

# FOIA Basics and Best Practices for Depository Libraries

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**OCTOBER 2015**

**Carrie McGuire**  
**Mediation Team Lead**  
**Office of Government Information Services**

## Thank you!

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STATE UNIVERSITY, MADISON.

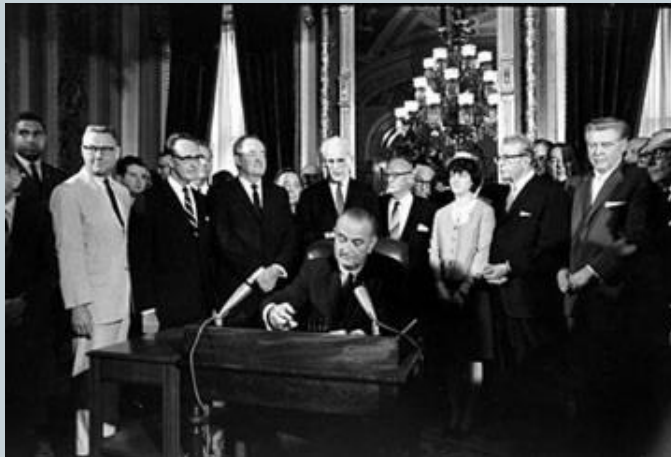
## What we'll cover today

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- What is FOIA?
- What does a successful request look like?
- What is OGIS's role?

## FOIA Basics: History

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## FOIA Basics

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“In our democracy, the Freedom of Information Act (FOIA), which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government.”

President Barack Obama

## FOIA Fast Facts

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- More popular than ever
- What is released?
- What is withheld?

## FOIA Basics

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- Who does it cover?
- How does it work?
- What can I expect?

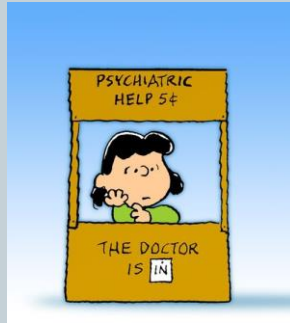
## FOIA Basics

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- What does a FOIA request look like?
- What does it include?
- Where does it go?

# Making a Request

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# Making a Request

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A screenshot of the FOIA.gov website. The browser address bar shows "www.foia.gov/report-makearequest.html". The page header includes "UNITED STATES DEPARTMENT OF JUSTICE" and navigation links for "News", "Glossary", "FAQs", "en Español", "Feedback", and "FOIA Contacts". The main content area is titled "FOIA GOV" and has a navigation menu with "Home", "Data", "Reports", "Find", and "Learn". The "MAKE A REQUEST" section is active, showing a sidebar with links like "What is FOIA?", "How to Make a FOIA Request", and "Where to Make a FOIA Request". The main content area displays information for the "Department of Health and Human Services" and "National Institutes of Health". It includes contact information for Susan Cornell, FOIA Officer, and the FOIA Requester Service Center. A note mentions that additional FOIA contact information can be found by visiting the website. The Department of Health and Human Services logo is also visible.

# Making a Request

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Lucy Van Pelt  
1234 Peasants Way  
Anytown, USA 10101  
(123)456-7899

October 2, 2015

Susan Cornell  
FOIA Officer  
National Institutes of Health  
Building 31, Room 5B35  
9000 Rockville Pike  
Bethesda, MD 20892

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of the proposals chosen for the 2014 Diet and Physical Activity Assessment Methodology funding program.

I request this material for my own scholarly research; I am not making this request as a representative of a business. For this reason, I request to be placed in the "all other" requester category. I agree to pay reasonable fees for the processing of this request in an amount not to exceed \$50.00. Please notify me prior to incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all segregable portions of otherwise exempt material.

As I am making this request as a scholar and this information is of timely value, I would appreciate you communicating with me by telephone, rather than by mail, if you have questions regarding this request.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Lucy Van Pelt

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## OGIS

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Congress created OGIS in  
the 2007 FOIA amendments

5 U.S.C. § § 552(h)(1)-(3)

## OGIS

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### FOIA Ombudsman

- Provide mediation services to resolve FOIA disputes
- Review agencies' FOIA policies, procedures & compliance



## OGIS: Agency Review

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- Review agencies' FOIA policies, procedures and compliance
  - Through mediation cases
  - Agency assessments (new)
  - Review draft regulations
  - Review reports
  - Review templates & other agency materials
  - Share best practices

## OGIS: Mediation Services

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- Provide mediation services to resolve FOIA disputes
  - Neutral third party
  - Requests come from both agencies and requesters
  - Voluntary process
  - Party-driven approach
  - Goal of preventing litigation

\*\* Not mandatory, not binding, does not preclude litigation \*\*

## Neutrality

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- OGIS advocates for
  - Neither the requester nor the agency
  - For the FOIA process to work as intended

## What OGIS does

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- OGIS
  - Strives to work in conjunction w/ the existing request & appeal process
  - May become involved at any point in the FOIA administrative process

## OGIS Case Studies

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- OGIS cases range from the simple:

- Answering questions about the FOIA process
- Providing more information to requesters about FOIA exemptions
- Obtaining information about the status of a request from the agency

to the complex:

- Facilitating phone calls between agencies & requesters
- Mediating discussions about discretionary exemption use
- Facilitating communication between multiple agencies dealing with the same or similar requests

## Contact OGIS

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[www.ogis.archives.gov](http://www.ogis.archives.gov)

[OGIS@nara.gov](mailto:OGIS@nara.gov)

(202) 741-5770

(877) 684-6448

@FOIA\_ombuds

<http://foia.blogs.archives.gov/>