

# Freedom of Information Act

## How to Make a FOIA Request

A FOIA request can be made for any agency record. This does not mean, however, that WHD will disclose every record sought, There are statutory exemptions that authorize the withholding of information of an appropriately sensitive nature. When WHD does withhold information from you, it ordinarily must specify what exemptions of the FOIA permits the withholding. 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 documents that can not be reproduced without a reasonable amount of effort.

Please note that WHD will respond to written requests received via the mail or via fax; however, we will not accept a request via e-mail.

The Wage and Hour Division is organized into a number of different divisions at various locations around the country. Your request will receive the quickest possible response if it is addressed directly to the division and location that you believe has the records you are seeking. If you know which division and location maintains the records you are seeking, submit a written FOIA request to the [Disclosure Officer](#) for that division and location. If you believe that WHD does maintain the records you are seeking, and you know the division but not the location which has the records, you can contact the [Disclosure Officer](#) for that division in the National Office. If you believe that WHD does maintain the records you are seeking but you do not know the division which has the records, you may submit a written FOIA request to:

*Wage & Hour Division  
U. S. Department of Labor  
Room S-3201  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210*

You should including the notation "Attention: FOIA Request" on the front of your request envelope and also at the beginning of your request letter. In this way you will be sure that the responsible individual receives your request without delay.

In making your request, identify the documents you want as clearly as possible. The more precise and accurate the request, the more likely you are to get a complete response. For example, include the following in your request:

Subject  
Office or Program that maintains the information  
Location of documents  
Time documents were probably created  
Case or file number, if applicable

Your telephone number, e-mail address, and mailing address  
Fee information (see below)

**Fee:** The FOIA Disclosure Officer can charge fees for processing FOIA requests. Therefore, specify the fee category in which you feel your request falls and the amount you are willing to pay. The FOIA divides requesters into four categories:

1. Commercial use requesters, may be charged fees for searching for documents, reviewing the documents, and duplication.
2. Educational or noncommercial scientific institutions, may be charged only for duplication, minus the first 100 pages.
3. Representatives of the news media, may be charged only for duplication, minus the first 100 pages.
4. All other requesters, may be charged fees for searching for documents and duplication, minus the first 2 hours of search time and the first 100 pages.

No charge will be made if the cost of collecting a fee would be equal to or greater than the fee itself; for USDOL this amount is \$5. In cases where no documents are located, the Agency is entitled to charge the requester for any applicable search time involved.

**Fee Waivers:** Fee waivers may be granted when disclosure of the documents is in the public interest and is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester. When making a request for a fee waiver, consider the following: (1) Does the document concern the operations or activities of the government? (2) is disclosure likely to contribute to the public understanding of these operations and activities? and (3) will that contribution be significant? Requests for fee waivers must be fully documented and justified by written explanation.

**Appeals:** A person whose initial FOIA request for documents has been denied, either in part or in whole, or who has received a "no records" response, or whose request for a fee waiver has been denied, has the right to appeal the denial to the Solicitor of Labor within 90 days after receipt of notification of the denial. Send an appeal to:

*Solicitor of Labor  
U. S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D. C. 20210*

**Time Limits:** Agencies are required to respond to a FOIA request within 20 business days, excluding Saturdays, Sundays, and legal holidays. This period does not begin until the request is actually received by the Disclosure Officer who has jurisdiction over the records sought. In specific situations, an additional 10-day extension may be granted in responding to a request. The FOIA provides for extensions of initial time limits under unusual circumstances, which are defined as (1) the need to search for and collect records from separate offices; (2) the need to examine a voluminous amount of records required by the request; and (3) the need to consult with another agency or agency component.