

Advice on Making FOIA Requests

Maggie Shi

A Freedom of Information Act (FOIA) request can be an extremely useful method of acquiring novel data from government agencies.¹ Below are some tips on how to make a successful FOIA request.

- Be as clear and precise as you can be on what you want and say where the information is likely held (i.e., which division of the agency) in the request. Also specify what format you want the data/information in.
- It is helpful to reference any public documents or reports that seem to be derived from the data you're interested in as proof that the information exists and is in the format you want it.
- It can be useful to cold-email individuals in the relevant division beforehand. Many agencies post their org chart online, so I would recommend emailing people directly rather than emailing a generic "information/help/questions" email. I have found success with reaching out to "second-in-command"-level individuals within the division. They may be willing to share the information without going through a FOIA request, or they can help nudge stuck FOIA requests through.²
- If you are using the data for research, you should request a fee waiver. An example of a request would be: "In order to help you determine my status for the purpose of assessing fees, you should know that I am affiliated with an educational institution and this request is made for scholarly or scientific purpose and not for commercial use or to further coursework or school-sponsored activities. I am willing to pay fees for this request up to a maximum of \$XXXX. I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. The requested information will be included in scholarly research which will be disseminated publicly in the form of peer-reviewed journal articles."
- There are some searchable repositories of FOIA requests available at Muckrock.com as well as FOIAonline.gov.

¹The equivalent for some state agencies is called a "Freedom of Information Law" (FOIL) request.

²I recommend "second-in-command" in particular because, in my experience, it balances maximizing the likelihood you will get a response and the likelihood they will be authorized to release something to you directly without a FOIA request.