

# **Freedom of Information Act (FOIA) Reference Guide**



**Federal Maritime Commission  
800 North Capitol Street, N.W.  
Washington, D.C. 20573**

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This brochure provides general information regarding the Freedom of Information Act (“FOIA”) and guidance on the specific procedures for making a request under the FOIA to the Federal Maritime Commission (“FMC”). This brochure uses a question-and-answer format to present information about FOIA requests in a clear, simple manner, and is not intended to be a comprehensive discussion of the complex issues associated with the FOIA.

### **What is the Freedom of Information Act?**

The Freedom of Information Act, enacted in 1966, generally provides that any person has the right to request agency records or information. All agencies of the Executive Branch of the United States Government are required to disclose records upon receiving a written request for them, except for those records (or portions of them) that are protected from disclosure by the nine exemptions and three exclusions of the FOIA, discussed separately in this brochure. The complete text of the Freedom of Information Act is available on the internet at [http://www.usdoj.gov/oip/foia\\_guide07/text\\_foia.pdf](http://www.usdoj.gov/oip/foia_guide07/text_foia.pdf).

### **What information is available under the FOIA?**

While the focus of FOIA is on making government information available to the public, the statute recognizes that certain types of information should not be disclosed. Thus, FOIA exempts nine categories from the general mandatory disclosure rule. These exemptions are:

1. Classified documents
2. Internal personnel rules and practices
3. Information exempt under other laws
4. Confidential business information
5. Internal government communications
6. Personal privacy
7. Law enforcement
8. Financial institutions
9. Geological information.

In addition, FOIA includes three exclusions which are also protected from disclosure. The three exclusions, which are rarely used, pertain to especially sensitive law enforcement or national security matters.

The FOIA Officer (FMC Secretary) will determine if any information you requested falls into one of the exempted categories. If so, the entire record may be withheld, or sections of it will be redacted or omitted.

### **Do I have to file a request under FOIA to obtain any information from the Federal Maritime Commission?**

Not necessarily. A great deal of agency information is available without a FOIA request on the Commission’s website at [www.fmc.gov](http://www.fmc.gov), particularly in the website’s *Electronic Reading Room*. For a description of documents available without a FOIA request, see the Commission’s

regulations at [46 C.F.R. §§ 503.21-24](#). If you are uncertain whether you need to file a FOIA request to receive information, please call the FOIA Requester Hotline at 202-523-5707 and our staff will assist you.

### **How do I file a FOIA request?**

Submit your FOIA request in writing, providing as much detail as possible describing the documents you seek. You may submit a FOIA request by either:

- Fax to 202-523-0014 (subject: FOIA Request);
- E-mail to [secretary@fmc.gov](mailto:secretary@fmc.gov) (subject: FOIA Request); or
- Mail to the address shown below (clearly mark the envelope exterior “FOIA”).

Address your written request to:

Secretary  
Federal Maritime Commission  
800 North Capitol Street, N.W.  
Washington, D.C. 20573

### **What if my FOIA request is partially or completely denied?**

The FOIA Officer is required to notify you of the reasons your request has been partially or completely denied. The FOIA Officer will also include an explanation of the Commission’s appeal process. An appeal should be addressed to the Chairman, Federal Maritime Commission, Washington, D.C. 20573-0001. Your appeal letter may either contain details of the FOIA request and the FOIA Officer’s denial, or it may simply refer to the original request and state that the FOIA Officer’s decision is being appealed.

The Commission’s procedures for filing an appeal are located at [46 C.F.R. § 503.32](#).

### **Are there any fees or charges in connection with a FOIA request?**

There is not an initial fee to file a FOIA request. By law, however, federal agencies are entitled to charge certain fees, which depend on the particular category of FOIA requester you fall into. Therefore, you may be charged a fee for search time and document review time, as well as for copying of documents. The Commission’s fees for processing FOIA requests are published on our website at [46 C.F.R. §503.43](#). You may also call the FOIA Requester Hotline to discuss specific fees applicable to your request, at (202) 523-5707.

You may include in your FOIA request a specific statement limiting the amount of money that you are willing to pay in fees. If the total fees for processing your request are likely to exceed that amount, the FMC will contact you and offer you an opportunity to narrow your request in order to reduce your fees.

**What if I am unable to pay the fees?**

In general, the Commission does not waive or reduce FOIA service and filing fees. In extraordinary situations, the Commission will accept requests for waivers or fee reductions. Such requests are to be made to the Secretary of the Commission at the time of the FOIA request and must demonstrate that the waiver or reduction of a fee is in the best interest of the public, or that payment of a fee would impose an undue hardship. The Secretary will notify the requester of the decision to grant or deny the request for waiver or reduction of fees.

**How long does it take to process a FOIA request?**

Once the Commission's Secretary receives a FOIA request, the FMC is required to respond within twenty (20) business days, excluding Saturdays, Sundays and legal holidays. If expedited processing is sought, you must include a statement setting forth the reasons why your request should be expedited.

**Where can I find more information about FOIA?**

The Commission's FOIA information web page is located at:  
<http://www.fmc.gov/reading/FreedomofInformationAct.asp>.

The Commission's regulations regarding FOIA requests are located at:  
<http://www.fmc.gov/home/503Publicinformation.asp>.

Additional FOIA information from the Department of Justice can be found at:  
<http://www.usdoj.gov/oip/index.html>.