

How to Submit a Freedom of Information Act (FOIA) Request

Sadly, school administrators are becoming increasingly adversarial when it comes to parents asking for information about their child's education. Whether it's questions about the curriculum, teacher activities in the classroom, discipline practices, school budgetary decisions, or school security issues, parents are often ignored, put off, or even told they don't have a right to know.

It shouldn't be that way. Parents deserve better!

The Freedom of Information Act (commonly called FOIA, pronounced "foy-ya") became law in 1966. The law gives the public access to most, but not all, official records from any federal agency.

FOIA has become an important tool in keeping the federal government ethical and accountable and its policymaking practices transparent and has been used to expose government misconduct and financial waste, along with threats to the public's health and safety.

While the Freedom of Information Act applies to the federal government, each of the 50 states as well as the District of Columbia and some territories, have passed similar sunshine laws, providing citizens the records they need to keep their local government accountable.

If you want to file a FOIA request, follow these steps:

1. Identify the agency that has the records being sought. Visit the agency's website and follow the instructions for submitting a request. This will typically involve an online portal or an email option. Each federal agency handles its own records in response to requests.

2. Be as specific as possible in describing the desired records. The narrower the request, the higher the chance the relevant records will be provided in a timely manner. For example, if seeking Privacy Act records about a living person other than oneself, a consent form must be included with the request. Most agencies will have a link to the request form on the FOIA/PA websites.
3. Submit the request and wait for the agency to respond. Legally, an agency has 20 business days to do so. Simply acknowledging receipt does not count. The agency may say more time is needed to locate and review the records, but the requester is not legally bound to agree to an extension.
4. If the request is denied in full or in part, the response letter will include instructions for filing an administrative appeal. Therefore, a superior manager will take a second look at the request. However, success varies depending on the reasons for the denial.
5. Costs? The total cost depends on the agency. A simple, low volume request including electronic records may not cost anything, however, if it is a time-consuming search requiring several copies, there may be search and duplication fees. For example, the State Department requires search fees range from \$21 to \$76 per hour depending on the category of personnel conducting the search. Duplicated records are set at approximately \$.15 per page. It helps to indicate the amount one's willing to spend or ask to be contacted if the fee will be over a set amount. And, of course, some agencies are more flexible than others on fee thresholds. Most will have a fee explanation on their FOIA website. Alternatively, fees may be waived if inquired.