



How To Get Your FBI File (and Other Information You Want From the Federal Government)

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What's the FOIA?

The Freedom of Information Act is a law that lets anyone ask for records from federal agencies.

An agency has to give you the stuff you ask for unless it thinks that there's a good reason not to give it to you.



What are good reasons not to give it to you?

- ★ Classified
- ★ Law enforcement
- ★ Proprietary information/trade secrets
- ★ Privileged
- ★ Privacy
- ★ Other laws say it doesn't have to be disclosed
- ★ Internal personnel rules and practices



How do you know what to ask for?

Be observant.

news reports
press releases
government reports
congressional hearings
etc., etc. etc.



How do you know where to send your request?

Figure out which agency is most likely to have the stuff you're looking for.

There may be more than one.

Check the agency's website for contact information.



How do you write your request?

- ★ Describe what you want as precisely as possible.
- ★ Write for a lay reader.
- ★ Provide supporting news articles, etc., if there are any.
- ★ Consider asking for expedited processing.



How do you write your request?

- ★ If appropriate, ask for reduced fees.

Note: You may not have to pay search or review fees if you can show that you're a member of the media or an educational or scientific institution, and you're not requesting stuff for commercial use.



What if I'm asking about myself?

- ★ FOIA works. Privacy Act does, too, if you're a U.S. citizen or permanent legal resident.
- ★ You'll need to provide some personal information such as name, aliases, address, phone number, date of birth, place of birth, and SSN (optional).



What if I'm asking about myself?

- ★ You'll need to certify under penalty of perjury that you're not providing false information.
- ★ Check the agency website for FOIA/PA request forms or ways to submit online, which might make the whole thing easier.



And then you wait.

They're supposed to get back to you within 20 working days, but they probably won't.



So then what?

You can badger them.

You can sue them.

You can contact the new FOIA ombudsman.

You can keep waiting.



What if they respond, but refuse to give you stuff?

Well, you'll have to appeal.

If they don't respond within 20 working days or deny your appeal, you can sue.



Resources

- ★ EFF has a FOIA FAQ:

<http://www.eff.org/issues/bloggers/legal/journalists/foia>

- ★ Reporters Committee for Freedom of the Press has state and federal open government guides and FOI request generators:

<http://www.rcfp.org/fogg/index.php>

<http://www.rcfp.org/foialetter/index.php>



Resources

★ If you're really serious, the Electronic Privacy Information Center publishes a FOIA litigation manual:

<http://epic.org/bookstore/foia2008/default.html>

★ The Office of Government Information Services mediates FOIA disputes:

<http://www.archives.gov/ogis>



Questions?

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