Freedom of Information Act (FOIA) Reference Guide

Frequently Asked Questions

Where do I send a Freedom of Information Act (FOIA) request?

Mail: FOIA Administrator
U.S. AbilityOne Commission
250 E Street SW
Suite 3100
Washington, D.C. 20024

Email: FOIA@abilityone.gov

What do I include in my FOIA request?

1. Clearly state that you are requesting documents under FOIA.

2. Be as specific as possible about the records you are requesting. Include enough file-related or event-related information, such as the subject matter and date and any other information, to permit an organized, non-random search for documents.

(NOTE: The FOIA does not require agencies to create new records; therefore, please request existing records. If you request records that do not exist, the FOIA Officer will contact you to inform you.)

3. Whether you make your request by mail or email, please provide your mailing address, daytime telephone number, and email address in case the FOIA officer needs to contact you for clarification about your request.

Is there a fee?

There is a possibility you may be charged a fee for the search, review, and duplication of records. Therefore, please either indicate your willingness and ability to pay any applicable fees or else submit a justification for a fee waiver. The chargeable services that apply to each of four categories of requesters are:

1. Commercial use requesters – can be charged for search, review, and duplication.

2. Requesters from educational and noncommercial scientific institutions – can be charged for duplication (excluding the cost of the first 100 pages).

3. Representatives of the news media can be charged for duplication (excluding the cost of the first 100 pages).

4. All other requesters can be charged for search and duplication (excluding the cost of the first 2 hours of search and the first 100 pages of duplication).

Are there some documents I may not be able to obtain upon request?

It is the policy of the U.S. AbilityOne Commission (the operating name of the Committee for Purchase From People Who Are Blind or Severely Disabled) to make records available to the public to the maximum extent possible. The Commission abides by the spirit of the FOIA, while protecting sensitive information that may be withheld under one of the FOIA exemptions (see below).

What are the FOIA Exemptions?

The FOIA exempts certain types of records from disclosure pursuant to nine specified exemptions. It is sometimes necessary to apply one or more of these exemptions when responding to a request. The following FOIA exemptions apply to Federal government information in accordance with 5 U.S.C.§ 552(b):

> (b)(1) EXEMPTION – Protects Classified Matters of National Defense or Foreign Policy
> This exemption protects from disclosure national security information concerning the national defense or foreign policy, provided that it has been properly classified in accordance with the substantive and procedural requirements of an executive order.
>
> (b)(2) EXEMPTION – Internal Personnel Rules and Practices
> This exemption exempts from mandatory disclosure records "related solely to the internal personnel rules and practices of an agency."
>
> (b)(3) EXEMPTION – Information Specifically Exempted by Other Statutes
> This exemption incorporates the disclosure prohibitions that are contained in various other federal statutes. As originally enacted in 1966, Exemption 3 was broadly phrased so as to simply cover information "specifically exempted from disclosure by statute." The new Exemption 3 statute prohibits agencies from releasing under the FOIA any proposal "submitted by a contractor in response to the requirements of a solicitation for a competitive proposal," unless that proposal "is set forth or incorporated by reference in a contract entered into between the agency and the

contractor that submitted the proposal."

(b)(4) EXEMPTION – Trade Secrets, Commercial or Financial Information
This exemption protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." This exemption is intended to protect the interest of both the government and submitter of information.

(b)(5) EXEMPTION – Privileged Interagency or Intra-Agency Memoranda or Letters
This exemption protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party . . .in litigation with the agency." As such, it has been construed to "exempt those documents, and only those documents, normally privileged in the civil discovery context."

(b)(6) EXEMPTION – Personal Information Affecting an Individual's Privacy
This exemption permits the government to withhold all information about individuals in personnel, medical, and similar files, when the disclosure of that information would constitute a clearly unwarranted invasion of personal privacy. This exemption cannot be invoked to withhold information from a requester pertaining to the requester.

(b)(7) EXEMPTION – Investigatory Records Compiled for Law Enforcement Purposes
As amended, this exemption protects from disclosure "records or information compiled for law enforcement purposes."

EXEMPTION 7(A) – Records or information that could reasonably be expected to interfere with enforcement proceedings
This exemption authorizes the withholding of "records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings."

EXEMPTION 7(B) – Disclosure which would deprive a person of a fair trial or an impartial adjudication
This exemption permits the withholding of records that would prevent prejudicial pretrial publicity that could impair a court proceeding, and protects "records or information compiled for law enforcement purposes [the disclosure of which] would deprive a person of the right to a fair trial or an impartial adjudication."

EXEMPTION 7(C) – Personal Information in Law Enforcement Records
This exemption provides protection for personal information in law enforcement records. This exemption is the law enforcement counterpart to Exemption 6, providing protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy."

EXEMPTION 7(D) – Identity of a Confidential Source
This exemption provides protection for "records or information compiled for law enforcement purposes [which] could reasonably be expected to disclose the identity of a confidential source — including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis — and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source."

EXEMPTION 7(E) – Circumvention of the Law
This exemption affords protection to all law enforcement information which "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."

EXEMPTION 7(F) Physical Safety to Protect a Wide Range of Individuals
This exemption permits the withholding of information necessary to protect the physical safety of a wide range of individuals. Whereas Exemption 7(F) previously protected records that "would…endanger the life or physical safety of law enforcement personnel," the amended exemption provides protection to any individual when disclosure of information about them "could reasonably be expected to endanger the life or physical safety of any individual."

(b)(8) EXEMPTION - Records of Financial Institutions
This exemption covers matters that are "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions."

(b)(9) EXEMPTION - Geographical and Geophysical Information Concerning Wells
This exemption covers "geological and geophysical information and data, including maps, concerning wells."

When will I receive a response to my FOIA request?

Under FOIA, you have a right to a response within 20 business days of official receipt and clarification of your inquiry. The Commission makes every effort to meet this schedule. Under certain circumstances this period may be extended by an additional 10 business days (for a total of 30).

How can I find the Commission Regulations for the FOIA?

https://www.ecfr.gov/current/title-41/subtitle-B/chapter-51/part-51-8

How can I find the Freedom of Information Act (FOIA)?

https://www.foia.gov/