“Holding Government Accountable: The Basics of the FOIA”
Marc Rotenberg, EPIC

Class 3 - February 16, 2017

Tonight

- The FOIA Statute: Key Terms, The Nine Exemptions, data about requests
- Also, news in EPIC’s FOIA Request for documents about DHS Executive Order
- And a new FOIA request to the IRS about tax records

Response from DHS

- We will look tonight at the EPIC FOIA request to DHS regarding the Immigration Executive Order
- The EPIC FOIA request to DHS is available online at: https://epic.org/foia/EPIC-17-02-03-DHS-FOIA-20170203-Request.pdf

Response from DHS

- From DHS FOIA Office
- Contact information
- Response date - Feb. 13
- Request date - Feb. 3
- Note language in EPIC request - we anticipate determination within ten calendar day
Agency Response

- (EPIC contact information not correct)
- Request received Feb. 6, 2017
- Request for expedited processing - GRANTED
- Request for fee waiver - GRANTED
- 20 days + 10 days
- Next key date - March 8, 2017

epicfoia.org

Exemptions - Examples

- Agencies have the right to assert exemptions
- But requesters have the right to challenge exemptions
- You can challenge exemptions in administrative appeals
- You can also challenge exemptions in court
- Most FOIA disputes concern the assertion of exemptions

epicfoia.org

The Nine Exemptions

- (b)(1) national security
- (b)(2) internal agency rules
- (b)(3) exempted by statute
- (b)(4) trade secret
- (b)(5) inter/intra communication
- (b)(6) personal privacy
- (b)(7)(A)-(F) law enforcement
- (b)(8) financial institutions
- (b)(9) oil wells

epicfoia.org

DHS FOIA Requests (2015)
New FOIA Request

- The President’s Tax Returns
- Difficult request
- Why? (b)(3) exemption
- Still worth pursuing
- Recall purpose of FOIA
- What about ethics of request for private information?