
Office of Inspector General Freedom of Information Act (FOIA) Reference Guide

The Office of Inspector General's guidance on requesting information under the Freedom of Information Act.

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Introduction

The Freedom of Information Act (FOIA), Title 5 of the United States Code, section 552, is a disclosure statute which gives you the right to request access to federal agency records or information. All U.S. government agencies are required to disclose agency records to the public unless the records are protected by one or more of the FOIA's nine exemptions or three exclusions. Under the FOIA, government agencies need not release:

- (1) classified documents;
- (2) internal personnel rules and practices;
- (3) information that is exempt under other laws;
- (4) trade secrets and confidential business information;
- (5) internal government communications that are protected by legal privileges;
- (6) personnel and medical files;
- (7) law enforcement records or information;
- (8) information concerning bank supervision; and
- (9) geological and geophysical information.

The three exclusions are rarely used and pertain to particularly sensitive law enforcement and national security matters.

Access to Certain Records Without a FOIA Request

The Office of Inspector General makes certain records available without requiring a FOIA request. Such documents include:

Audit Reports
Congressional Testimony
Performance and Strategic Plans
News Releases
Semiannual Reports to Congress

Where to Make a FOIA Request

If the document you are seeking is not available online, please send a written FOIA request to:

USPS Office of Inspector General
1735 N. Lynn Street, 10th Floor
Arlington, VA 22209-2020
Attention: Millie Gump, Freedom of Information Act Officer

You may also submit your request to the OIG by fax or electronic mail. The fax number is (703)248-4626 and the electronic mailbox is foia@uspsoid.gov. The OIG will begin processing your request upon receipt by the FOIA Officer.

How to make a FOIA Request

You may make a FOIA request for any agency records; however, the records may be protected by one of the FOIA exemptions or exclusions. You must submit your FOIA request in writing and prominently note, "Freedom of Information Act Request" on the first page. Your FOIA request should describe the records sought in sufficient detail to enable us to locate the records with a reasonable amount of effort. Whenever possible, you should include specific information about each record sought, such as the date, number, title or name, author, recipient, and subject matter of the record.

Please be aware that the FOIA does not require us to do research for you, to analyze data, to answer written questions, or to create records in response to a request.

Time for Response

We have three methods for responding to your FOIA request. The methods, which have different response times, are regular processing, expedited processing, and extended response time processing. A request is deemed to have been received by the OIG for purposes of computing time for response at the time it is actually received by the FOIA Officer.

Regular Processing

Once your FOIA request is received, a determination will be made within twenty days (excluding Saturday, Sundays, and legal public holidays) whether to disclose or deny the records sought.

Expedited Processing

You may be entitled to expedited processing of your FOIA request if you certify that you have a compelling need. A compelling need may be a threat to someone's life or physical safety. You may also have a compelling need if you are primarily engaged in disseminating information to the public and the information is urgently needed to inform the public concerning actual or alleged Federal Government activity. The request for expedited processing must include your reasons why your request should be expedited. You should also certify that your reasons are true and correct. Within ten days after receiving your request, you will be notified regarding the decision to expedite your request. If we decide to expedite your request, it will be processed as soon as practicable. If we deny your request for expedited processing, you have the right to submit an appeal, which we will handle expeditiously.

Extended Response Time Processing

Under the FOIA, we may extend the response time for an additional ten business days based upon unusual circumstances involved in the request, such as the volume of records sought.

Fees

We will furnish, without charge, reasonable quantities of material that we have available for free distribution to the public. Under the FOIA, we are permitted to charge certain fees for processing FOIA requests. Fees may vary depending on the requester's category. Commercial requesters may be charged fees for searching, reviewing, and duplicating records. Noncommercial requesters, such as educational or scientific institutions and the news media, are only charged for the duplicating expenses, after the first 100 pages of copies. All other requesters who do not fall within either of these two categories are not charged for the review of the records, only for the search and duplication of the records. No charge is assessed for the first two hours of search time or for the first 100 pages of copies.

Fees \$10.00 or less

If the total fee for searching, reviewing, and duplicating is \$10.00 or less no fee is assessed.

Fees \$25.00 or more

If you do not include an acceptable agreement to pay the fees at the time of your request, we will promptly notify you if the estimated cost for processing your request is expected to exceed \$25.00. Once you provide us with an agreement to pay all fees, we will release the records.

Fees over \$250.00

If the estimated fees exceed \$250.00, we may require you to pay the fees in advance.

Fee Waivers

We may waive fees, if the disclosure of the requested information contributes significantly to the public's understanding of the operation or activities of the government and is not primarily in the commercial interest of the requester.

Initial Request Determination

Once we have processed your request and any fee issues have been resolved, we will send you a written notice explaining our determination to disclose or deny records. If information is being withheld, we will specify the FOIA exemption that pertains to the denial. You will also be advised of your right to appeal any adverse determination. If pages of the requested information are withheld in their entirety, we will usually specify the number of pages being withheld or will make a reasonable effort to estimate the amount of withheld information.

Appeals

When we deny records or a fee waiver, you may file an appeal in writing to:

USPS Office of Inspector General
1735 N. Lynn Street, 10th Floor
Arlington, VA 22209-2020
Attention: Gladis Griffith, Deputy General Counsel

An appeal should include a copy of the initial request, a copy of the letter denying the request, and a statement explaining why you disagree with our decision. You should write "Freedom of Information Act Appeal" on the front of the envelope and on the first page of the appeal letter.

Judicial Review

If your appeal has been decided and you still believe that we have not handled your FOIA request in accordance with the law, you may seek judicial review. Judicial review is a litigation process in which you challenge our action in a lawsuit filed in Federal Court. You may file the suit in a Federal District Court in any of the following places: (1) where you reside; (2) where you have your principal place of business; (3) in the District of Columbia; or (4) where the records are located.

Electronic Reading Room

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the public may obtain government records, unless the law prohibits disclosure. Electronic Freedom of Information Act Amendments of 1996 (also referred to as the E-FOIA Amendments, Public Law No. 104-231) requires federal agencies to make certain records accessible electronically. The Office of Inspector General established this electronic reading room in order to make certain information available to the public without requiring a FOIA request.

The following information is available:

Audit Reports
Congressional Testimony
Performance and Strategic Plans
News Releases
Semiannual Reports to Congress

Helpful Reference Materials

U.S. Postal Service Freedom of Information Act Regulations (39 C.F.R. § 265)
http://www.access.gpo.gov/nara/cfr/waisidx_99/39cfr265_99.html

U.S. Postal Service Privacy Act Regulations (39 C.F.R. § 266)
http://www.access.gpo.gov/nara/cfr/waisidx_99/39cfr266_99.html

U.S. Department of Justice FOIA and Privacy Act Web Pages
(Includes the text of the Freedom of Information Act and the Privacy Act as well as several useful guides) http://www.usdoj.gov/04foia/04_7.html

Further information on the OIG's Freedom of Information Act program may be obtained by electronic mail from: foia@uspsoig.gov