

# Fun with FOIA

And the Zen of waiting

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DLC Conference

October 23rd

# What is FOIA?

- Freedom of Information Act
  - Administrative Procedure Act (APA) 1946
  - Amended 1966
  - Privacy Act of 1974
  - Government In the Sunshine Act 1994
  - Electronic Freedom of Information Act 1996
  - The Intelligence Authorization Act of 2002
  - OPEN Government Act of 2007\*
  - Wall Street Reform Act of 2010 (repealed)
  - FOIA Improvement Act of 2016\*

# OPEN Government Act of 2007

- Tracking numbers for FOIA requests that take longer than 10 days
- Agencies designate a FOIA Public Liaison, "who shall assist in the resolution of any disputes"
- Redefines "record" -includes information held for an agency by a government contractor.
- Office of Government Information Services (OGIS)
- Requires agencies to specify the specific exemption for each deletion or redaction in disclosed documents.



# FOIA Improvement Act of 2016

- Agencies are now required to “make available for public inspection in an electronic format,” records “that have been requested 3 or more times.”
- “procedures for identifying records of general interest or use to the public that are appropriate for public disclosure, and for posting such records in a publicly accessible electronic format.”

# What can you get?

- Any currently existing agency record.

5 U.S.C. § 552

# What is excluded?

- **Exemption 1:** Information that is classified to protect national security.
- **Exemption 2:** Information related solely to the internal personnel rules and practices of an agency.
- **Exemption 3:** Information that is prohibited from disclosure by another federal law.
- **Exemption 4:** Trade secrets or commercial or financial information that is confidential or privileged.
- **Exemption 5:** Privileged communications within or between agencies, including attorney/client privilege.
- **Exemption 6:** Information that, if disclosed, would invade another individual's personal privacy.
- **Exemption 7:** Information compiled for law enforcement purposes.
- **Exemption 8:** Information that concerns the supervision of financial institutions.
- **Exemption 9:** Geological information on wells.



IRA employees were aware that Prigozhin was involved in the IRA's U.S. operations,

Harm to Ongoing Matter

Harm to Ongoing Matter

<sup>29</sup>  
<sup>30</sup> In May 2016, IRA employees, claiming to be U.S. social activists and administrators of Facebook groups, recruited U.S. persons to hold signs (including one in front of the White House) that read "Happy 55th Birthday Dear Boss," as an homage to Prigozhin (whose 55th birthday was on June 1, 2016).<sup>31</sup>

Harm to Ongoing Matter

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### C. The IRA Targets U.S. Elections

#### 1. The IRA Ramps Up U.S. Operations As Early As 2014

The IRA's U.S. operations sought to influence public opinion through online media and forums. By the spring of 2014, the IRA began to consolidate U.S. operations within a single general department, known internally as the "Translator" (Переводчик) department.

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IRA subdivided the Translator Department into different responsibilities, ranging from operations on different social media platforms to analytics to

<sup>29</sup> **Investigative Technique** See SM-2230634, serials 131 & 204.

<sup>30</sup> See SM-2230634, serial 156.

<sup>31</sup> *Internet Research Agency* Indictment ¶ 12(b); see also 5/26/16 Facebook Messages, ID 1479936895656747 (United Muslims of America) & **Personal Privacy**

<sup>32</sup> **Harm to Ongoing Matter**

see also SM-2230634, serial 189. **Harm to Ongoing Matter**

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# Before you FOIA

- Is it already available?
- FOIA “reading rooms”

# Do you need to FOIA?

- Individuals involved?
  - Personal papers
- Research notes
- Organizations


# What is the process?

- Identify what you need.
- Determine where the information is/should be located.
- Record Retention Schedules
- NARA- General Records Schedules (GRS)  
(<https://www.archives.gov/records-mgmt/grs.html>)



# Where to look first

- The issuing agency
- National Archives

GRS Title	Relates to	Additional Documentation
<b>1.0 Finance</b>		
GRS 1.1 Financial Management and Reporting Records <a href="#">[ PDF ]</a> <a href="#">[ WORD ]</a>	GRS 3 GRS 4 GRS 6 GRS 7 GRS 8 GRS 9 GRS 12	<a href="#">GRS 1.1 FAQs</a> <a href="#">GRS 1.1 Crosswalk</a>
GRS 1.2 Grant and Cooperative Agreement Records <a href="#">[ PDF ]</a> <a href="#">[ WORD ]</a>	GRS 3	<a href="#">GRS 1.2 FAQs</a> <a href="#">GRS 1.2 Crosswalk</a>
★ GRS 1.3 Budgeting Records  <b>NEW</b> <a href="#">[ PDF ]</a> <a href="#">[ WORD ]</a>	GRS 5	<a href="#">GRS 1.3 FAQs</a> <a href="#">GRS 1.3 Crosswalk</a>

Item	Records Description	Disposition Instruction	Disposition Authority	
001	<p><b>Financial management and reporting administrative records.</b></p> <p>Records related to managing financial activities and reporting. Records include:</p> <ul style="list-style-type: none"> <li>• correspondence</li> <li>• subject files</li> <li>• feeder reports</li> <li>• workload management and assignment records</li> </ul>	<p><b>Temporary.</b></p> <p>Destroy when 3 years old, but longer retention is authorized if needed for business use.</p>	<p>DAA-GRS-2016-0013-0001</p>	
010	<p><b>Financial transaction records related to procuring goods and services, paying bills, collecting debts, and accounting.</b></p> <p>Many records included in this item are maintained by accountable officers to account for the availability and status of public funds, and are retained to enable GAO, Office of Inspector General, or other authority audit.</p>	<p><b>Official record held in the office of record.</b></p>	<p><b>Temporary.</b></p> <p>Destroy 6 years after final payment or cancellation, but longer retention is authorized if</p>	<p>DAA-GRS-2013-0003-0001</p>



# Schedules by agency

- [Introduction to the DOI Departmental Records Schedule \(DRS\)](#)

## Routine Administration Files include:

1. Correspondence and subject files pertaining to the administration and operation of an administrative program (space and maintenance; motor vehicle maintenance/operations; communications; printing/binding/duplication; information services; administrative management; security and protective services; and ...

# The FOIA request

- Write your request
  - FOIA.gov
  - Check agency FOIA site for more information
- Be specific!
  - Title
  - Date
  - Authors
  - Subject
  - Document numbers
  - Locations
  - Referenced sources

I'm looking for FBI files on filming of the movie: Salt of the Earth, filmed in/ near Silver City, New Mexico in 1952-1953.

FBI case file number is: 100-HQ-399257

The movie was written by Michael Wilson, directed by Herbert J. Biberman, and produced by Paul Jarrico. The lead actors were Rosaura Revueltas, and Juan Chacon. The production company was Independent Productions Corporation.



Select an agency to start your request or to see an agency's contact information:

Department of Agriculture

Search

Department of Agriculture >

## Agricultural Marketing Service

**Currently, this agency's FOIA system is not linked to FOIA.gov.**

You can submit a request to this agency using the information found at the agency's [online submission form](#) .

### Agency mission

The Agricultural Marketing Service (AMS) facilitates the strategic marketing of agricultural products in domestic and international markets while ensuring fair trading practices and promoting a competitive and efficient marketplace. AMS constantly works to develop new marketing services to increase customer satisfaction.

[FOIA Reference Guide](#)

[FOIA Regulations](#)

### Contact



Mark R. Brook, FOIA Officer

(202) 205-0288

[ams.foia@usda.gov](mailto:ams.foia@usda.gov)

### Average processing time for 2018

41 working days for simple requests

82 working days for complex requests

**The records or information you're looking for may already be public.**

Visit the agency's [website](#) to learn more.

To see what's been made available, you can visit an agency's [FOIA library](#) .

# Fees

- Fee waivers:
  - Information is in the public interest - likely to contribute significantly to public understanding of the operations and activities of the government
- Not commercial interest
- Not personal
- Inability to pay fees won't get a fee waiver.
- You must be notified if over \$25.00
- NARA: .80 per page

# The Zen of Waiting

- (i) the number of requests for records to which the agency has responded with a determination within a period up to and including 20 days, and in 20-day increments up to and including 200 days;
- Locating material
- Evaluation -screening take time
- The queue
- Staffing



# While waiting

- Keep you FOIA number
- Remember to update your information

# Rejections

- Material is not at that location
- Falls under an exclusion
- Contact the agency's FOIA Public Liaison.
- File an appeal: designated authority
  
- Mediation through NARA - Office of Government Information Services
- Going to court

Questions?



# Resources

[FOIA.gov](https://www.foia.gov)

A government site with advice and tools for FOIA requests

[The FOIA project](#)

An organization with information and court documents related to some FOIA requests

[How The Times Uses FOIA to Obtain Information the Public Has a Right to Know.](#)  
David McCraw, The New York Time, Sept. 2, 2019

An interesting article on how the NYT uses FOIA requests.

[NARA FOIA room](#)

Materials and information for making a request.

## Freedom of Information (FOIA)

Collected by: Stanford University, Social Sciences Resource Group