


FOIA 101: How to investigate your government and get people to listen to the results of your investigation



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Past Experience

- Have submitted over 120 FOIA requests to the CDC
- Have successfully sued the CDC regarding the FOIA
- Have recruited a network of individuals who help with filing of information requests
- Have worked with Congressional offices to obtain CDC documents not subject to FOIA and analyze such documents



How to submit a FOIA request

- Most Federal agencies have a website to explain their FOIA process
- Each is slightly different
- Many merely require an email submission with a valid mailing address
- For example, email to FOIArequests@cdc.gov

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Submit Request

Contact Information

Prefix

Middle Name

Suffix

Street2

State

Country

Email Address*

Verify

Confirm Email Address*

Default Category*

First Name*

Last Name*

Street1

City

Zip Code

Phone

999-999-9999

Organization

Job Title



Obtaining the documents you want

- BE SPECIFIC
- Include the “who, what, when and where”
- Never include the “why!” (none of their business)



Who, What, When and Where

- Who – who should be searching for the materials (give specific names if possible)
- What – what are you looking for? Emails, memoranda, computer programs, results, etc.
- When – what is the time frame in which these documents were produced
- Where – which subdivisions within which divisions



How do they respond?

- The agency by law needs to acknowledge your request within 30 days of receipt
- The agency *should* give an estimate of how long it will take to fulfill the request
- Don't be afraid to call the specific FOIA office for updates regarding your request



Most Common Exemptions to the FOIA

- Privileged communications within or between agencies, including those protected by the:
 - Deliberative Process Privilege
 - Attorney-Work Product Privilege
 - Attorney-Client Privilege
- Information that, if disclosed, would invade another individual's personal privacy



Fees and Timing

- For larger request, fees (invoices) may be charged prior to receipt of materials
 - Search costs
 - Copying costs (request electronic media)
- Expedited handling only if information is “important to general public”

[Reset Form](#)

Case No.: 18-00448		Invoice of Fees for Freedom of Information Act Services <small>DEPARTMENT OF HEALTH & HUMAN SERVICES</small>				
Date of Invoice: 02/27/2018						
Requester's Name, Organization, and Address: <div style="background-color: #00a0e3; height: 80px; width: 100%;"></div>			Instructions: 1. Please write the case number, shown at the top of this form, on your check or money order. 2. Make your check or money order payable to: United States Department of Treasury. 3. Return one copy of this form with your remittance. 4. Mail to: CDC/ATSDR Freedom of Information Act (FOIA) Office 1600 Clifton Road MS D-54 Atlanta, GA, 30329 5. Payment is due within 30 days from the date of this invoice. Interest will be charged after the due date.			
Category: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3						
Service		No. of Items or Hours	Price per Item or Hour	Subtotal	Allowance (if applicable)	Total
Reproduction	Standard Pages <small>(8 1/2 x 11) or (8 1/2 x 14)</small>		\$.10/Page			
	Other Reproduction					
Search Costs	Rate 1 (GS 1-8)		\$23.00/hr.			
	Rate 2 (GS 9-14)	10.50	\$46.00/hr.	\$483.00		\$483.00
	Rate 3 (GS 15 & above)	17.50	\$83.00/hr.	\$1,452.50	\$166.00	\$1,286.50
Review Costs	Rate 1 (GS 1-8)		\$23.00/hr.			
	Rate 2 (GS 9-14)		\$46.00/hr.			
	Rate 3 (GS 15 & above)		\$83.00/hr.			



Your appeal rights

- All FOIA requests are subject to “administrative appeals”
- If you don’t get the information you request OR
- The information is improperly redacted OR
- If the agency does not respond in a timely manner:
- **FILE AN APPEAL**
- The final level of appeal is in Federal District Court



FOIA Appeals

A Freedom of Information Act (FOIA) requester may appeal the denial of records responsive to a request.

Your appeal letter must:

- Be in writing
- Sent to the review official at the address and within the time limit provided in your denial letter
- State reasons why you believe the FOIA exemption(s) cited do not apply to the records you requested, or give reasons why they should be released regardless of whether the exemption(s) apply

Although it is not required, providing a detailed explanation of why you requested the records may strengthen your appeal. We have discretionary authority in deciding whether to release or withhold certain types of records.

If we grant your appeal, we will grant access to the records or explain the reason for delay.

If we deny your appeal, the official will explain the decision in writing and inform you of the FOIA provision for judicial review.

Additional information pertaining to appeals can be found in the [HHS Freedom of Information Regulations](#).



Investigative Strategies

- What questions are you trying to answer?
- What FOIAs do you need to file?
- You can file one specific request to a given agency each month
- If you file more than one per month, they will be aggregated into a larger request (which may be billable)
- Get ready for a long wait
- Involve your local Congressman if possible



Clarifying your message

- When you meet with various parties to get the word out you want be clear:
 - What are you finding out?
 - What change needs to occur?
- Meet with Congressman, earlier in process to aid in getting information
- Later on with press and social media



Make Friends Not Enemies

- Many times FOIA officers are doing their best to follow the law
- Congressional offices may put you off but be:
 - Clear with what you want
 - Polite
 - Persistent
- Your anger is not their problem