

Freedom of Information Act

The **Freedom of Information Act (FOIA)** is the implementation of legislative authority to certain public information access in the United States. It was signed into law by President Lyndon B. Johnson on July 4, 1966 and later amended in 2002. The FOIA allows for the full or partial disclosure of previously unreleased information and documents controlled by the U.S. Government. The Act defines agency records subject to disclosure, outlines mandatory disclosure procedures and grants nine exemptions to the statute. The FOIA explicitly applies only to federal government agencies, and does not create a right of access to records held by Congress, the courts, or by state or local government agencies. To retrieve state and local records, each state has its own public access laws.

The federal government agencies are under several mandates to comply with public solicitation of information. Along with making public and accessible all bureaucratic and technical procedures for applying for documents from that agency, agencies are also subject to penalties for hindering the process of a petition for information. If “agency personnel acted arbitrarily or capriciously with respect to the withholding, [a] Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding.” In this way, there is recourse for any entity (individual or organization) seeking information to go to a Federal court if suspicion of illegal tampering or delayed sending of records exists.

There are however nine exemptions, ranging from protection of national security to personal privacy, which in all cases, the President has a high level of discretionary power in declaring information off-limits or necessarily classified in the concern of sensitive national interests. For complete description of the exemptions and full disclosure of the Freedom of Information Act, refer to Title 5 of the United States Code, Section 552.

1. Information established by an Executive order to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to such Executive order;
2. Information related solely to the internal personnel rules and practices of an agency;
3. Information specifically exempted from disclosure by statute;
4. Privileged or confidential trade secrets, commercial or financial information;
5. Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than by litigation;
6. Personnel, medical, and similar files which would constitute an unwarranted invasion of personal privacy;
7. Certain records or information compiled for law enforcement purposes;
8. Reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
9. Specific geological and geophysical information and data.