The Freedom of Information Act (FOIA) is a law that gives people the right to access information from the federal government.

- FOIA is often described as the law that keeps citizens in the know about their government.
- FOIA requires federal agencies to disclose information contained in federal records, unless it falls under:
  - one of nine exemptions, or
  - one of three law enforcement exclusions

The right to access may be enforceable in Federal Court.
President Lyndon Johnson signed the FOIA into law on July 4, 1966.

FOIA has been amended periodically over the years (for example, Electronic FOIA Amendments of 1996 and the FOIA Improvement Act of 2016).

FOIA applies only to the Executive Branch of the federal government.

States have their own access laws for state records:

- Occasionally, we receive request citing state FOI laws
- Those access laws do not apply to the federal government.

Sweden had the first such “access” law adopted in 1766.
Brief Overview of the FOIA

- FOIA laws are spreading throughout the world; for example:
  - Canada introduced their FOIA in 1983
  - Chile’s FOI took effect in 2000
  - United Kingdom implemented at the national level in 2000
  - Uruguay enacted in 2008
Brief Overview of the FOIA

• Legal or other authorities that apply to the FOIA:
  ▪ General
    ✓ Title 5, U.S.C., Section 552
    ✓ Open Government Act
  ▪ Census Bureau specific:
    ✓ Title 15, Code of Federal Regulations, Subpart A
    ✓ DAO 205-12 (Public Information)
    ✓ DAO 205-14 (Processing Requests Under the FOIA)
FOIA at DOC – Basics
DOC FOIA Web Page

Freedom of Information Act Program

The responsibility for the development and maintenance of Freedom of Information Act (FOIA) policies, procedures, and guidance is handled through the Office of Privacy and Open Government. The FOIA Program Office is also responsible for oversight of the Department of Commerce FOIA program.

The Department's FOIA operations are decentralized between bureau and operating units (BOUs). Form the page, you can link to the BOUs and learn about the FOIA policies, procedures, and guidance that are handled through the FOIA Program Office. You can also file and track your status of request. The Department's FOIA guide is a great tool for information on how to file a request. If you are interested in making a request, you may find the information you need in the new FOIA filings.

DEPARTMENT FOIA OFFICE
Department of Commerce Deputy Chief FOIA Officer and FOIA Program Manager.

BOU FOIA PROGRAMS
The responsibility for the development and maintenance of FOIA policies, procedures, and guidance is handled through the Office of Privacy and Open Government. FOIA Program Office.

The FOIA
The FOIA generally provides that any person has the right to request access to federal agency records in information that the agency has received and is maintained for Federal law enforcement activities. The right to review or copy the records is protected from disclosure by any of the exemptions contained in the FOIA, modified by the burden of the exemptions contained in the Freedom of Information Act (FOIA).

FOIA REQUESTS
A FOIA request is a request submitted to a federal agency asking for access to agency records on any topic. A FOIA request can generally be made to any federal agency and must include (1) the records you are seeking; (2) a description of the records you are seeking; (3) the name of the agency; (4) any necessary or relevant information to make the request; and (5) a clear and concise description of the records you are seeking.

ELECTRONIC FOIA LIBRARY
The electronic FOIA Library contains materials such as certain agency research, specific agency policy research, and similar issues in the implementation of laws. The Electronic FOIA Library contains records that are located in the electronic FOIA Library. Please check the Library before submitting a FOIA request.

FOIA REPORTS
All agencies are required to report to the Department of Justice in their FOIA compliance through their annual FOIA Reports and FOIA Office Reports. All agencies are also required to provide quarterly reporting of key FOIA metrics within their Department of Justice, which will be posted on FOIA.gov.

RESOURCES

TRAINING

Frequently Asked Questions (FAQ)

Thank you.
• The DOC policy is to implement the FOIA uniformly and consistently, and to provide maximum allowable disclosure of records.
• Requesters are treated equally under the FOIA; however, in some circumstances distinctions are made in order to determine:
  ✓ fee category,
  ✓ fee waiver requests, and
  ✓ requests for expedited processing
The FOIA Office within the Office of Privacy and Open Government (OPOG)

- Policy and operational oversight of the DOC FOIA program
- Chairs the DOC FOIA Council
- Central clearinghouse for all DOC FOIA (and Privacy Act) requests
- Responsible for processing all DOC FOIA (and Privacy Act) requests
- Policy and operational oversight of the DOC Open Government program
FOIA Roles at DOC

- Deputy Chief FOIA Officer and Department Privacy Act Officer
  - Policy and Operational oversight of the DOC FOIA program
  - Chairs the DOC FOIA Council
  - Responsible for ensuring that DOC is compliant with the FOIA and the Privacy Act
  - Ensures that DOC is working efficiently on FOIA requests and appeals, and constantly improving how the DOC works with the FOIA
FOIA Roles at DOC

• FOIA Public Liaison
  ✓ Reports to the Chief FOIA Officer
  ✓ Serves as the supervisory official to whom a requester can raise concerns about the service the requester has received
  ✓ Responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes

• FOIA Analysts
  ✓ Responsible for processing FOIA and Privacy Act requests
• Open Government Program Manager
  ✓ Reports to the Director, OPOG
  ✓ Policy and operational oversight of the DOC Open Government Program

• Open Government Senior Leaders
  ✓ Represent bureaus and operational units on Open Government matters
• Training is a priority at DOC
  ✓ Staff attend multiple annual Department of Justice training offerings
  ✓ Staff present monthly lunch and learn sessions on various FOIA topics to FOIA Officers and contacts during Council meetings to train those employees, but also to reinforce their knowledge of the FOIA and DOC policies
  ✓ Internal FOIA Boot Camp Training Sessions for FOIA staff

• DOC Freedom of Information Act (FOIA) Handbook for FOIA Professionals
• Staff are members of professional society for access professionals—The American Society for Access Professionals (ASAP)
  ✓ Attend annual training classes and network with other FOIA professionals
  ✓ Take webinar courses via ASAP web site on specialized FOIA topics
  ✓ Weekly staff meetings at which FOIA topics are discussed and training exercises may take place
The most used FOIA Exemptions:

- Exemption 3 (55) – exempts from disclosure information prohibited from disclosure by another statute
- Exemption 6 (23) – exemptions from disclosure information about individuals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, so long as that invasion is not outweighed by a public interest in disclosure

Exemptions used by DOC last year: 2, 3, 4, 5, 6, 7A, 7C
FOIA – Optimizing Customer Service
FOIA – Optimizing Customer Service

FOIAonline

Benefits of an Account: Sign up for a FOIA account today to receive the benefits of streamlined request creation and monitoring of created requests. Create An Account

FOIAonline

The Freedom of Information Act (FOIA) gives you the right to request information from federal agencies. From FOIAonline you can submit FOIA requests to all participating agencies, track the status of requests, search for requests submitted by others, access previously released records, and generate agency-specific FOIA processing reports.

FOIAonline participating agencies include: the Environmental Protection Agency, Department of Commerce (except the US Patent and Trademark Office), U.S. Customs and Border Protection, Office of General Counsel of the National Archives and Records Administration, Merit Systems Protection Board, Federal Labor Relations Authority, and the Pension Benefit Guaranty Corporation.

New: As of February 1, 2014, the Department of the Navy (including the Navy and the Marine Corps) joined FOIAonline as a participating agency. A chart provides further details on the information available in FOIAonline by participating agency.

Requests under the Privacy Act must be sent directly to the appropriate agency.
FOIA – Optimizing Customer Service

• Customer service line: (301) 482-3842

• Email: efoia@doc.gov

• BOU FOIA Officers and Contacts
• Customer service line: (301) 482-3842
• Email: efoia@doc.gov
• BOU FOIA Officers and Contacts
Questions