



BEST PRACTICES FOR SUCCESSFUL FOIA REQUESTS

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FOIA requests are frequently denied by the records custodian/agency when inadequate information is provided in the initial request. Only 40% – 65% of requested records are ultimately released and requests which do succeed often take multiple communications with the agency.

Follow these eight tips to position your request for a prompt response and increase your chances of a "full grant" of releasable records.

1. IDENTIFY THE RECORD SYSTEM WHERE THE DESIRED RECORD IS MAINTAINED:

- a. Records for each branch of service are often held in different locations. Archival records can be found at NARA, while more recent records may be held at Naval Headquarters or the Veteran's Administration. Department of Defense records are not centralized.
- b. Verify that the record type you seek actually exists. Many records were destroyed when it was determined they were no longer of value or interest. For instance, Army accident records are routinely purged; only those involving a fatality are retained permanently.
- c. Duplicates of some records may be maintained by different agencies. Select the agency most likely to respond quickly, but contact other repositories as well.
- d. Agency websites and general internet research can help identify the department or office that handles the records you need.
- e. An agency's FOIA liaison officer might advise you on the wording of your request prior to submission.

2. ADDRESS YOUR REQUEST TO THE RIGHT OFFICIAL AND GOVERNMENT FACILITY:

- a. Consult the website of the agency for their FOIA policy. Some have one office that handles all incoming requests while others have designated regional offices with specific functions. If you know documents you seek are at a regional office, save time and send your request directly there; you might avoid an outright denial by a headquarters office that is unclear on the location of those records.
- b. FOIA.gov is useful for locating specific agency contact information.
- c. If an agency has a designated FOIA officer, address your request directly to that official.

On to Step 3....

3. DETAILS, DETAILS, DETAILS!

- a. Federal agencies are not required to perform research to locate records requested under FOIA.
 - i. Asking for 'Infantry Unit records from 6 June 1944' sounds pretty specific, but it does not include the numbered or named subgroup for the records needed. This request would be returned unanswered, as the quantity of records covered is too broad.
 - ii. Asking for 'Operation Reports of 1st Infantry Division, 16th Infantry Regiment, including Companies B, C, and E for 6 June 1944' tells the agency exactly which records you are requesting, making it more likely to be processed quickly.
- b. Include as much information about the record as you can in a clear, concise format to help the agency determine the entire scope of your request. Full names, dates, locations, and unit information are all helpful. Use agency specific terms and 'lingo' in your descriptions.
- c. Include any record group numbers, box labels or agency identification numbers that you have.
- d. Limit your focus. Keeping your request to a single type or group of records will allow it to be processed more quickly. Consider filing separate requests if you need several different types of records.
- e. Specify the format of the records you seek. This may be a pdf, a spreadsheet, printed matter or jpg files.

4. **ACKNOWLEDGE** that you know some types of information may be redacted for privacy. This avoids a delay; otherwise the agency must notify you that your request can only be partially granted before they proceed further.

Next.....

5. FEE STRUCTURES:

- a. Fee information is usually published on an agency website.
- b. Acknowledge in your request that you are aware of the applicable fee structure. If an agency offers electronic records at no charge and a per page rate for written material, make note of the format you want and the fee you expect to pay for that format, including postage.
- c. Small requests may incur no fee at all. Large requests may take more time and resources and will almost certainly incur a fee.

6. INCLUDE YOUR CONTACT INFORMATION:

- a. Provide your mailing address, email, and a phone number.
- b. Specify that if the agency has any questions, please contact you via one of these avenues. This might keep your request from being denied or returned due to lack of clarity and keep the process moving without having to file a new, revised request.

7. EXPEDITE WHERE POSSIBLE:

- a. Some situations allow a request to be moved to the front of the line. Learn what those are and see if your request qualifies to be “fast tracked”. Possible reasons include a court case with a deadline, veteran health issues, and other circumstances. Specify that expedited service is requested and clearly state the reason.

And finally.....

8. HURRY UP AND WAIT

- a. By law, an agency has twenty days to respond to your request. This requirement is typically met when an agency sends written acknowledgement that your request was received. Some repositories with adequate staff and lower workloads may be able to complete requests within the twenty day time frame.
- b. Include a polite mention of this 20 day deadline to let the agency know that you are aware of the FOIA rules.
- c. Promptly reply to any communication from the agency and provide what they request in writing, either by post or email.
- d. Include any internal tracking numbers the agency assigns to your case on all correspondence. That allows staff to quickly match your responses with your case file.
- e. Allow sufficient time for agency staff to process your request. Set a reasonable schedule to follow up on your request with the agency FOIA liaison. Depending on the complexity of the request some FOIA records can take months, or even years.