

# FOIA Frequently Asked Questions

## What is "FOIA"?

The Freedom of Information Act (FOIA), is a Federal law that provides for public access to agency records. The FOIA is located in Section 552 of Title 5 of the United States Code (5 U.S.C. 552). CSOSA's FOIA regulations will be located at Parts 800-899 of Title 28 of the Code of Federal Regulations, Chapter 8 (28 C.F.R., Chapter 8, Parts 800-899).

Any agency records in CSOSA's possession or control are subject to the FOIA. The requested records will be provided in full, except those records that are withheld under one or more of the nine exemptions and the three exclusions (reasons for which an agency may withhold records from a requester). For example, CSOSA may withhold confidential business information that is contained within an agency record. The nine exemptions and three exclusions are all described in detail in the text of the FOIA.

You may not need to make a FOIA request. Please thoroughly research your topic before submitting a request. Many documents are available on the CSOSA's website. Also you may want to visit the CSOSA's electronic reading room.

To make a FOIA request, please follow the guidelines provided below so that we can respond to your request as quickly as possible.

## Do I have to submit a FOIA request to receive agency records from CSOSA?

Yes, if you are looking for a document that is not already in our [Electronic Reading Room](#), you may submit a written FOIA request to us –

### By mail or in person at:

Court Services & Offender Supervision Agency  
Office of the General Counsel  
800 North Capitol Street, N.W., Suite 7217  
Washington, DC 20002  
ATTN: FOIA OFFICER

### By facsimile at:

(202)220-5315  
ATTN: FOIA OFFICER

### Online at:

Please submit your FOIA request via the National FOIA Portal at <https://www.foia.gov>.

If required, please submit the following releases:

[CSOSA FOIA Release Forms](#)

## What should a FOIA request contain?

If you are requesting records pertaining to yourself or another individual, you must submit a written request. Since this type of request is protected by the Privacy Act, you should describe the records sought to include the original notarized authorization or self-sworn authorization pursuant to 28 § U.S.C. 1746 from the subject of the records. You should also provide us with the date of birth, social security number and DCDC or PDID number. Also, your authorization should be dated within three months of your request.

Your written request must include your name, organization (if any), address, and phone number. Also, you must reasonably describe the records you seek; the more detail you give us, the more quickly we will be able to respond to your request. You may even specify the format (e.g., PDF) in which you would like the information released. We will make a reasonable effort to provide the information to you in your requested format. Finally, you must state your willingness to pay fees (you may state the maximum amount you are willing to pay) or request a waiver of fees (see below).

## When can I expect my FOIA Response?

Under the FOIA, CSOSA is required to respond to a request within twenty days, excluding Saturdays, Sundays, and legal holidays. This period begins (for requests that reasonably describe the records sought) the next business day after receipt of a request by the FOIA Officer.

CSOSA receives thousands of requests each year. Many of these requests require a line-by-line review of hundreds or even thousands of pages of documents. Although CSOSA makes every effort to respond to FOIA requests as promptly as possible, in some cases it may not be able to do so within the specified time period. Under the FOIA, CSOSA may extend the response time for an additional ten business days when: (1) the CSOSA needs to collect responsive records from field offices; (2) the request involves a "voluminous" amount of records which must be located, compiled, and reviewed; or (3) CSOSA must consult with another agency which has a substantial interest in the responsive material or with two or more components of the agency. When such an extension is needed, CSOSA may notify you of this and offer you the opportunity to modify or limit your request. Alternatively, you may agree to a different timetable for the processing of your request.

If we need further information from you, CSOSA will stop the time period for responding to your request until you provide the necessary information. This procedure, known as "tolling," can be used only once by the agency for the purpose of seeking additional information. CSOSA may also toll, as many times as are necessary, the time period for responding to your request to clarify with you any issues regarding payment of necessary fees. In either case, once CSOSA receives your response to a request for information or clarification, the tolling period ends and the 20-working day response period restarts.

## Can I submit a FOIA Request for Expedited Processing?

Under certain conditions you may be entitled to have your request processed on an expedited basis, i.e., within ten business days of the date on which the request was received. However, in an effort to treat all requesters equitably, CSOSA ordinarily will only expedite a FOIA request in cases in which there is a threat to someone's life or physical safety; the requester is primarily engaged in disseminating information and has established that the request is urgently needed to inform the public concerning some actual or alleged government activity; or where an individual will suffer the loss of substantial due process rights if the records are not processed on an expedited basis.

## What is a FOIA Request Determination Letter?

The FOIA provides access to all federal agency records (or portions of those records), except those records that are withheld under one or more of the nine exemptions and the three exclusions (reasons for which an agency may withhold records from a requester). The

determination letter will advise you of any information that is being withheld pursuant to one or more of the exemptions.

## What is the Role of the FOIA Public Liaison and Contact Information?

To assist with a FOIA issue you have encountered and resolving disputes. The FOIA Public Liaison is Mr. Willis Stamps, Supervisory Attorney-Advisor, Office of the General Counsel. Mr. Stamps can be reached at (202) 220-5468 or by email at [FOIA@csosa.gov](mailto:FOIA@csosa.gov).

## Can I File a FOIA Appeal?

You may file an administrative appeal, through the Office of the General Counsel if records responsive to your request are withheld; if you received a no records response determination and you believe that there are records responsive to your request, if your request has not been granted within the time limits set forth in the FOIA; if your request for expedited processing of a fee waiver is denied; or any other adverse determination.

You have ninety (90) days from the denial to file your appeal. Make your appeal in writing and mail it to: Court Services and Offender Supervision Agency, Office of the General Counsel, 800 North Capitol Street, N.W., Suite 7217, Washington, D.C. 20002, Attn: FOIA Appeal.

There is no specific form or particular language needed to file an administrative appeal. You should include the initial request number assigned to your request, a copy of your initial request, and the response letter provided by the FOIA Office. Your letter should explain the reasons for your appeal. For example, if you are appealing because you believe there are additional records that have not been located, you should specify why you think such records exist and, if possible, where you believe they might be located.

## What is the Role of the Office of Government Information Services (OGIS)?

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974.

You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
{OGIS} 8601 Adelphi Road  
College Park, MD 20740-6001  
email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770  
Facsimile: 202-741-5769  
Toll-free: 1-877-684-6448

## What are the fees for processing a FOIA request?

In many cases, FOIA requesters are not charged any fees by CSOSA. The FOIA, however, permits agencies to recover part of the cost incurred in complying with FOIA requests.

### Agreement to Pay Applicable Fees

By making a FOIA request, the requester shall be considered to have agreed to pay all applicable fees up to \$25.00 unless a fee waiver has been granted. If the Agency estimates that the search costs will exceed \$25.00, the requester shall be so notified. Such notice shall offer the requester the opportunity to confer with the Agency personnel with the object of reformulating the request to meet the requester's needs at a lower cost. The request shall not be processed further unless the requester agrees to pay the estimated fees. It is recommended that the requester indicates the maximum amount of fees that they are willing to pay with their initial request.

### When Fees are Assessed

The Agency reserves the right to request prepayment after a request is processed and before documents are released in the following circumstances, (i) when costs are estimated or determined to exceed \$250.00, the Agency shall either obtain satisfactory assurance of full payment of the estimated cost where the requester has a history of prompt payment of FOIA Fees or require the requester to make an advance payment of the entire estimated or determined fee before continuing the process the request, (ii) If a requester has previously failed to pay a fee within thirty (30) days of the date of the billing, the requester shall be required to pay the full amount owed plus any applicable interest, and to make an advance payment of the full amount of the estimated fee before the Agency begins to process a new request or the pending request. Whenever interest is charged, the Agency shall begin assessing the interest on the 31<sup>st</sup> day following the day on which billing was sent. Interest shall be at the rate prescribed in 31 U.S.C. 3717.

### Search and Review Rates

For both manual and computer searches, the Agency will charge the estimated direct cost of each search based on the staff conducting the search.

The cost for search time is calculated by multiplying the number of quarter hours in excess of two hours by the following rates for the staff conducting the search:

- \$7.00 per quarter hour for clerical staff
- \$10.00 per quarter hour for professional staff; and
- \$14.00 per quarter hour for managerial personnel.

The duplication cost is calculated by multiplying the number of pages in excess of 100 by \$0.25.

Only fees in excess of \$10, will be assessed. This means that the total cost must be greater than \$10.00, either for the cost of the search (for time in excess of two hours), for the cost of duplication (for pages in excess of 100 pages), or for both costs combined.

No fee will be charged for the following;

- The first 100 pages of duplication (or its equivalent);
- The first two hours of search (or its equivalent); or
- Charges which total less \$10.00 or less.

### Requester Categories

For purposes of fees only, the FOIA divides requests into the following categories:

### Commercial Use Requests

Commercial use request means a request from or on behalf of one who requests information for a use or purpose that furthers the commercial, trade, or profit interest of the requester or the person on

whose behalf the request is made. The Agency will assess charges that recover the full direct costs of searching for, reviewing for release, and duplicating the record sought. Commercial use requesters are not entitled to two hours of free search time or 100 free pages of duplication of documents. The Agency may recover the cost of searching for and reviewing records even if there is ultimately no disclosure of records, or no records are located, *28 CFR 802.10(d)(1)*.

#### [Educational Institution Requests and Noncommercial Scientific Institution Requests](#)

Educational institution means a preschool, a public or private elementary or secondary school, an institution of undergraduate or graduate higher education, an institution of professional education, or an institution of vocational education that operates a program or programs of scholarly research. Non-commercial scientific institution means an institution that is not operated on a "commercial" basis and that is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry. Records shall be provided to requesters in these category for the cost of duplication alone, excluding charges for the first 100 pages. Records shall be provided to requesters in these categories for the cost of duplication alone, excluding charges for the first 100 pages, *28CFR802.10 (d)(2)*.

#### [Representatives of the News Media Requests](#)

Representative of the news media means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term news means information that is about current events or that would be of current interest to the public. News media include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase by the general public. Records shall be provided to requesters in this category for the cost of duplication alone, excluding charges for the first 100, *28 CFR802.10 (d)(3)*.

#### [All Others Requests](#)

Requests who do not fit any of the category described in the above categories. Requesters shall be charged fees that will recover the full direct cost of search for and duplicating records that are responsive to the request, except the first 100 pages of duplication and the first two hours of search time shall be furnished without charge, *28 CFR802.10 (d)(3)*. CSOSA may recover the cost of searching for records even if there is ultimately no disclosure of records, or no records are located. Requesters from persons for records about themselves filed in a system of records shall continue to be treated under the fee provisions under the fee provisions of the Privacy Act of 1974 which permits fees only for duplication.

CSOSA may require advance payment of fees if the requester has previously failed to pay fees in a timely fashion or if the agency determines that the fees will exceed \$250.

#### [Fee Waiver Determination](#)

A waiver or reduction of fees may be waived or reduced on a case-by-case basis. Fees shall be waived or reduced in cases where disclosure of information is in the public interest because furnishing the information 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 requester.

### **Does CSOSA have an on-site FOIA reading room?**

The FOIA requires agencies to make certain records available for public inspection and copying in an agency "reading room." Because CSOSA rarely receives requests to review FOIA records onsite, the agency does not maintain a permanent reading room. Upon reasonable notice, however, CSOSA will make space available for reading room purposes at its office in Washington, D.C.

## I still have questions!

If this information has not answered all of your FOIA questions, please contact FOIA Officer, Jeanean West at (202) 220-5748 or email [foia@csosa.gov](mailto:foia@csosa.gov).