

CIGIE Freedom of Information Act (FOIA) Reference Guide

I. Introduction

The FOIA¹ provides that any person has a right, enforceable in court, to request access to Federal agency records, except to the extent those records, or portions of them, are protected from public disclosure by an established exemption.

This reference guide is designed to provide additional information about the procedures for submitting a request for records or an administrative appeal to the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

CIGIE has a centralized FOIA Program, with one office receiving and coordinating the processing of requests made to CIGIE. The Integrity Committee (IC) is the single exception to CIGIE's centralized FOIA Program. For FOIA purposes, the IC is a separate entity that follows its own FOIA policies and regulations, and manages its own FOIA resources, structure, and processing procedures. By statute, all records received or created by the IC in fulfilling its responsibilities are collected and maintained separately as IC records by the Federal Bureau of Investigation (FBI) in its Central Records System.² Accordingly, the guidelines and procedures outlined below do not apply to requests or appeals for records maintained by the IC.

II. Fees

There is no initial fee to file a FOIA request. Under FOIA, however, agencies may recover a portion of the costs involved in processing a request. The fees charged depend on the following categories of FOIA requesters:

- **Commercial requesters** – refers to requesters who will use the records requested to further a commercial, trade, or profit interest;
- **Educational and non-commercial scientific institutions** – refers to certain schools and institutions of higher learning which conduct scholarly research;
- **Representatives of the news media** – refers to requesters who are actively gathering news for an entity that is organized and operated to publish or broadcast news to the public;
- **All other requesters** – refers to requesters that do not fall within the three categories above.

When a requester is submitting a FOIA request on behalf of another person or organization, CIGIE will determine the applicable fee category based on the underlying requester's identity and intended use.

¹ 5 U.S.C § 552.

² Title 28, CFR Part 16, Subpart A.

The following tables indicate the chargeable fees for each category of requester.

Type of Request	Type of Charge	Price
Commercial requesters	Duplication fees	\$.20 per page
	Search fees	Hourly salary rate of employee involved, plus 16 percent for benefits.
	Review fees	Hourly salary rate of employee involved, plus 16 percent for benefits.
Education or Non-Commercial Scientific	Duplication fees	No charge for first 100 pages, then \$.20 per page.
	Search fees	Hourly salary rate of employee involved, plus 16 percent for benefits.
	Review fees	Hourly salary rate of employee involved, plus 16 percent for benefits.
News Media	Duplication fees	No charge for first 100 pages, then \$.20 per page.
	Search fees	Free
	Review fees	Free
All Other	Duplication fees	No charge for first 100 pages, then \$.20 per page.
	Search fees	No charge for first two hours of search, then hourly salary rate of employee involved, plus 16 percent for benefits.
	Review fees	No charge for first two hours of review, then hourly salary rate of employee involved, plus 16 percent for benefits.

If the CIGIE FOIA office estimates that the total fees for processing your request will exceed \$25, you will be notified in writing of the estimate and given an opportunity to narrow your request. You will be asked to agree, in writing, to pay the estimated fees. FOIA staff will stop processing your request and the statutory response time will be tolled until your written agreement to pay estimated fees is received.

III. Initial Requests

No specific language or form is required to submit a FOIA request. All requests must be made in writing and addressed to the CIGIE FOIA Officer. Requesters may make a request for CIGIE records by writing directly to the CIGIE FOIA Officer through electronic mail, regular mail, delivery service, or facsimile. Requests may be submitted electronically to FOIASTAFF@cigie.gov. For mail or delivery service, the mailing address is: FOIA Officer, Council of the Inspectors General on Integrity and Efficiency, 1717 H Street, NW, Suite 825 Washington, DC 20006. The facsimile number is: (202) 254-0162.

The following categories of information may be exempt from disclosure under FOIA:

- (1) 5 U.S.C. 552(b)(1) covers records properly and currently classified in the interest of national defense or foreign policy, as authorized under criteria established by an Executive order.
- (2) 5 U.S.C. 552(b)(2) protects records which relate solely to CIGIE's internal personnel rules and practices.
- (3) 5 U.S.C. 552(b)(3) covers records specifically exempted from disclosure by statute (other than section 552b of this title), provided that the statute: (A) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (B) Establishes particular criteria for withholding or refers to particular types of matters to be withheld.
- (4) 5 U.S.C. 552(b)(4) pertains to trade secrets and commercial or financial information obtained from a person that is privileged or confidential.
- (5) 5 U.S.C. 552(b)(5) exempts information contained in inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with CIGIE.
- (6) 5 U.S.C. 552(b)(6) covers information which, if disclosed, would constitute a clearly unwarranted invasion of individual privacy and might adversely affect the individual or the individual's family.
- (7) 5 U.S.C. 552(b)(7) protects from disclosure records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:
 - (A) could reasonably be expected to interfere with enforcement proceedings;
 - (B) would deprive a person of a right to fair trial or an impartial adjudication;
 - (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy;
 - (D) 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 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;

(E) 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; or

(F) could reasonably be expected to endanger the life or physical safety of any individual.

(8) 5 U.S.C. 552(b)(8) protects information pertaining to examination, operating, or condition reports that are prepared for the use of an agency responsible for the regulation or supervision of financial institutions.

(9) 5 U.S.C. 552(b)(9) covers geological and geophysical information and data, including maps, concerning wells.

IV. Administrative Appeals

You may file an administrative appeal if you are not satisfied with CIGIE's initial determination; you disagree with the information CIGIE withheld; or you believe there are additional records responsive to your request which CIGIE failed to locate. You may also submit an appeal regarding the charging of a fee or if your request for a fee waiver or expedited processing was denied.

All administrative appeals must be made in writing and addressed to the CIGIE FOIA Officer. Requesters may submit an appeal by writing directly to the CIGIE FOIA Officer through electronic mail, regular mail, delivery service, or facsimile. Appeals may be submitted electronically to FOIASTAFF@cigie.gov. For mail or delivery service, the mailing address is: FOIA Officer, Council of the Inspectors General on Integrity and Efficiency, 1717 H Street, NW, Suite 825 Washington, DC 20006. The facsimile number is: (202) 254-0162.

No specific language or form is required to submit an administrative appeal. You should include a copy of your initial FOIA request, a copy of the letter denying your request in whole or part, and an explanation of the reasons you object to the initial determination.

CIGIE may respond to your appeal by:

- affirming the initial determination in full;
- affirming in part and denying in part the initial determination, directing that some records or information formerly withheld be released; or
- remanding the request to CIGIE FOIA staff for further processing

If your request is remanded, you will be provided with another opportunity to appeal after the FOIA staff has completed reprocessing.

After your administrative appeal is decided, you have the right to challenge CIGIE's action in Federal court or you may seek assistance from the Office of Government Information Services

(OGIS) at the National Archives and Records Administration (NARA). You may find information about OGIS at <http://www.ogis.archives.gov/site3.aspx>.

V. Laws, Regulations, and Guidance

Laws

- [The Freedom of Information Act, as amended \(5 U.S.C. 552\)](#)
- [OPEN Government Act of 2007](#)
- [Executive Order 13392, “Improving Agency Disclosure of Information”](#)
- [Executive Order 12600, “Predisclosure Notification Procedures for Confidential Commercial Information”](#)

Administrative Guidance

- [President’s Memorandum for Heads of Executive Departments and Agencies on FOIA \(January 21, 2009\)](#)
- [President’s Memorandum for Heads of Executive Departments and Agencies on Transparency and Open Government \(January 21, 2009\)](#)
- [Attorney General’s Memorandum for Heads of Executive Departments and Agencies on FOIA \(March 19, 2009\)](#)
- [OMB Fee Guidance](#)

[CIGIE Electronic Reading Room](#)

[CIGIE FOIA Reports](#)

[Department of Justice FOIA](#)