



Freedom of Information Act Guide, May 2004

Basic FOIA References

The following is a list of primary reference materials pertaining to the Freedom of Information Act, 5 U.S.C.A. § 552 (1996 & West Supp. 2004).

A growing number of reference materials pertaining to the FOIA are available to the public electronically through FOIA-related sites on the World Wide Web. The Department of Justice maintains a comprehensive FOIA Web site (www.usdoj.gov/04foia), -- which contains links to many of the basic reference materials listed below, including all Justice Department FOIA-related reference materials. See, e.g., *Mount of Olives' Paralegals v. Bush*, No. 04-CV-044, 2004 U.S. Dist. LEXIS 8504, at *6 (S.D. Ill. Jan. 23, 2004) ("The Court suggests that [plaintiff] consult the FOIA reference guide on the DOJ website at <http://www.usdoj.gov> for guidance. . . . [T]he DOJ website should be helpful in this regard as well."). The Department of Justice's FOIA Web site also contains links to the FOIA Web sites of other federal agencies; it lists the names, addresses, and telephone numbers of the FOIA contacts at all federal agencies; and it serves as a single electronic access point for linkage to the annual FOIA reports of all federal agencies. In order to best facilitate public access to FOIA-related materials, individual electronic addresses are included below and the Office of Information and Privacy will add additional electronic addresses to this list as they become available. *FOIA Update*, Vol. XVIII, No. 3, at 2.

Another basic reference tool is the cumulative index to *FOIA Update*, covering issues of that periodical through 1997. See *FOIA Update*, Vol. XVIII, No. 4, at i-ix. All issues of *FOIA Update*, from 1979-2000, also have been archived and are available electronically on the Department of Justice's FOIA Web site, where they are "keyword searchable." Its successor publication, *FOIA Post*, is made available through the Department's FOIA Web site as well. See, e.g., *FOIA Post*, "Electronic Compilation of E-FOIA Implementation Guidance" (posted 2/28/03). Further reference materials also can be found in the extensive list of related law review articles that is contained in the Department of Justice's *Freedom of Information Case List* (2002 ed.), which also is available on the Department's FOIA Web site.

Congressional References

House of Representatives Committee on Government Operations, clarifying and Protecting the Right of the Public to Information. H.R. Rep. No. 1497, 89th Cong., 2d Sess. (1966), 14 pages. Out of print. Available at most law libraries.

House of Representatives Committee on Government Operations, Freedom of Information Act (Compilation and Analysis of Department Regulations Implementing 5 U.S.C. § 552). Committee Print, 90th Cong., 2d Sess. (1968), 303 pages with appendices. Out of print. Available at most law libraries.

House of Representatives Committee on Government Operations and Senate Committee on the Judiciary, Freedom of Information Act and Amendments of 1974 (P.L. 93-502). Joint Committee Print, 94th Cong., 1st Sess. (1975), 571 pages. Known as the "Joint Source Book." Out of print. Available at most law libraries.

House of Representatives Committee on Government Operations, Freedom of Information Act Requests for Business Data and Reverse FOIA Lawsuits. H.R. Rep. No. 1382, 95th Cong., 2d Sess. (1978), 67 pages. Out of print. Available at most law libraries.

House of Representatives Committee on Government Operations, Subcommittee on Government Information, Justice, and Agriculture, The Freedom of Information Reform Act: Hearings on S. 774. 98th Cong., 2d Sess. (1984), 1155 pages. Available at Federal Depository Libraries.

House of Representatives Committee on Government Operations, Subcommittee on Government Information, Justice, and Agriculture, Federal Information Dissemination Policies and Practices. 101st Cong., 1st Sess. (1989), 904 pages. Available at most law libraries.

House of Representatives Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, FBI Oversight and Authorization Request for Fiscal Year 1991. Committee Print, 101st Cong., 2d Sess. (1990), 566 pages. Available at most law libraries.

House of Representatives Committee on Government Reform and Oversight, Electronic Freedom of Information Amendments of 1996. H.R. Rep. No. 795, 104th Cong., 2d Sess. (1996), 40 pages. Available at most law libraries. Also available on the World Wide Web (thomas.loc.gov/cgi-bin/cpquery/z?cp104:hr795.104).

House of Representatives Committee on Government Reform and Oversight, Federal Information Policy Oversight. 104th Cong., 2d Sess. (1996), 485 pages. Available at most law libraries.

House of Representatives Committee on Government Reform, A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records. H.R. Rep. No. 172, 108th Cong., 1st Sess. (2003), 33 pages and appendices. Available on the World Wide Web (www.fas.org/spp/foia/citizen.html).

Senate Committee on the Judiciary, Clarifying and Protecting the Right of the Public to Information, and Other Purposes. S. Rep. No. 813, 89th Cong., 1st Sess. (1965), 10 pages. Out of print. Available at most law libraries.

Senate Committee on the Judiciary, Freedom of Information Act Source Book: Legislative Materials, Cases, Articles. S. Doc. No. 82, 93d Cong., 2d Sess. (1974), 432 pages on the Act prior to the 1974 Amendments. Out of print. Available at most law libraries.

Senate Committee on the Judiciary, Subcommittee on Criminal Laws and Procedures, The Erosion of Law Enforcement Intelligence and Its Impact on the Public Security. Committee Print, 95th Cong., 2d Sess. (1978), 179 pages. Out of print. Available at most law libraries.

Senate Committee on the Judiciary, Freedom of Information: A Compilation of State Laws. Committee Print, 95th Cong., 2d Sess. (1978), 475 pages. Out of print. Available at most law libraries.

Senate Committee on the Judiciary, Agency Implementation of the 1974 Amendments to the Freedom of Information Act. Committee Print, 95th Cong., 2d Sess. (1980), 188 pages. Out of print. Available at most law libraries.

Senate Committee on the Judiciary, Subcommittee on the Constitution, Freedom of Information Act, Vols. 1-2. Committee Print, 97th Cong., 1st Sess. (1981), 1147 pages and appendix. Available at most law libraries.

Senate Committee on the Judiciary, Subcommittee on the Constitution, Freedom of Information Reform Act Report, Together with Supplemental Views, to Accompany S. 1730. Committee Print 97-690, 97th Cong., 2d Sess. (1982), 17 pages. Available at most law libraries.

Senate Committee on the Judiciary, Subcommittee on the Constitution, Freedom of Information Reform Act Report (on S. 774). Committee Print 98-221, 98th Cong., 1st Sess. (1983), 48 pages. Available at most law libraries.

Senate Committee on the Judiciary, Subcommittee on Technology and the Law, The Freedom of Information Act. Committee Print, 100th Cong., 2d Sess. (1988), 244 pages. Out of print. Available at most law libraries.

Senate Committee on the Judiciary, Electronic Freedom of Information Improvement Act of 1994. S. Rep. No. 1365, 103d Cong., 2d Sess. (1994), 28 pages. Available at most law libraries.

Senate Committee on the Judiciary, Electronic Freedom of Information Improvement Act of 1995. S. Rep. No. 272, 104th Cong., 2d Sess. (1996), 39 pages. Available at most law libraries. Also available on the World Wide Web (www.fas.org/irp/congress/1996_rpt/s104272.htm).

[Justice Department Materials](#)

Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act (FOIA), June 1967, 40 pages. Out of print. Reprinted in *Gov't Disclosure Serv.* (Prentice-Hall), Vol. 1, ¶ 300,601. Available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/67agmemo.htm.

Attorney General's Memorandum on the 1974 Amendments to the Freedom of Information Act, February 1975, 26 pages and appendices. Available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/74agmemo.htm.

Attorney General's Memorandum on the 1986 Amendments to the Freedom of Information Act, December 1987, 30 pages and appendices. Available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/86agmemo.htm.

Attorney General's Memorandum for Heads of All Departments and Agencies Regarding the Freedom of Information Act, October 12, 2001. Available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/011012.htm. Also reprinted in *FOIA Post* (posted 10/15/01).

Compiled Freedom of Information Act Decisions, a feature of *FOIA Post*. Compilations of summaries of FOIA decisions received by the Office of Information and Privacy prior to the inception of *FOIA Post* in 2001. Prepared in retrospective compilations covering six-month periods, extending back twelve years from 2000. See *FOIA Post*, "Compilations of FOIA Decisions Now Cover Past Fifteen Years" (posted 12/31/03). Available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/foiapost/mainpage.htm.

Department of Justice's Freedom of Information Act and Privacy Act Regulations, 28 C.F.R. Part 16 (2004), published by the Office of the Federal Register, but primarily available on the Department of Justice's FOIA Web at www.usdoj.gov/oip/04_1_1.html.

Department of Justice Freedom of Information Act Reference Guide (2003). Available in paper form from the Office of Information and Privacy, but primarily available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/04_3.html.

FOIA Update, a newsletter of information and guidance for federal agencies that was published by the Office of Information and Privacy, U.S. Department of Justice, from 1979-2000. Available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/foi-upd.htm.

FOIA Post, a Web-based successor to FOIA Update that is published by the Office of Information and Privacy, U.S. Department of Justice, as of 2001. *FOIA Post* contains articles of information and policy guidance pertaining to the Freedom of Information Act that are electronically published on an as-needed basis in all months throughout the year. Available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/foiapost/mainpage.htm.

Freedom of Information Case List, a compilation of judicial decisions that was published by the Office of Information and Privacy, U.S. Department of Justice, from 1977-2002. It included decisions, both published and unpublished, under the Freedom of Information Act, the Privacy Act of 1974, the Federal Advisory Committee Act, and the Government in the Sunshine Act, as well as a list of "reverse" FOIA decisions. The final edition, published in May 2002, is available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/cl-tofc.html.

New Freedom of Information Act Decisions, a feature of *FOIA Post* as of 2001. A quarterly compilation of summaries of all FOIA decisions received by the Office of Information and Privacy, published in early January, April, July, and November of each year. Available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/foiapost/mainpage.htm.

Presidential Memorandum for Heads of Departments and Agencies Regarding the Freedom of Information Act, October 4, 1993. Published at 29 Weekly Compilation of Presidential Documents 1999 (Oct. 4, 1993). Reprinted in FOIA Update, Vol. XIV, No. 3, at 3. Also still available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/93_clntmem.htm.

Summaries of Annual Freedom of Information Act Reports, a feature of *FOIA Post*. Aggregate summaries of the information contained in the annual Freedom of Information Act reports that are issued by the fifteen federal departments and approximately seventy-five other federal agencies each year. Prepared by the Office of Information and Privacy on an annual basis, as soon as possible after the completion of all agency reports following the end of each fiscal year. Available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/foiapost/mainpage.htm.

White House Memorandum for Heads of Executive Departments and Agencies Concerning Safeguarding Information Related to Homeland Security, with an accompanying memorandum from the Acting Director of the Information Security Oversight Office and the Co-Directors of the Department of Justice's Office of

Information and Privacy, March 19, 2002. Available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/foiapost/2002foiapost10.htm. Also reprinted in *FOIA Post* (posted 3/21/02).

Your Right to Federal Records (2002), a joint publication of the General Services Administration and the Department of Justice. Available from the Consumer Information Center, Department 320L, Pueblo, CO 81009. (Publication number: 320L; price: \$1.00.) Available on the Department of Justice's FOIA Web site at www.usdoj.gov/oip/04_7.html.

Nongovernment Publications

Access Reports, a biweekly newsletter published (together with Access Reports Reference File) by Access Reports, Inc., Lynchburg, VA 24503. World Wide Web address www.accessreports.com.

Federal Information Disclosure (3d ed. 2000), James T. O'Reilly, West Group, Rochester, NY 14694. Biannual supplements. World Wide Web address www.west.thomson.com.

Getting and Protecting Competitive Business Information: A Business Guide to Using the Freedom of Information Act (1997), Burt A. Braverman, Frances J. Chetwynd, and Harry A. Hammitt, Management Concepts, Inc., Vienna, VA 22182. World Wide Web address www.crblaw.com.

Government Disclosure Service ("GDS"), Prentice-Hall, Englewood Cliffs, NJ 07632. A monthly summary of FOIA-related matters that included full-text publication of FOIA and Privacy Act decisions from 1980 through October 1983, most of which are not published elsewhere. (Discontinued as of October 1983.)

Guidebook to the Freedom of Information and Privacy Acts (2d ed. 1986), Justin D. Franklin and Robert F. Bouchard, West Group, Rochester, NY 14694. World Wide Web address www.west.thomson.com.

How to Use the Federal FOI Act (9th ed. 2004), Reporters Committee for Freedom of the Press, Arlington, VA 22209. Complete set also available on CD-ROM. World Wide Web address www.rcfp.org.

Information Law: Freedom of Information, Privacy, Open Meetings, and Other Access Laws (1985), Burt A. Braverman and Frances J. Chetwynd, Practising Law Institute, New York City, NY 10019. Two volumes. Supplement published in 1990. World Wide Web address www.crblaw.com.

Litigation Under the Federal Open Government Laws (2002), Harry A. Hammitt, David L. Sobel, and Mark S. Zaid, Electronic Privacy Information Center and the James Madison Project, Washington, D.C. 20009. World Wide Web address www.epic.org.

Privacy Times, a newsletter that reports Privacy Act/Freedom of Information Act news, published biweekly by Privacy Times, Inc., P.O. Box 302, Cabin John, MD 20818. World Wide Web address www.privacytimes.com.

Step-By-Step Guide to Using the Freedom of Information Act (2000), American Civil Liberties Union Foundation, Washington, D.C. 20002. World Wide Web address www.aclu.org.

Tapping Officials' Secrets: A State Open Government Compendium (4th ed. 2001), Reporters Committee for Freedom of the Press, Arlington, VA 22209. Available as a complete set or on a state-by-state basis. Complete set also available on CD-ROM. World Wide Web address www.rcfp.org.

Go to: [Table of Contents](#)