

The Freedom of Information Act

The Freedom of Information Act (FOIA) [↗] generally provides that any person has the right to request access to federal agency records or information except to the extent the records are protected from disclosure by any of nine exemptions contained in the law or by one of three special law enforcement record exclusions.

Exemptions


The nine exemption categories that authorize government agencies to withhold information are:

1. classified information for national defense or foreign policy
2. internal personnel rules and practices
3. information that is exempt under other laws
4. trade secrets and confidential business information
5. inter-agency or intra-agency memoranda or letters that are protected by legal privileges
6. personnel and medical files
7. law enforcement records or information
8. information concerning bank supervision
9. geological and geophysical information

Exclusions

Congress provided special protection in the FOIA for three narrow categories of law enforcement and national security records. The provisions protecting those records are known as "exclusions". The first exclusion protects the existence of an ongoing criminal law enforcement investigation when the subject of the investigation is unaware that it is pending and disclosure could reasonably be expected to interfere with enforcement proceedings. The second exclusion is limited to criminal law enforcement agencies and protects the existence of informant records when the informant's status has not been officially confirmed. The third exclusion is limited to the FBI and protects the existence of foreign intelligence or counterintelligence, or international terrorism records when the existence of such records is classified. Records falling within exclusion are not subject to the requirements of the FOIA.

Please Note

 The FOIA applies only to federal agencies and does not create a right of access to records held by Congress, the courts, or by state or local government agencies.

The FOIA does not require agencies to do research for you, answer written questions, or in any other way create records (such as lists or statistics) in order to respond to a request.

Other Resources

Department of Justice: Office of Information Policy [↗]

DOJ Guide to the Freedom of Information Act [↗]

FOIA.gov [↗]

Open Government Act of 2007 [↗]

The National Archives and Records Administration (NARA) [↗]

The Office of Government Information Services (OGIS.archive.gov) [↗]

U.S. Government Printing Office (Federal Digital System) [↗]