released. The agency will redact, or black out, any information protected from disclosure by one of the FOIA's nine exemptions. The releasable records will then be sent to you.

How long does it take to answer a FOIA request?

The time it takes to respond to each request varies depending on the complexity of the request itself and the backlog of requests already pending at the agency. In some circumstances, the agency will be able to respond to the request within the standard time limit established by the FOIA – approximately one month. In other instances more time may be needed before the request can be completed. When an agency requires an extension of time, it will notify you in writing and provide you with an opportunity to modify or limit the scope of your request. Alternatively, you may agree to a different timetable for the processing of your request. Under certain conditions, you may be entitled to have your request processed on an expedited basis. The websites for each agency can provide more information on this process.

When an agency needs an extension of time to respond to your request the component will notify you in writing and offer you the opportunity to modify or limit the scope of your request. Alternatively, you may agree to a different timetable for the processing of your request. The agency's [*FOIA Public Liaison*](#) can assist you with this.

How much does it cost to make a FOIA request?

There is no initial fee required to submit a FOIA request, but the FOIA does provide for the charging of certain types of fees in some instances.

For a typical requester the agency can charge for the time it takes to search for records and for duplication of those records. There is usually no charge for the first two hours of search time or for the first 100 pages of duplication.

You may always include in your request letter a specific statement limiting the amount that you are willing to pay in fees. If an agency estimates that the total fees for processing your request will exceed \$25, it will notify you in writing of the estimate and offer you an opportunity to narrow your request in order to reduce the fees. If you agree to pay fees for a records search, be aware that you may be required to pay such fees even if the search does not locate any responsive records or, if records are located, even if they are determined to be entirely exempt from disclosure.

Can I ask that any fees be waived?

You may request a waiver of fees. Under the FOIA fee waivers are limited to situations in which a requester can show that the disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester. Requests for fee waivers from individuals who are seeking records pertaining to themselves usually do not meet this standard. In addition, a requester's inability to pay fees is not a legal basis for granting a fee waiver.

What will I receive in response to a FOIA request?

Once the agency has processed your request and any fee issues have been resolved, the agency will send you a written response that will usually include all documents that can be released to you. The response letter will advise you whether any information is being withheld because of the exemptions allowed by law. It will generally give an estimate of the amount of material that has been withheld. When a portion of a record has been withheld, the page will be marked to let you know what exemptions have been applied.

How long will it take before I get a response?

The time it takes to respond to each request varies depending on the complexity of the request itself and the backlog of requests already pending at the agency. In some circumstances the agency will be able to respond to the request within the standard time limit established by the FOIA, which is twenty working days, or approximately one month. In other instances there might be a longer period of time needed before the request can be handled. For example, some agencies, such as the Department of Justice, receive thousands of requests each year. Many of these requests require a line-by-line review of hundreds or even thousands of pages of documents. Although these agencies make every effort to respond to FOIA requests as quickly as possible, in some cases they simply cannot do so within the twenty-day time period specified in the FOIA.

When an agency needs an extension of time to respond to your request the component will notify you in writing and offer you the opportunity to modify or limit the scope of your request. Alternatively, you may agree to a different timetable for the processing of your request. The agency's [*FOIA Public Liaison*](#) can assist you with this.

Can I ever have my request processed faster than usual or expedited?

Under certain conditions you may be entitled to have your request processed on an expedited basis. There are two specific situations where a request will be expedited, which means that it is handled as soon as practicable. These two situations apply to every agency. First, a request will

be expedited if the lack of expedited treatment could reasonably be expected to pose a threat to someone's life or physical safety. Second, if an individual will suffer the loss of substantial due process rights, his or her request will be expedited. A request will not normally be expedited merely because the requester is facing a court deadline in a judicial proceeding. However, an agency can allow expedited processing for other situations, depending on the regulations of that agency. The [websites for each agency](#) can provide more information on specific rules and regulations regarding expedited processing.

Are there special requirements for obtaining records on myself?

If you are seeking records on yourself you will be required to provide a certification of your identity. This certification is required in order to protect your privacy and to ensure that private information about you is not disclosed inappropriately to someone else. Whenever you request information about yourself you will be asked to provide either a notarized statement or a statement signed under penalty of perjury stating that you are the person who you say you are.

What about requirements for obtaining records on someone else?

If you request records relating to another person, and disclosure of the records could invade that person's privacy, they ordinarily will not be disclosed to you.

What are exemptions?

Not all records can be released under the FOIA. Congress established certain categories of information that are not required to be released in response to a FOIA request because release would be harmful to governmental or private interests. These categories are called "exemptions" from disclosures. Still, even if an exemption applies, agencies may use their discretion to release information when there is no foreseeable harm in doing so and disclosure is not otherwise prohibited by law. There are nine categories of exempt information and each is described below.

Exemption 1: Information that is classified to protect national security. The material must be properly classified under an Executive Order.

Exemption 2: Information related solely to the internal personnel rules and practices of an agency.

Exemption 3: Information that is prohibited from disclosure by another federal law. Examples of laws which Courts have approved for use under Exemption 3 can be found [here](#).

Exemption 4: Information that concerns business trade secrets or other confidential commercial or financial information.

Exemption 5: Information that concerns communications within or between agencies which are protected by legal privileges, that include but are not limited to:

1. Attorney-Work Product Privilege
2. Attorney-Client Privilege
3. Deliberative Process Privilege
4. Presidential Communications Privilege

Exemption 6: Information that, if disclosed, would invade another individual's personal privacy.

Exemption 7: Information compiled for law enforcement purposes if one of the following harms would occur. Law enforcement information is exempt if it:

- 7(A): Could reasonably be expected to interfere with enforcement proceedings
- 7(B): Would deprive a person of a right to a fair trial or an impartial adjudication
- 7(C): Could reasonably be expected to constitute an unwarranted invasion of personal privacy
- 7(D): Could reasonably be expected to disclose the identity of a confidential source
- 7(E): Would disclose techniques and procedures for law enforcement investigations or prosecutions
- 7(F): Could reasonably be expected to endanger the life or physical safety of any individual

Exemption 8: Information that concerns the supervision of financial institutions.

Exemption 9: Geological information on wells.

What's an appeal?

You may file an administrative appeal if you are not satisfied with an agency's initial response to your request. First, you may contact the FOIA professional handling the request, or the FOIA contact provided by the agency. You may also contact the agency's FOIA Public Liaison. The FOIA Public Liaison is there to explain the process to you, assist in reducing any delays, and help resolve any disputes. Often, a simple discussion between you and the agency will resolve any issues that may arise.

If necessary, filing an appeal is very simple. Typically, all you need to do is send a letter to the agency stating that you are appealing the initial decision made on your request. There is no fee or cost involved. After an independent review, the appellate authority will send you a letter advising you of its decision. Once the administrative appeal process is complete, you also have the option to seek mediation services from the Office of Government Information Services at the National Archives and Records Administration.

How are FOIA requests categorized?

On FOIA.gov, you can compare the number of FOIA requests handled by agencies each year. The data available to you includes the number of FOIA requests “received,” “processed,” and “pending” at the beginning or end of a fiscal year. The number of requests “received” during a given year is very simple: it includes every request that was sent in to the agency that year. The number of requests “processed” is a little different: it includes only the requests for which the agency has taken final action on, or “closed out.” In other words, if an agency receives a request during the year but does not finish all of its work on it during that same year, the request will count as “received” but not as “processed” because the agency has not yet taken final action. Any request which an agency is still working on is considered “pending”.

What is a backlog?

Each fiscal year, agencies receive and process thousands of requests. Sometimes, an agency will be able to respond within the standard time limit established by the FOIA, which is twenty working days, or about a month. Although agencies make every effort to respond to FOIA requests as quickly as possible, in some cases they simply cannot do so within the twenty days. In this situation, the request is considered “backlogged.” The “backlog” data on FOIA.gov will show you how many requests were pending beyond the statutory time period at the end of the fiscal year.

What is a consultation?

When an agency locates a record that is responsive to a FOIA request, but contains information of interest to another agency, each agency must review that record for release. The process where an agency sends a record to another agency for review is called a consultation. Consultations are tracked in the same way that requests are on FOIA.Gov. When running a report on consultations, you can see how many consultations are currently in the backlog at an agency at the beginning of the fiscal year, how many are received, how many are processed, and how many are pending at the end of the fiscal year.

What is the Administration’s FOIA Policy?

President Obama and Attorney General Holder have directed agencies to apply a presumption of openness in responding to FOIA requests. The Attorney General specifically called on agencies not to withhold information just because it technically falls within an exemption and he also encouraged agencies to make discretionary releases of records. The Attorney General emphasized that the President has called on agencies to work in a spirit of cooperation with FOIA requesters. The Office of Information Policy at the Department of Justice oversees agency compliance with these directives and encourages all agencies to fully comply with both the letter and the spirit of the FOIA. President Obama has pledged to make this the most transparent Administration in history.