Freedom of Information Act Request Letter

Agency Head [or Freedom of Information Act Officer]
Name of Agency
Address of Agency
City, State, Zip Code

Re: Freedom of Information Act Request

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_:

This is a request under the Freedom of Information Act.

I request that a copy of the following documents [or documents containing the following information] be provided to me: [identify the documents or information as specifically as possible].

In order to help to determine my status to assess fees, you should know that I am (insert a suitable description of the requester and the purpose of the request).

[Sample requester descriptions]:

a representative of the news media affiliated with the \_\_\_\_\_\_\_\_\_\_\_ newspaper (magazine, television station, etc.), and this request is made as part of news gathering and not for a commercial use.

affiliated with an educational or noncommercial scientific institution, and this request is made for a scholarly or scientific purpose and not for a commercial use.

an individual seeking information for personal use and not for a commercial use.

affiliated with a private corporation and am seeking information for use in the company’s business.]

[Optional] I am willing to pay fees for this request up to a maximum of $\_\_\_\_\_. If you estimate that the fees will exceed this limit, please inform me first.

[Optional] I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. [Include a specific explanation.]

Thank you for your consideration of this request.

Sincerely,

Name
Address
City, State, Zip Code
Telephone number [Optional]

Freedom of Information Act Appeal Letter

Agency Head or Appeal Officer
Name of Agency
Address of Agency
City, State, Zip Code

Re: Freedom of Information Act Appeal

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

This is an appeal under the Freedom of Information Act.

On (date), I requested documents under the Freedom of Information Act. My request was assigned the following identification number: \_\_\_\_\_\_\_\_\_\_. On (date), I received a response to my request in a letter signed by (name of official). I appeal the denial of my request.

[Optional] The documents that were withheld must be disclosed under the FOIA because….

[Optional] I appeal the decision to deny my request for a waiver of fees. I believe that I am entitled to a waiver of fees. Disclosure of the documents I requested is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interest. (Provide details)

[Optional] I appeal the decision to require me to pay review costs for this request. I am not seeking the documents for a commercial use. (Provide details)

[Optional] I appeal the decision to require me to pay search charges for this request. I am a reporter seeking information as part of news gathering and not for commercial use.

Thank you for your consideration of this appeal.

Sincerely,

Name
Address
City, State, Zip Code
Telephone Number [Optional]

 Freedom of Information Act Letter Requesting a Fee Waiver

[Note to user: Many organizations provide useful templates of FOIA request letters, including [The Reporters Committee for Freedom of the Press](http://www.rcfp.org/foi_letter/generate.php) and [Student Press Law Center](http://www.splc.org/ltr_sample.html). Some federal agencies provide templates as well that can be downloaded from the Internet. My letter borrows language from some of these templates, and I will note where I do so. The intention here is to give you detailed fee-waiver language, whereas other templates give cursory treatment to the topic.]

(Date)

Agency Head [or Freedom of Information Act Officer]
Name of Agency
Address of Agency
City, State, Zip Code

Re: Freedom of Information Act Request

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

Under the Freedom of Information Act (5 U.S.C. Section 552), I am requesting the following documents:

[ICIJ recommendations] Reasonably describe the records and/or information you need. It helps to include names of people and places and the time period relevant to the material. If you know the name or title of the document you seek, include that. Attach any other documents describing your research and specify the form in which you would like to receive the information, such as paper or computer disk.

As a representative of the news media affiliated with (name of your organization), I am gathering information on (subject) that is of current interest to the public because (briefly state reasons).

[For requesters who are not members of a traditional news organization like a newspaper or television station, consider the following language]: Please take note of the Office of Management and Budget guidelines published March 27, 1987 (52 FR 10012) that include electronic publications and other nontraditional publishers as representatives of the news media. [Freelancers should provide a copy of the publication contract, if you have one, but also note that OMB guidelines say that past publication can be used as proof you are a media representative]. [Public interest groups should consider the following language]: Please also remember that the U.S. Court of Appeals for the District of Columbia has determined that even a nonprofit clearinghouse of information can qualify as a representative of the news media, See *National Security Archive v. U.S. Department of Defense*, 279 U.S. App. D.C. 308 (D.C. 1989).

Please note that 5 U.S.C. Section 552(a)(4)(A)(iv)(II) requires that you provide the first 100 copies to me at no charge.

However, I am requesting a waiver of all fees under 5 U.S.C. Section 552(a)(4)(A)(iii). The information I seek is in the public interest because it will contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

I believe I meet the criteria for a fee waiver recognized by the U.S. Justice Department – in its policy guidance of April 1987 – and by the federal courts, See *Project on Military Procurement v. Department of the Navy*, 710 F. Supp. 362 363, 365 (D.C.D. 1989).

My request concerns the operations or activities of government because É [Per the Justice Department guidelines, be as specific as possible about why your request concerns a government activity as opposed to a mere interest on your part in the subject matter.]

Also, the information sought has informative value, or potential for contribution to public understanding. Please note the decision in *Elizabeth Eudey v. Central Intelligence Agency*, 478 F. Supp. 1175 1176 (D.C.D. 1979) (even a single document has the potential for contributing to public understanding). I plan to disseminate this information to the public at large in the following manner: [Detail how you plan to get this information to a broad audience. Public interest requesters should be aware that vague assertions about providing the information to a media outlet probably would not pass muster with the agency or the courts. It will help your cause immensely to provide evidence of past instances where the media has used some of your information]. In addition, the release of this information will have a significant impact on public understanding because É [Detail here where you think there is a lack of knowledge on the part of the public and how this information will make the public better informed about this particular government activity.]

In your deliberations, please take note of the following cases: *Campbell v. U.S. Department of Justice*, 334 U.S. App. D.C. (1998)(administrative and seemingly repetitious information is not exempt from fee-waiver consideration); *Project on Military Procurement*(agencies cannot reject a fee waiver based on the assumption that the information sought is covered by a FOIA exemption; and *Landmark Legal Foundation v. Internal Revenue Service*, 1998 U.S. Dist. LEXIS 21722 (D.C.D. 1998)(the fact that the information will soon be turned over to a public body does not exempt the material from fee-waiver consideration).

I look forward to your response within the 20 working days, as outlined by the statute.

Thank you in advance,

Your name
Your address
Daytime phone number
Fax number
E-mail address