

---

Paragraph	Page
TABLE OF CONTENTS*	
INTRODUCTION	
	iii
CHAPTER 1. AGENCY RECORDS	
	1-1
CHAPTER 2. PROCEDURES FOR HANDLING FREEDOM OF INFORMATION ACT REQUESTS	
2-1 Who May Release Records	2-1
2-2 Access Offices	2-1
2-3 Designation of Information Officers	2-2
2-4 Procedures for Requesting Records	2-3
2-5 Instructions for FOIA Liaison Officers	2-3
2-6 Time Limits	2-6
2-7 Fees	2-7
CHAPTER 3. PROCEDURES FOR NON-DISCLOSURE	
3-1 Denial Procedures	3-1
3-2 Review of Denial of Requests for Records	3-2
3-3 Exemptions from Disclosure	3-2
3-4 Segregability	3-6
3-5 Guidance in Deciding to Disclose or Not Disclose	3-6
3-6 Judicial Demands for Disclosure	3-7
3-7 Arbitrary and Capricious Withholding	3-7
3-8 The Privacy Act	3-8
CHAPTER 4. MISCELLANEOUS RESPONSIBILITIES	
4-1 (RESERVED)	
4-2 Information and Guidance in Freedom of Information Matters	4-1
4-3 Release of Audit and Investigative Reports	4-1

---

\* NOTE: This handbook in no manner attempts to describe or to promulgate procedures as will be observed by the Office of Inspector General in accordance with the Freedom of Information Act (5 U.S.C. 552), as amended.

INDEX TO APPENDIX

A-1	Freedom of Information Act, 5 U.S.C. 552, (As Amended)	A-1
A-2	The Privacy Act of 1974, 5 U.S.C. 552a	A-9
A-3	Rules and Regulations, 24 CFR, Part 15	A-27
A-4	Sample Proper FOIA Request	A-47
A-5	Sample FOIA Response with Standard Language	A-48
A-6	Sample Letter Asking for Fee Agreement	A-50
A-7	Sample Initial Response and Billing Notice	A-52
	Glossary	G-1

---

6/91

ii

6/91

---

1327.1 REV-1

1327.1 REV-1

---

INTRODUCTION TO THE FREEDOM OF INFORMATION ACT

5 U.S.C. 552  
As Amended

The basic purpose of the Freedom of Information Act (FOIA) is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.

Shortly after World War II and other crises there was an environment that allowed the government to secretly pursue policies without the knowledge or support of the public. While some secrecy is necessary for the security of our country, excessive secrecy defeats the democratic principles upon which our country was founded.

In 1966, as members of Congress became aware of the ever increasing secrecy, a law was passed giving people a right to see and know what was in secret government files. This was the original Freedom of Information Act.

Watergate proved to Congress, the news media, the public, and the world that there existed a need for a Freedom of Information Act which provides citizens broader access to government records.

In an effort to further extend the FOIA's disclosure requirements, and also as a reaction to the abuses of the Watergate era, the FOIA was substantially amended in 1974. There were several amendments thereafter which were intended to limit what could be withheld as exempt from disclosure.

Late in 1986, Congress passed major FOIA reform legislation as part of the Anti-Drug Abuse Act of 1986. This legislation provided broader exemption protection for law enforcement information, plus special law enforcement record exclusions, and it also created a new fee and fee waiver structure.

The Freedom of Information Act (FOIA) is intended to be used generally for public access to the records of government. Individuals do not need to prove their right to the information they request. The information is presumed available, unless it falls into one of nine possible exemptions under which information may be denied. These nine exemptions are discretionary not mandatory.

---

6/91	iii	6/91
1327.1 REV-1		1327.1 REV-1

---

FOIA requires an annual report to Congress from each federal agency regarding its FOIA operations to encourage agency compliance with the FOIA.

The FOIA states that agencies must respond within 10 working days, except in unusual circumstances. There are three types of agency responses: granted in full, partially granted which lists the exemptions used for withholding, or denied in full which lists the exemptions used for withholding.

The obligation to pay fees depends on who you are, and the reason you want the information. Fees may be waived or reduced if the information sought 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 the commercial interest of the requestor.

The FOIA is a vital, continuously developing mechanism which, with necessary refinements to accommodate society's conflicting interests in an open yet smoothly functioning government, can truly enhance our democratic way of life.

---

6/91	iv	6/91
------	----	------