**Sample Freedom of Information Act (FOIA) Request**

In the sample letter below, instructions are in **bolded green text** to indicate where you need to add information.

You can submit a FOIA request via the mail, e-mail, or online through an agency website or [FOIA.gov](https://www.foia.gov/). If you use the mail, e-mail, or directly through an agency website, change the subject line to state how you sent in the request.

\*\*\*

DATE **[Insert date]**

ADDRESS **[Insert agency address]**

**RE: *Freedom of Information Act Request [by mail/e-mail/online]***

Dear Freedom of Information Act Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and relevant U.S. Environmental Protection Agency (EPA) regulations set forth in 40 C.F.R. §§ 2.100—2.108 (part 2, subpart A), I hereby request disclosure of records.

**[This sample letter is directed to the EPA. If you are requesting records from a different agency than the EPA, you do NOT need to change any citations that start with “5 U.S.C. § 552.” These are citations to the Freedom of Information Act itself.**

**Each agency will have their own regulations that state how they will respond to FOIA requests. This example cites to the EPA’s regulations. If you are writing a request to a different agency than the EPA, find the agency’s FOIA regulations on the agency’s website and replace the “40 C.F.R. §§ 2.100—2.108 (part 2, subpart A)” and any other cites that begin “40 C.F.R.” with the appropriate agency regulations. If you are having trouble finding the agency’s FOIA regulations, contact the agency, the Turner Clinic, or SELC for help.]**

**I: Records Request**

Please produce the following records[[1]](#footnote-1) in the possession, custody, or control of EPA:

1. **[Describe documents requested as specifically as possible. Separate categories of documents into numbered paragraphs.]**

EPA is required to issue written documentation in response to information requests within twenty working days from the date the request is received and logged in by EPA, stating which records will, and which will not, be released and the reason for any denial of any portion of this request. 40 C.F.R. 2.104(a), (i). **[See the note above about changing these citations to be specific to agencies other than the EPA.]**

If it is your position that records exist that are responsive to this request, but that those records (or portions thereof) are exempt from disclosure under FOIA, please identify the records that are being withheld and state the basis for denial for each record (or portion) being withheld. In addition, please provide the non-exempt portions of the records.

 Time is of the essence with respect to this request. Accordingly (and pursuant to 5 U.S.C. § 552(a)(7)(B)), we respectfully request the estimated date upon which you will complete action on this FOIA request. In addition, we request to be informed of the tracking number of this FOIA request as soon as one has been assigned. Please either email responsive records to me at **[insert your email address]** or email me to request a link to a Dropbox folder where you can upload the records. Please release responsive records to me on a rolling basis. If you determine that any of the records described are already publicly available, please let me know where to find them.

To the extent that EPA can do so, I request to be furnished with electronic copies of the above requested documents so as to minimize the expense and burden of copying. In the event that files cannot be transmitted electronically, please send the requested documents to the following address:

**[Your Address]**

 **II: Request for Waiver or Reduction of Fees**

Pursuant to 40 C.F.R. § 2.107(l) **[See the note above about changing these citations to be specific to agencies other than the EPA.]**and 5 U.S.C. § 552(a)(4)(A)(iii), I hereby request a waiver of all fees and other costs related to locating and tendering the records requested, because disclosure of the requested records would be in the public interest. FOIA mandates a waiver or reduction of fees associated with a request if “disclosure of the information 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 the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). “Congress amended FOIA to ensure that it be ‘liberally construed in favor of waivers for noncommercial requesters.’” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (internal citation omitted); *see Natural Res. Def. Council v. United States Envtl. Prot. Agency*, 581 F. Supp. 2d 491, 498 (S.D.N.Y. 2008).

Under 40 C.F.R. § 2.107(l) **[See the note above about changing these citations to be specific to agencies other than the EPA.]**, EPA considers six factors in acting on fee waiver requests. Each of these factors supports a fee waiver in this instance:

1. The subject matter of the requested records must specifically concern identifiable operations or activities of the government. **[Explain why the records you are requesting are about actions taken by the government, even if obvious.]**

2. The disclosure should be “likely to contribute” to an understanding of government operations or activities. **[Explain why the records you are requesting will help you understand how the government works, even if obvious.]**

3. The disclosure must contribute to the understanding of the public at large, as opposed to the requester or a narrow segment of interested persons. **[Explain why making the records you are requesting public would be valuable to other people or organizations, even if obvious.]**

4. The disclosure must contribute “significantly” to the public understanding of government operations. **[Explain what the records you requested can provide information about, even if obvious.]**

5. The disclosure will not serve my commercial interest. **[Explain why you will not be making money from the records you requested, even if obvious.]**

6. The public interest in disclosure far outweighs the commercial interest. **[Explain why you will not be making money from the records you requested and summarize why disclosure of the records is important, even if obvious.]**

In light of the above, I believe that this request falls squarely within the guidelines for fee waivers pursuant to 40 C.F.R. § 2.107(l) **[See the note above about changing these citations to be specific to agencies other than the EPA.]**and 5 U.S.C. § 552(a)(4)(A)(iii), and request a waiver of all fees for locating and duplicating the requested records. If, however, a waiver is not granted, then please advise me of the amount of any proposed search, review, and reproduction charges before those activities are carried out.

**III: Conclusion**

Thank you for your assistance, and I look forward to your determination within twenty (20) working days, as provided by 40 C.F.R. § 2.104(a) **[See the note above about changing these citations to be specific to agencies other than the EPA.]** EPA staff may contact me at **[Your phone number]** or via email at **[Your e-mail]**, to discuss EPA’s response to this request.

Sincerely,

**[Insert your name]**

1. “Records” means anything denoted by the use of that word or its singular form in the text of FOIA and includes correspondence, minutes of meetings, memoranda, notes, reports, emails, notices, facsimiles, charts, tables, presentations, orders, filings, and other writings (handwritten, typed, electronic, or otherwise produced, reproduced, or stored). **[Make sure to include this footnote! It is important to define what you mean by ‘records,’ and this is a good definition.]** [↑](#footnote-ref-1)