

The Freedom of Information Act (FOIA)

A Guide for Making a FOIA Request to the U.S. Army Audit Agency (USAAA)

I. What is the FOIA?

The FOIA, Title 5, United States Code, Section 552, was signed into law on July 4, 1966, by President Lyndon Johnson. Since then, the FOIA has been amended in 1974, 1986, and most recently, with the enactment of the Electronic Freedom of Information Act Amendments of 1996 (E-FOIA). The FOIA assumes that government records are available to the public. It therefore requires the government to justify why records should not be disclosed. Where there is disagreement with the government's decision to withhold these records, FOIA provides the requester with judicial remedies.

The FOIA applies to records created and maintained by agencies in the executive branch of the federal government, such as the USAAA. The FOIA does not apply to Congress, the federal judiciary, or to state or local governments. Many state governments have enacted open records laws. The attorney general of a state can provide information about that state's laws.

Pursuant to the FOIA, agencies generally provide records—not information—when responding to FOIA requests. This means that agencies are not required to create a record or answer questions when responding to FOIA requests.

II. FOIA Exemptions

Even though the FOIA is primarily a disclosure law, not all records requested are automatically released. The FOIA has provided nine exemptions which allow certain information that may be contained in records or the entire record to be withheld from public disclosure. The exemptions apply to records that are about:

1. National defense and foreign policy;
2. Internal personnel rules and practices;
3. Records exempted by other statutes;
4. Trade secrets and confidential commercial;
5. Internal memoranda;
6. Clearly unwarranted invasion of personal privacy;
7. Law enforcement;
8. Records on financial institutions; and
9. Geological and Geophysical information and data including maps, on wells.

Reasonably segregable nonexempt information will be released unless it is inextricably intertwined with exempt material. Agencies are encouraged to make discretionary releases of information in cases in which no foreseeable harm from the release of the information can be determined. There are statutory exemptions that authorize the withholding of information of a sensitive nature. The FOIA's exemptions protect, for example, national security, personal privacy, privileged records, and law enforcement

interests. When AAA withholds information from you, we ordinarily must specify which exemption 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 records in response to a request.

Generally, you have a right to a decision on whether the requested records will be provided within 20 working days of receipt of your request. However, under certain circumstances, some requests may take longer to complete. If we determine we will need additional time to complete your request or if your request is referred to another agency or if we were unable to locate records, we will notify you.

If we initially deny your request in whole or in part we will advise you of your right to appeal our determination as well as the judicial remedies available to you. Appeals should be sent to the same address to which requests are made. The envelope and letter of appeal should be clearly identifiable by using the marking "Freedom of Information Appeal."

All requests made pursuant to the FOIA are a matter of public record with personal information about requesters deleted.

III. How to Submit a FOIA Request

FOIA requests to the USAAA may be submitted in writing, telephonically, or e-mail. Please clearly mark the mailing envelope or e-mail "Freedom of Information Act Request." You may contact the USAAA FOIA program at the following address/phone number:

Freedom of Information Officer
United States Army Audit Agency
6000 6th Street, Bldg 1464/Mail Stop 5585
Fort Belvoir, VA 22060
703-545-5881

You may mail your FOIA request to the above address or e-mail to:
usarmy.pentagon.hqda-aaa.list.aaa-foia-liaison@mail.mil.

FOIA requesters, who have questions concerning the processing of their requests or are not satisfied with the response from the center, may contact the FOIA Public Liaison Officer, Mr. Michael Hoadley, at 703-545-5879 or e-mail to: usarmy.pentagon.hqda-aaa.list.aaa-foia-liaison@mail.mil.

Not only is the USAAA FOIA Officer responsible for processing FOIA requests for the USAAA Headquarters but also has oversight responsibility for the processing of FOIA request for records located at each of its field offices.

IV. What You Need to Tell Us

When making a FOIA request, provide us the following information:

(a) your name, address, telephone number, and e-mail address where you can be reached during the day in case additional information is needed;

(b) write the words "FOIA REQUEST" on the envelope or e-mail subject line;

(c) The requester must provide a description of the desired record that enables the Government to locate the record with a reasonable amount of effort. For example, provide a time frame in which documents were created, project/program name, applicable numbers for reports and other documents, organization involved, name of individuals involved, etc.;

(d) specify the format you wish the records provided in; i.e., paper copy, CD, etc.;

(e) state your willingness to pay reasonable fees incurred during the processing of your request (as explained below).

V. There May Be Costs Incurred

In accordance with provisions of the FOIA, requesters may be required to pay fees for obtaining and copying of requested records. A search for responsive records will not be initiated until the requester indicates a willingness to pay assessable costs appropriate for the category determined by the Component. The USAAA FOIA Officer will advise you if your request will require the payment of fees. You may request a waiver or reduction of fees at the time you submit your initial request for records pursuant to the FOIA. Please include in any waiver request relevant facts or arguments that might support the request for the fee waiver.

A requester may not file multiple requests at the same time, each seeking portions of records, solely in order to avoid payment of fees.