

About This Guide

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HOW TO USE THIS GUIDE

Government records are fundamental to understanding official policies and decision-making processes. They can be vital resources for a journalist following a breaking news story about government misconduct, a military veteran's family seeking information about benefits, or a student writing a history paper. Government documents provide first-hand, real-time accounts of events as they unfolded, generally without the editorial filter that characterizes secondary sources like books and news articles.

This guide provides a comprehensive overview for obtaining documents from executive branch agencies of the federal government. It deals primarily with the Freedom of Information Act process. But it also briefly treats other means of accessing government records, including locating publicly available records and using Mandatory Declassification Review (MDR) to obtain previously classified records.

As you embark on your quest for government records, you must first conduct some preliminary research and map out a strategy for your journey. After an overview of the FOIA in chapter 1, chapter 2 of this guide will help you navigate through these initial steps. It will assist you in determining what records you are looking for, where they might be located, and whether some of them might be publicly available.

Chapter 3 focuses on the nuts and bolts of drafting and sending your FOIA request. It will guide you through the key elements of a request letter and what to expect throughout the requesting process.

Chapter 4 explains the MDR process as an alternative means for obtaining government records and will help you to determine whether MDR is right for you. This chapter also offers basic guidance for drafting and filing an MDR request.

Chapters 5 and 6 focus on challenging an agency’s response to your FOIA or MDR request. In chapter 5, you will learn about the administrative appeals process, which you can use to challenge the initial decision on your request at the agency level. You need not read chapter 5 in its entirety. Rather, you should read the introductory materials outlining the appeals process and the general arguments to make in your appeal. Then, focus on those arguments that apply to your specific case, in particular the statutory exemptions claimed by the agency in response to your request.

Chapter 6 provides a very basic overview of litigating a request under the FOIA and can serve as a starting point if you decide to sue an agency after completing the administrative appeals process. Additional resources are provided that will help you if you choose to move forward with litigation.

Throughout the text of this guide, you will see yellow light bulbs containing “FOIA Tips”—tricks and tips to help you through the FOIA maze. You also will see blue figures that offer additional details about some of the key concepts covered in the text. Finally, green “Sample Language” boxes will provide you with examples to help in drafting your request or appeal. Keep in mind that some of the sample language may not apply to all requesters, so make sure to read the text carefully and craft your request or appeal to suit your individual case.

Checklists at the ends of chapters 3 and 5 summarize the request and appeals processes and help remind you about key items to include in your correspondence with the agency.

The guide also includes appendices of useful resources to consult during the FOIA process.

LEGAL NOTE

None of the information contained in this guide should be considered legal advice, nor is the National Security Archive available to provide legal advice. Although we have striven to present accurate and useful information about the Freedom of Information Act in this guide, we recommend that you consult a lawyer if you need professional advice about your particular situation or if you intend to file a FOIA lawsuit.