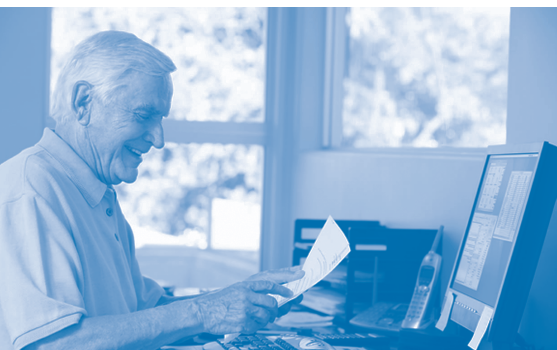


Your Right To Federal Records



**Questions and Answers
on the Freedom of
Information Act and the
Privacy Act**



November 2009



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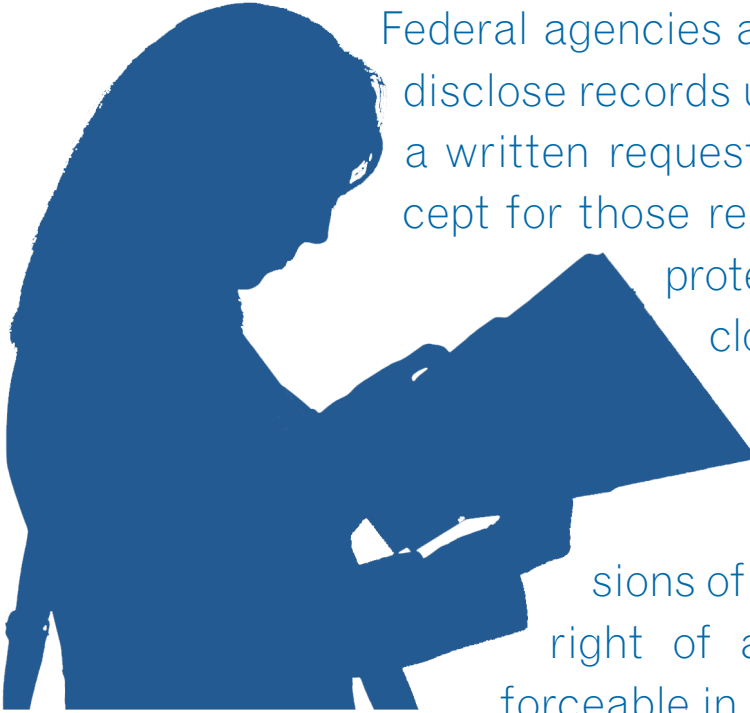
Introduction

The Freedom of Information Act (FOIA), enacted in 1966, generally provides that any person has the right to request access to federal agency records or information.

Federal agencies are required to disclose records upon receiving a written request for them, except for those records that are

protected from disclosure by any of the nine exemptions or three exclusions of the FOIA. This

right of access is enforceable in court.



The FOIA also requires that certain information be made available to the public on agency FOIA web sites on the internet. Agencies also routinely post a wide variety of documents on their web sites to inform the public

about the activities of that agency. The primary source of FOIA-related information on the internet is the Justice Department's FOIA web site (www.usdoj.gov/foia), which contains a wealth of FOIA reference materials and links

to the FOIA web sites of other federal agencies.

The Privacy Act of 1974 is another federal law regarding federal government records or information about individuals. The Privacy Act establishes certain controls over how executive branch agencies of the federal government gather, maintain, and disseminate personal information.

The Privacy Act can also be used to obtain access to information, but it pertains only to records that federal agencies maintain about individual U.S. citizens and lawfully admitted permanent resident aliens. The FOIA, on the other hand, covers virtually all records in the possession and control of federal executive branch agencies.

This brochure provides basic guidance about the FOIA and the Privacy Act to assist people in exercising their rights.

It uses a question-and-answer format to present information about these laws in a clear, simple manner. The brochure is not intended to be a comprehensive analysis of the complex issues associated with the FOIA and the Privacy Act.

The questions answered here are those frequently asked by persons who contact the Federal Citizen Information Center (FCIC) of the U.S. General Services Administration for information on the FOIA and the Privacy Act. The answers were compiled by the FCIC, along with the Justice Department—the agency responsible for coordinating the administration of the FOIA and encouraging agency compliance with it. The Office of Management and Budget (OMB), which has a similar responsibility for the Privacy Act, reviewed the answers to questions on that law.

The Freedom of Information Act

What information is available under the FOIA?

The Freedom of Information Act (FOIA) provides public access to all federal agency records except for those records (or portions of those records) that are protected from disclosure by any of nine exemptions or three exclusions (reasons for which an agency may withhold records from a requester).

The exemptions cover:

1. classified national defense and foreign relations information,
2. internal agency rules and practices,
3. information that is prohibited from disclosure by another law,
4. trade secrets and other confidential business information,
5. inter-agency or intra-agency communications that are protected by legal privileges,
6. information involving matters of personal privacy,
7. certain information compiled for law enforcement purposes,
8. information relating to the supervision of financial institutions, and
9. geological information on wells.

The three exclusions, which are rarely used, pertain to especially sensitive law enforcement and national security matters.

The FOIA does not apply to Congress, the courts, or the central offices of the White House, nor does it apply to records in the custody of state or local governments. However, all state governments have their own FOIA-type statutes. You may request details about a state's records access law by writing to the office of the attorney general of that state.

The FOIA does not require a state or local government or a private organization or business to release any information directly to the public, whether it has been submitted to the federal government or not. However, information submitted to the federal government by such organizations or companies may be available through a FOIA request if it is not protected by a FOIA exemption, such as the one covering trade secrets and confidential business information.

Under the FOIA, you may request and generally receive by mail a copy of any record that is in an agency's files that is not protected

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from disclosure by one of the exemptions or exclusions. For example, suppose you have heard that a certain toy has been recalled as a safety hazard and you want to know the details. The Consumer Product Safety Commission could help you by providing copies of the recall documents. Perhaps you want to read the latest inspection report on conditions at a nursing home certified for Medicare. Your local Social Security office keeps such records on file. In each of these examples, you could use the FOIA to request information from the appropriate federal agency.

for further information pertaining to the Privacy Act). In such cases, records may be withheld from you only if exempt from release under both laws (see page 13 for a Sample Privacy Act Request Letter).

When you make a FOIA request, you must describe the records that you seek as clearly and specifically as possible and comply with the agency's regulations for making requests. If the agency cannot identify and locate records that you have requested with a reasonable amount of effort, it will not be able to assist you. All federal agencies

strive to handle all FOIA requests in a customer-friendly fashion, in accordance with the FOIA. For example, for requests that will require more than 10 days for the agency to process, the FOIA requires agencies to assign a tracking number to your request. Each agency must provide a telephone number or web site by which a requester can use the assigned tracking number to obtain information about the

status of a pending request. Further, each agency is required to provide a Public Liaison to assist in the resolution of disputes between the



If the records you seek are about yourself, you may request them under both the FOIA and the Privacy Act of 1974.

If the records you seek are about yourself, you may request them under both the FOIA and the Privacy Act of 1974 (see pages 10 - 15

requester and the agency. However, the FOIA does not require agencies to do research for you, analyze data, answer written questions, or in any other way create records in order to respond to your request.

Can I find agency records on the internet?

Yes, and it can be very useful to look at the information that an agency makes available on the internet before making a FOIA request. Agencies place a wide variety of information on their web sites that is very useful to the general public and that describes their various programs and activities. Additionally, the FOIA requires that agencies make certain records available on the internet. For example, you will find certain agency opinions, staff manuals, policy statements, and records frequently requested under the FOIA that were created by the agency after Nov. 1, 1996. You can find links to the FOIA sites of federal agencies on the internet by going to the Justice Department's web site at www.usdoj.gov/foia (click on "Other Federal Agencies' FOIA web sites").

Whom do I contact in the federal government with my request? How do I get the right address?

There is no single office of the federal government that handles all FOIA requests. Each FOIA request must be made to the particular agency that has the records that you seek. For example, if you want to know about an investigation of motor vehicle defects, write to the Department of Transportation. If you want information about a work-related accident at a nearby manufacturing plant, write to the Department of Labor (at its office in the region where the accident occurred). Most of the larger federal agencies have several FOIA offices. Some have one for each major bureau or component; others have one for each region of the country.

You may have to do a little research to find the proper agency office to handle your FOIA request, but you will save time in the long run if you send your request directly to the most appropriate office. For assistance, you can contact the Federal Citizen Information Center (FCIC) of the U.S. General Services

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Administration. The FCIC is specially prepared to help you find the right agency, office, and address. See page 18, "Other Sources of Information," for information on how to contact the FCIC. On the internet, you can find addresses of the FOIA offices of federal agencies by going to the Justice Department's FOIA web site at www.usdoj.gov/foia (click on "Principal FOIA Contacts at Federal Agencies").

The U.S. Government Manual, the official handbook of the federal government, may also be useful. It describes the programs within each federal agency and lists the names of top personnel and agency addresses. The Manual is available at most public libraries and can be purchased from the Superintendent of Documents (See page 18, "Other Sources of Information," for ordering instructions). In addition, each agency publishes FOIA regulations in the Code of Federal Regulations (CFR) that contain the mailing addresses of its FOIA offices. (For example, the Justice Department's FOIA regulations can be found in Volume 28 of the CFR, Part 16.) The CFR is available at most public libraries

and on the internet at www.gpoaccess.gov/cfr/. Also, agencies have placed their FOIA regulations on their FOIA sites on the internet.

How do I request information under the FOIA?

In order to make a FOIA request, simply write a letter to the appropriate agency. For the quickest possible handling, mark both your



FOIA requesters are not required to state the reasons why they are making their requests.

letter and the envelope "Freedom of Information Act Request." You should identify the records that you seek as specifically as possible in order to increase the likelihood that the agency will be able to locate them. Any facts that you can furnish about the time, place, authors, events, subjects, and other details of the records

will be helpful to the agency in deciding where to search for the records that you seek. Please note that some agencies will allow you to make your request by fax, e-mail, or other electronic means. You should consult with the particular agency to which your request will be directed for further information.

As a general rule, FOIA requesters are not required to state the reasons why they are making their requests. You may do so if you think it might help the agency to locate the records. If you are not sure whether the records you seek are exempt from disclosure, you may request them anyway. Agencies often have the legal discretion to disclose information even if it falls within a FOIA exemption.

May I request records in a specific format?

Yes, but the records may not be available in the requested format. If you request records that already exist in an electronic format, the FOIA requires agencies in almost all cases to provide these records to you in that same format, if that is what you prefer. However, if you request records that exist only in

paper form, and you would like them in an electronic format, the agency is obligated to provide the records in that electronic format only if it can do so with a reasonable amount of effort. The same is true if you request that electronic records be provided to you in an electronic format in which they do not already exist.

What is the cost for getting records under the FOIA?

The FOIA permits agencies to charge fees to FOIA requesters. For noncommercial requesters, an agency may charge only for the actual cost of searching for records and the cost of making copies. Search fees usually range from about \$15 to \$40 per hour, depending upon the salary levels of the personnel needed for the search, although such fees may vary considerably by agency. The charge for copying documents can be as little as ten cents or less per page at some agencies, but may be considerably more at other agencies.

For noncommercial requests, agencies will not charge for the first two hours of search time or for the first 100 pages of document

Sample Freedom of Information Act Request Letter

A sample FOIA request letter is shown below. Keep a copy of your request. You may need to refer to it in further correspondence with the agency.

Date

Agency FOIA Officer

Name of agency or agency component

Address (see discussion on page 3 on whom to contact)

Dear _____:

Under the Freedom of Information Act, 5 U.S.C. subsection 552, I am requesting access to [identify the records as clearly and specifically as possible].

If there are any fees for searching for or copying the records, please let me know before you work on my request. [Or, please supply the records without informing me of the cost if the fees do not exceed \$_____ which I agree to pay.]

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Optional: If you have any questions about handling this request, you may telephone me at _____ (home phone) or at _____ (office phone).

Sincerely,

Name

Address

copying. Agencies also will not charge if the total cost is minimal.

An agency should notify you before proceeding with a request that will involve substantial fees, unless your request letter already states your willingness to pay fees as large as that amount. If fees are charged, you may request a waiver of those fees if you can show that the records, when disclosed to you, will contribute significantly to the public's understanding of the operations or activities of the government.

How long will it take to answer my request?

Under the FOIA, federal agencies are generally required to respond to your request within 20 working days of receipt (excluding Saturdays, Sundays, and federal holidays). If you have not received a response by the end of that time (allowing for mailing time), you may contact the agency to ask about the status of your request. Agencies often need more time to find the records, examine them, possibly consult with other agencies or components within the same agency, decide whether to

disclose all of the information requested, and prepare the records for release to you. Agencies may extend this 20-day period for up to 10 more working days, with written notice to you. Some agencies, particularly law enforcement agencies, receive large numbers of requests, many of which involve voluminous records or require exceptional care to process. If an agency has a backlog of requests that were received before yours and has assigned a reasonable portion of its staff to work on the backlog, it is permissible for the agency to handle requests on a first-come, first-served basis even if the agency is unable to respond to all requests within the statutory time period. However, the FOIA does allow an agency to set up processing categories so that simple requests do not have to wait to be handled because a more complicated request was received by the agency first.

Is there any way for me to speed up the response time?

If an agency is unable to respond to your request in time, it may ask you to modify your request so that

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you can receive a response more quickly. Generally, it takes agencies less time to process simple requests involving a small number of records. Complex requests involving a greater number of records can take considerably more time to process. Therefore, you and an agency FOIA Officer may want to discuss narrowing the scope of your request to speed up the response time or to agree on an alternative time frame for record processing.

Another means of obtaining a faster response is to ask the agency for “expedited processing” of your request. However, you should know that the agency will grant this request only under very specific circumstances. In order to qualify, you must certify that there is an imminent threat to the life or physical safety of an individual or, if you are a person primarily engaged in disseminating information to the public, you must demonstrate that there is an urgency to inform the public about certain federal government activity. An agency must decide whether to grant a request for expedited processing within 10 calendar days. Agencies may also establish other ways for requesters to obtain

expedited processing. You should consult specific agency regulations for any additional expedited processing standards.

Additionally, as noted above, each agency must now provide a telephone number or web site that you can use to obtain information about the status of your pending FOIA request. Further, if you wish to raise a concern about the service provided to you by an agency's FOIA office, you may contact a supervisory agency official known as a “FOIA Public Liaison.” Contact information for each agency's FOIA office(s) and Public Liaison(s) are posted on each agency's FOIA web site.

What happens if the agency denies my request?

If the agency locates records in response to your request, it can withhold them (or any portion of them) only if they are exempt from disclosure under the FOIA or are prohibited from release by some other law. For records that contain portions of information that is withheld, the agency should clearly mark those portions with the applicable FOIA exemption(s). If an agency denies your request,

in whole or in part, it ordinarily must provide an estimate of the amount of material withheld, state the reason(s) for the denial, and inform you of your right to appeal to a higher decision-making level within the agency.

How do I appeal a denial?

In order to appeal a denial, promptly send a letter to the agency. Most agencies require that appeals be made within 30 to 60 days after the denial. The denial letter should tell you the office to which your appeal letter should be addressed. For the quickest possible handling, you should mark both your appeal letter and the envelope "Freedom of Information Act Appeal."

Simply ask the agency to review your FOIA request and its denial decision. It is a good idea also to give your reason(s) for believing that the denial was wrong. Be sure to refer to any pertinent communications you have had with the agency on the request and include any tracking number the agency may have assigned to your request. It can save time in acting on your appeal if you include copies of your FOIA request and

the agency's denial letter. You do not need to enclose copies of any documents released to you. Under the FOIA, the agency has 20 working days (excluding Saturdays, Sundays, and federal holidays) to decide your appeal. Under certain circumstances, agencies may extend the deadline for responding to your appeal by up to 10 working days. At some agencies, as with initial requests, some appeals may take longer to decide.

What can I do if my appeal is denied?

If the agency denies your appeal, or does not respond within the statutory time period, you may file a lawsuit. You can file a FOIA lawsuit in the U.S. District Court where you live, where you have your principal place of business, where the documents are kept, or in the District of Columbia. In court, the agency will have to prove that any withheld information is covered by one of the exemptions or exclusions listed in the FOIA or is prohibited from release by some other law. If you win a substantial portion of your case, the court may require the government to pay your court costs and reasonable attorney fees.

The Privacy Act

What is the Privacy Act?


The federal government compiles a wide range of information on individuals. For example, if you were ever in the military or employed by a federal agency, there should be records of your service. If you have ever applied for a federal benefit or received a student loan guaranteed by the government, you are probably the subject of a file. There are records on every individual who has ever paid income taxes or received a check from Social Security or Medicare.

The Privacy Act, passed by Congress in 1974, establishes certain controls over what personal information is collected by the federal government and how it is used.

This law guarantees three primary rights:

1. the right to see records about oneself, subject to the Privacy Act's exemptions;
2. the right to amend a nonexempt record if it is inaccurate, irrelevant, untimely, or incomplete; and
3. the right to sue the government for violations of the statute, such as permitting unauthorized individuals to read your records.

The Privacy Act also provides for certain limitations on agency information practices, such as requiring that information about an individual be collected from that individual to the greatest extent practicable; requiring agencies to ensure that their records are accurate, relevant, timely, and complete; and prohibiting agencies from maintaining information describing how an individual exercises his or her First Amendment rights unless the individual consents to it, a statute permits it, or it is within the scope



There are records on every individual who has ever paid income taxes or received a check from Social Security or Medicare.



of an authorized law enforcement investigation.

What information can I request under the Privacy Act?

The Privacy Act applies only to records about individuals maintained by agencies in the executive branch of the federal government. It applies to these records only if they are in a “system of records,” which means they are retrieved by an individual’s name, Social Security number, or some other personal identifier. In other words, the Privacy Act does not apply to information about individuals in records that are filed under other subjects, such as organizations or events, unless the agency also indexes and retrieves them by

individual names or other personal identifiers.

There are nine exemptions to the Privacy Act under which an agency can withhold certain kinds of information from you. Examples of exempt records are those containing classified information on national security and those concerning criminal investigations. Another exemption often used by agencies is that which protects information that would identify a confidential source. For example, if an investigator questions a person about your qualifications for federal employment and that person agrees to answer only if his identity is protected, then his name or any information that would iden-

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tify him can be withheld. The nine exemptions are set out in the law.

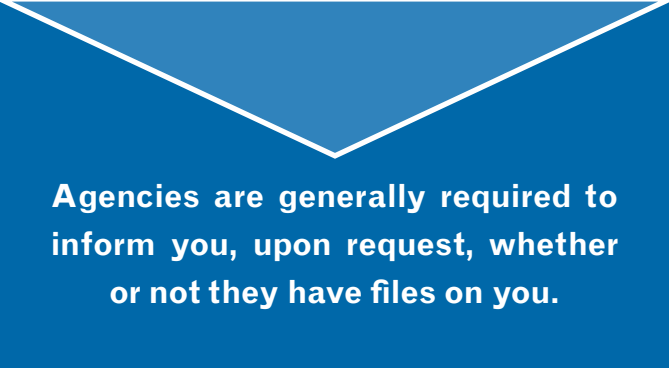
If you are interested in more details, you should read the Privacy Act in its entirety. Though this law is too lengthy to publish as part of this brochure, it is readily available. It is printed in the U.S. Code (Section 552a of Title 5), which can be found in many public and school libraries. You may also order a copy of the Privacy Act of 1974, Public Law 93-579, from the Superintendent of Documents (ordering instructions are on page 21). Also, the full text of the Privacy Act is available on the Justice Department's FOIA site on the internet. Go to the

Whom do I contact in the federal government with my request? How do I get the right address?

As with the FOIA, no one office handles all Privacy Act requests. To locate the proper agency to handle your request, follow the same guidelines as for the Freedom of Information Act.

How do I know if an agency has a file on me?

If you think a particular agency has a file pertaining to you, you may write to the Privacy Act Officer. Agencies are generally required to inform you, upon request, whether or not they have files on you. In addition, agencies are required to report publicly the existence of all systems of records they keep on individuals. The Office of the Federal Register makes



Agencies are generally required to inform you, upon request, whether or not they have files on you.

Justice Department's web site at www.usdoj.gov/foia (click on "Reference Materials," and scroll down to "Text of the Privacy Act").

available on the internet a compilation of each agency's systems of records notices, including exemptions, as well as its Privacy

Sample Privacy Act Request Letter

Date

Agency FOIA/Privacy Act Officer

Name of agency or agency component

Address (see discussion on
pages 3-4 on whom to contact)

Re: Privacy Act Request

Dear _____:

Under the Freedom of Information Act, 5 U.S.C. subsection 552, and the Privacy Act, 5 U.S.C. subsection 552a, I am requesting access to [identify the records as clearly and specifically as possible].

If there are any fees for searching for or copying the records, please let me know before you work on my request. [Or, please supply the records without informing me of the cost if the fees do not exceed \$_____ which I agree to pay.]

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Optional: If you have any questions about handling this request, you may telephone me at _____ (home phone) or at _____ (office phone).

Sincerely,

Name

Address

Enclosure (proof of identity)

The Privacy Act

Act regulations. The Privacy Act Issuances Compilation includes most systems, is updated every two years, and can be found at www.gpoaccess.gov/privacyact/index.html.

How do I request information under the Privacy Act?

Write a letter to the agency that you believe may have a file pertaining to you. Address your request to the agency's Privacy Act Officer. Be sure to write "Privacy Act Request" clearly on both the letter and the envelope.

Most agencies require some proof of identity before they will allow you access to your records. Therefore, it is a good idea to enclose proof of identity (such as a copy of your driver's license) with your full name and address. Do not send any original documents. Remember to sign your request for information, since your signature is a form of identification. If an agency needs more proof of identity before releasing your files, it will let you know.

Give as much information as possible as to why you believe the agency has records about you. The

agency should process your request or contact you for additional information. Be advised that agencies have varying policies regarding the making of copies of records and the fees charged.

A sample Privacy Act request letter is available on the previous page. Keep a copy of your request. You may need to refer to it in further correspondence with the agency.

What is the cost for getting records under the Privacy Act?

Under the Privacy Act, an agency can charge only for the cost of copying records, not for time spent locating them.

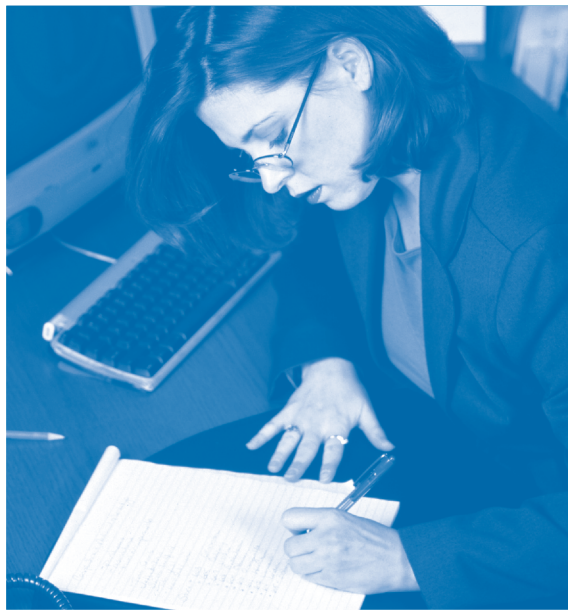
How long will it take to answer my request?

Under the terms of the Privacy Act, the agency is not required to reply to a request within a given period of time. However, most agencies have adopted the FOIA response times. If you do not receive any response within four weeks or so, you might wish to write again, enclosing a copy of your original request.

What if I find that a federal agency has incorrect information about me in its files?

The Privacy Act requires agencies maintaining personal information about individuals to keep accurate, relevant, timely, and complete files. If, after seeing your file, you believe that it contains incorrect information and should be amended, write to the agency official who released the record to you. Include all pertinent documentation for each change you are requesting. The agency will let you know if further proof is needed. The law requires an agency to notify you of the receipt of such an amendment request within 10 working days of receipt. If your request for amendment is granted, the agency will tell you precisely what will be done to amend the record. You may appeal any denial.

Even if an agency denies your appeal, you have the right to submit a statement explaining why you think the record is wrong and the agency must attach your statement to any nonexempt records involved. The agency must also inform you of your right to go to



court and have a judge review the denial of your appeal.

What can I do if I am denied information requested under the Privacy Act?

There is no required procedure for Privacy Act appeals, but an agency should advise you of its own appeal procedure when it makes a denial. Should the agency deny your appeal, you may take the matter to court. If you win your case, you may be awarded court costs and attorney fees.

A sample request is shown on page 13. Keep a copy of your request. You may need to refer to it in further correspondence with the agency.

A Comparison of the Freedom of Information Act and the Privacy Act

What is the relationship between the FOIA and the Privacy Act?


Although the two laws were enacted for different purposes, there is some similarity in their provisions. Both the FOIA and the Privacy Act give you the right to request access to records held by agencies of the federal government. The FOIA's access rights are generally given to "any person," but the Privacy Act's access rights are given only to the individual who is the subject of the records sought (if that individual is a U.S. citizen or a lawfully admitted permanent resident alien).

The FOIA applies to all federal agency records.

The Privacy Act, however, only applies to those federal agency records that contain information about individuals, are maintained in a "system of records," and which are retrievable by a name or personal identifier of the individual. Each law has a somewhat different set of fees, time limits,

and exemptions from its right of access.

If the information you seek pertains to the activities of a federal agency, an organization, or some person other than yourself, you should make your request under the FOIA, which covers all agency records. If the information you seek is about yourself, you should also make the request under the Privacy Act, which covers most



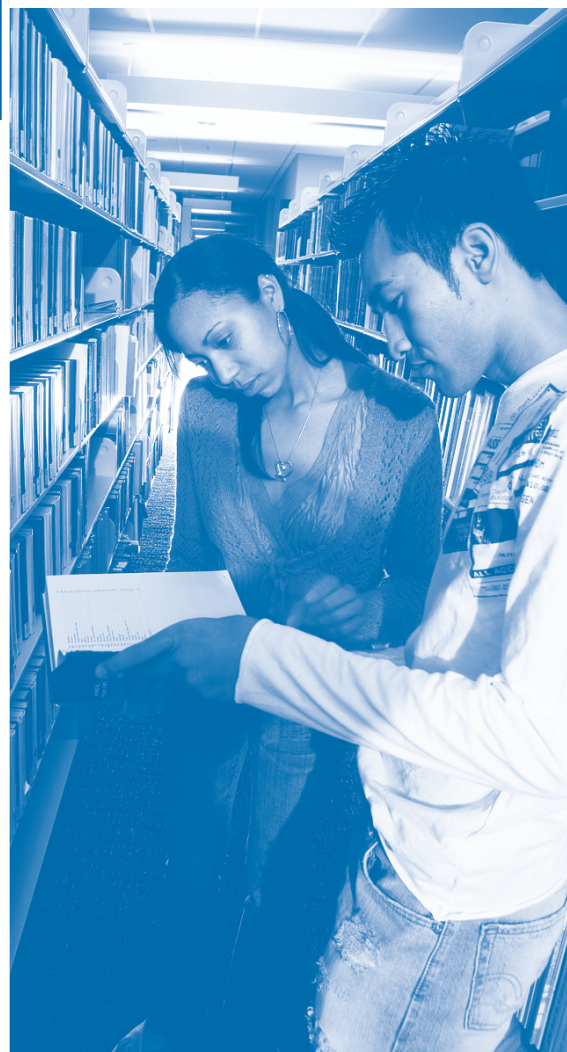
Both the FOIA and the Privacy Act give you the right to request access to records held by agencies of the federal government.

records of federal agencies that pertain to individuals. Sometimes you can use the FOIA to obtain records about yourself that are not in a Privacy Act "system of records." If you are in doubt about which law applies or would better suit your needs, you may refer to both in your request letter. If you request records about yourself and do

not specify a statute, the agency should process the request under both the FOIA and the Privacy Act and withhold requested information from you only if it is exempt under both laws.

Can I request information about other people?

Yes, but such information might be withheld from you to protect their personal privacy. The FOIA contains two very important provisions concerning personal privacy: Exemption 6 and Exemption 7(C). The FOIA's Exemption 6 permits an agency to withhold information about individuals if disclosing it would be "a clearly unwarranted invasion of personal privacy." This includes, for example, almost all of the information in medical and financial benefit files and much of the information in personnel files. Exemption 7(C) provides even stronger privacy protection for personal information contained in law enforcement records. To decide whether to withhold information under these two FOIA privacy exemptions, an agency must balance personal privacy interests against any public interest that would be served by disclosure. Neither Exemption



6 nor Exemption 7(C) can be used to deny you access to information about yourself, only to deny you information about other persons. Additionally, unless disclosure of information about other people is required under the FOIA, the Privacy Act will apply and may prevent disclosure of personally identifiable information contained in a system of records.

Other Sources of Information

Federal Citizen Information Center

The Federal Citizen Information Center (FCIC) of the U.S. General Services Administration administers a National Contact Center which can help you find information about the federal government's agencies, services, and programs. You may ask the contact center for assistance in contacting the proper federal agency with your FOIA or Privacy Act request.

Simply call toll-free 1-800-FED-INFO (that's 1-800-333-4636) from anywhere in the United States. The contact center is open for personal assistance from 8 a.m. to 8 p.m., Eastern time, Monday through Friday, except federal holidays. Recorded information on frequently requested subjects is available around the clock. The contact center also accepts e-mail inquiries. To send an e-mail, go to www.USA.gov and click on the e-mail tab on top.

A text version of this publication is available on the FCIC's web site at www.pueblo.gsa.gov and the Justice Department's web site

at www.usdoj.gov/foia (click on "Reference Materials," and scroll down to this publication's title).

In addition, the FCIC publishes the free *Consumer Information Catalog*, which lists more than 200 free and low-cost federal booklets on a wide variety of consumer topics. For a free copy of the Catalog, write to Consumer Information Catalog, Pueblo, CO 81009, or call toll-free 1-888-8 PUEBLO (that's 1-888-878-3256). The Catalog is also available through FCIC's web site at www.pueblo.gsa.gov.

U.S. Government Manual

The *U.S. Government Manual* is the official handbook of the federal government. Published by the National Archives and Records Administration, it describes the programs in each federal agency, lists the names of top personnel, the mailing address, and a general information telephone number. It is available in most public libraries or can be purchased from the U.S. Government Printing Office (GPO). For pricing and ordering information, call toll-free 1-866-512-1800 or visit the online U.S. Government Bookstore at <http://>

bookstore.gpo.gov. The text version is available on the U.S. Government Printing Office's web site at www.gpoaccess.gov/gmanual.

A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records

This booklet, written by the Committee on Government Reform, U.S. House of Representatives, provides a much more detailed explanation of the Freedom of Information Act and the Privacy Act than this brochure. You may purchase this booklet from GPO by calling toll-free 1 (866) 512-1800. This document is also available online at www.fas.org/sgp/foia/citizen.html.

The Freedom of Information Act

A complete copy of the FOIA can be found at Section 552 of Title 5 of the U.S. Code, available at www.gpoaccess.gov (click on "United States Code").

A copy of the FOIA is also available electronically on the

Justice Department's web site at www.usdoj.gov/foia (click on "Reference Materials," and then click on "Text of the FOIA"). Or you may order a copy of the FOIA from GPO by calling toll-free 1 (866) 512-1800.

Department of Justice Guide to the Freedom of Information Act

The "Department of Justice Guide to the Freedom of Information Act" is updated approximately every two years by the Justice Department's Office of Information Policy. This book is a comprehensive summary of the law that includes a discussion of the FOIA's nine exemptions and three exclusions as well as its most important procedural aspects. A text version of this book is on the Justice Department's web site at www.usdoj.gov/foia (click on "Reference Materials," and scroll down to "Department of Justice Guide to the Freedom of Information Act"). You may also purchase this book from the Government Printing Office at <http://bookstore.gpo.gov> or by calling 1-866-512-1800.

Other Sources of Information

FOIA Post

This web-based successor to “FOIA Update” has been published by the Justice Department’s Office of Information Policy since 2001. Items of FOIA-related information and guidance are published on a routine basis. It can be found on the Justice Department’s web site at www.usdoj.gov/foia (click on “Reference Materials,” and then scroll down to “FOIA Post”).

FOIA Update

This newsletter, published by the Justice Department’s Office of Information Policy from 1979-2000, contained FOIA-related information and guidance for federal agencies. All back issues are available and keyword searchable on the Justice Department’s web site at www.usdoj.gov/foia (click on “Reference Materials,” and then scroll down to “FOIA Update”).

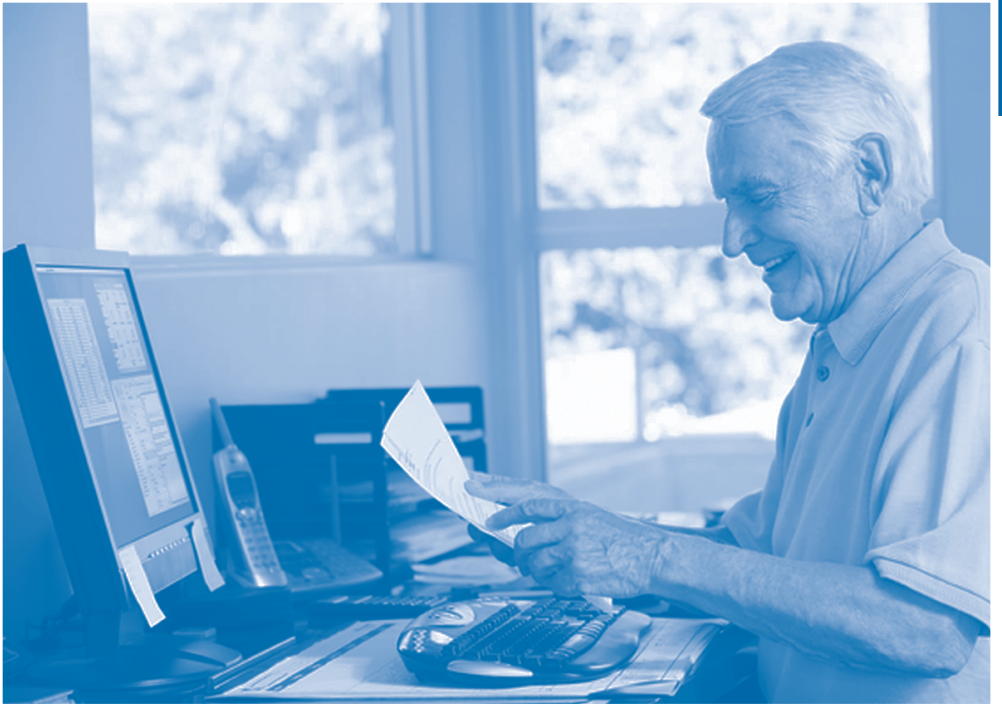
Freedom of Information Case List

This book, last updated in 2002 by the Justice Department’s Office of Information Policy, contains lists of cases decided under the Freedom

of Information Act, the Privacy Act, the Government in the Sunshine Act, and the Federal Advisory Committee Act. The book includes the texts of those four statutes and a list of related law review articles. For pricing and ordering information, call toll-free 1 (866) 512-1800. A text version is available on the Justice Department’s web site at www.usdoj.gov/foia (click on “Archive,” scroll down to “Office of Information Policy” and click on “Freedom of Information Case List”).

FOIA Reference Guides or Handbooks

Each federal department or agency is required to maintain a reference guide or handbook to assist the public in making FOIA requests to that agency. Included is contact information for each agency’s FOIA office(s) and FOIA Public Liaison(s). These reference guides for FOIA requesters are available on each agency’s FOIA web site. For example, the Justice Department’s FOIA Reference Guide is available at www.usdoj.gov/oip.



The Privacy Act of 1974

This law gives citizens the right to see files about themselves, subject to its exemptions; to request an amendment if a nonexempt record is inaccurate, irrelevant, untimely, or incomplete; and to sue the government for permitting others to see their files unless specifically permitted by the law. A complete copy of the Privacy Act can be found at Section 552a of Title 5 of the U.S. Code. Or you may order a copy of the Privacy Act, Public Law 93-579, from GPO by calling toll-free 1 (866) 512-1800. A text version is available on the Justice Department's web site at

www.usdoj.gov/foia (click on "Reference Materials," and click on "Text of the Privacy Act").

Overview of the Privacy Act of 1974

The "Overview of the Privacy Act of 1974" is prepared by the Justice Department's Office of Privacy and Civil Liberties in coordination with the Office of Management and Budget, and is a discussion of the provisions of the Privacy Act. This book also contains the text of the Privacy Act. It may be viewed on the Justice Department's web site at www.usdoj.gov/opcl/privacy-act1974.htm (click on "Overview of the Privacy Act of 1974.")



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