

## **Frequently Asked Questions – FOIA**

### ***Are all records releasable under the FOIA?***

The FOIA gives a person the right to request access to Federal records. However, some records may be protected from release, including but not limited to:

- a. National security records which have been lawfully classified on national security grounds, and remain classified;
- b. Records the disclosure of which would constitute an unwarranted invasion of an individual's personal privacy;
- c. Records compiled for law enforcement purposes;
- d. Records protected from release by statutes other than FOIA.

For the complete list of FOIA exemptions, go to the Text of the FOIA, as amended in 2007.

### ***Will I be charged for making a FOIA request?***

The Department of State is entitled to charge a fee to recover the costs of document search, duplication and, in commercial cases, review. Under certain conditions, documents may be furnished without charge or at a reduced charge.

### ***What happens when the Department of State receives my FOIA request?***

The Department of State's initial response will advise you of the date the Department received your request, the case number assigned to your request, and whether or not the records you are seeking are under the Department's control. Whenever possible, the records requested will be furnished within 20 working days. In general, requests are sorted according to the amount of work or time involved in responding to them, so that relatively simpler requests may be processed more quickly. If a request presents unusual circumstances -- such as the volume of the records sought -- you will be notified and offered an opportunity to limit the scope of your request in order to facilitate its processing. You will receive a substantive response when your request is fulfilled, denied in part or denied in full. If your request is complex, you may receive more than one substantive response.

### ***If I do not specify a time frame, what is the date range of the records I will receive?***

In order to achieve maximum access to records, the Department has established that, unless a different date range is specified in the FOIA request, the cutoff date for retrieving records is the date that searches are initiated within the Department of State for responsive records. Only records that were created on or before the date of search initiation will be retrieved. The Department of State consists of numerous bureaus, offices and overseas posts. Many requests require searches by personnel at multiple locations, and searches are conducted on a first-come, first-served basis at each location. Depending on the material requested and the need to search

## UNCLASSIFIED

several components the actual date(s) that a search is initiated can vary. Notice of this procedure is sent to each requester in the Department's acknowledgement letter.

### *Will I receive all the records I've asked for?*

It is the Department of State's policy to release information to the maximum extent possible. If some information must be deleted from a record which is released in part, the amount of information deleted will be indicated at the place where the deletion is made. If an entire record is withheld, you will be informed of the volume -- number of documents, for example -- which has not been released.

### *Can I appeal a decision of denial of access?*

Yes, you may file an appeal of any adverse determination. For a description of the appeals process, go to the Appeals section in the **Department of State Information Access Guide/Manual**.

### *Can I appeal a decision not to waive or reduce fees?*

Yes, you may appeal the Department's decision not to waive or reduce fees. For a description of the appeals process, go to the Appeals section in the **Department of State Information Access Guide/Manual**.

### *What is 22 CFR Part 171, and how does it affect my FOIA request?*

The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. **22 CFR Part 171** codifies the access procedures and guidelines for the availability of Department of State information and records to the public.