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FOIA Club

If tonight is your first FOIA Club, you must FOIA.

Noisebridge
MLK Day, 2013

Shamelessly Pilfered from Marcia Hofmann



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 won't you get?

- Classified
- Internal rules or procedures
- Other laws say it doesn't have to be disclosed
- Trade secrets
- Intra-agency memoranda and drafts
- Privacy
- **Law enforcement**
- Financial records
- Mines



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How do you know what to ask for?



How do you know where to
send your request?



How do you write your request?

- Describe what you want as precisely as possible.
- Write for a lay reader.
- Provide supporting descriptions.
- Consider asking for expedited processing.



How do you write your request?

- If appropriate, ask for reduced fees.
(discuss)



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, 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 FOIA ombudsman.

You can keep waiting.



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

You must appeal.

Only if they don't respond to your request within 20 working days, or if they deny your appeal, can you sue.



Resources

- EFF has a FOIA how to and a FOIA guide:
 - <https://www.eff.org/issues/transparency/foia-how-to>
 - <https://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/federal-open-government-guide>
 - <http://www.rcfp.org/foia>



Resources

- If you're really serious, the Electronic Privacy Information Center publishes a FOIA litigation manual:
 - <https://epic.org/bookstore/>
- The Office of Government Information Services mediates FOIA disputes:
 - <https://ogis.archives.gov/>



Questions?

Nate Cardozo
Staff Attorney, EFF
nate@eff.org

Also present, Marcia Hofmann (EFF),
Geoff King (California Anti-SLAPP Project)