
 FOIA GLOSSARY

Accessible Documents:	Documents which may be released notwithstanding one of the nine exemptions cited in the Act.
Advance Payments:	Charge and collect fees or portions thereof when they exceed \$250 and the requestor has no previous payment history; or when a requester has previously failed to pay fees in a timely fashion.
Aggregating Requests:	A requestor may not file multiple requests at the same time, each seeking portions of a document or documents, solely to avoid payment of fees.
Annual Report:	Yearly report to Congress from each federal agency regarding its FOIA operations to encourage agency compliance with the FOIA.
Appeal:	Administrative Remedy for denials of access to agency records. A written request for administrative review must be filed within thirty days after issuance of the written denial.
CFR:	Code of Federal Regulations - Codification of the general and permanent rules by the agencies of the Federal Government. Title 24 contain the rules of HUD. Part 15 of this title contains the Departments procedures to be used in administering the FOIA.
Charges Miscellaneous:	Certifying - \$3.00 Special Mailing - Actual Cost
Commercial Uses:	Requestors whose use of the information is for a use that furthered their business interests.

Computer
 Search/Fees: Search costs for that portion of the operation of the central processing unit (CPU) and operator salary.

Confidential
 Treatment
 Requests: Submitters of materials to the Department may request confidential treatment of those materials. Submitters shall receive notice of the access request and the Department's intention to release the material.

Congressional
 Requests: Requests from individual members of Congress and requests from a committee or subcommittee chairman who asks for information on his own behalf, rather than on the behalf of the committee or subcommittee, are handled like FOIA requests. Requests submitted on behalf of Congressional committees or subcommittees are to be handled by the Office of the Secretary.

Copyright
 Material: Responsive material containing copyrighted documents should be provided in the form of titles and sources of the materials. These materials will be routinely withheld if their release would violate exemption (b)4 by adversely affecting the commercial value of the copyright.

Denial: Withholding records in accordance with one of nine exemptions listed in the Act.

Denial
 Official: The head of the organizational unit or his designee, with respect to records pertaining to programs or activities for which he has primary responsibility.

Direct Costs: Basic rate of pay for employee performing

work, plus 16 percent and cost of operating duplicating machinery.

Where a homogeneous class of personnel is used exclusively (e.g., all clerical or all professional), agencies may establish an average rate for the range of grades typically involved.

Duplication

Fees:

First 100 pages free other than commercial requestors.

Paper - 10 cents per page

Computer Tapes and Printouts - Actual Cost

Educational
Institution:

A preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research; and the documents sought are in furtherance of the institution's program of scholarly research and not for a commercial use. This category of requestor shall be charged duplication costs only.

Exemptions:

Nine categories of documents which an agency may withhold under the FOIA.

1. Authorized by executive order to be kept secret in the interest of national defense or foreign policy, and are properly classified;
2. Related solely to the internal personnel rules and practices of an agency;
3. Exempt from disclosure by statute;

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4. Trade secrets and commercial or financial information obtained from a person and privileged and confidential;

5. Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
6. Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
7. Records or information compiled for law enforcement purposes;
8. Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;
9. Geological and geophysical information and data, including maps, concerning oil wells.

Extensions of Time:

NO EXTENSION MAY EXCEED MORE THAN 10 WORKING DAYS AFTER THE ORIGINAL DUE DATE.

The need to search for and collect records from separate offices; the need to examine a voluminous amount of records required by the request; the need to consult with another agency or agency component. These extension provisions may be invoked.

Informal Extension - an agreement reached between the organizational unit and the requestor.

Fee Payment Addressee:

Payable to: Dept. of Treasury, Mailing
Address: Dept. of Housing & Urban
Develop., 451 7th Street, S.W., Room 10139,
FOIA, Washington, D.C. 20410

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Fees to Be Charged:

Search, Duplication, Review, Computer Costs. No fees are to be collected if cost of processing a request is \$5.00 or below.

Fee Waivers: Fees should be waived or reduced 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 requestor.

Disclosure must contribute to the understanding of the public at large, rather than the individual understanding of the requestor or a narrow segment of interested persons.

Freedom of Information Case List:

Alphabetical compilation of judicial decisions, both published and unpublished, addressing access issues under the Freedom of Information Act and the Privacy Act. This publication is prepared annually by the Department of Justice, Office of Information and Privacy.

FOIA Update:

A newsletter of information and guidance for federal agencies, published quarterly by the Office of Information and Privacy, U.S. Dept. of Justice. Distributed without charge to all FOIA offices.

Glomar Denial:

An agency shall refuse to confirm or deny the existence or nonexistence of requested information whenever its existence or nonexistence is itself classifiable.

Interest on Assessed Fees:

Interest is incurred on the 31st day following the day on which the billing was sent. Interest will be charged at the current rate prescribed in Section 3717 of Title 31, U.S.C.

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Material from Other Agencies:

Material which the Department has within its possession but is a "record" of another federal agency should not be released until that agency is contacted for a

determination of release.

News Media: An entity that is organized and operated to publish or broadcast news to the public.

A freelance journalist may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization such as a publication contract. This category of requestor can be charged for duplication costs only.

Privacy Act: 5 U.S.C., Sect. 552a, restricts the collection, maintenance, use and dissemination of information concerning individuals that is found in "systems of records." The Act also governs the ability of individuals to obtain such records.

Record: Documents which are created or obtained by an agency; under agency control at the time of the FOIA request.

Agencies are not required to create explanatory material in response to a FOIA request; nor are agencies required to answer questions disguised as FOIA requests.

Responsive Documents: Documents which fit the description of the requestors access letter.

Reverse FOIA: FOIA action in which the submitter of information seeks to prevent the agency from releasing the information to a third party.

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Review: Processing of responsive documents to determine whether the material is exempt from disclosure, and preparing them for release. (Only charged to commercial use requestors).

Scientific Institution: Institution not operated on a commercial

basis, and is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry. This category of requestor shall be charged for duplication costs only.

Search: Time spent looking for material that is responsive to a request.

Search (Unsuccessful): Search did not locate responsive documents. Fees may be assessed for an unsuccessful search with the prior knowledge of the requestor.

Search and Review Fees: Clerical - \$9.25 per hour
Professional - \$18.50 per hour

Subscription Requests: Providing documents on an ongoing basis without submission of relative FOIA requests. Requestors cannot require agencies to make automatic releases of records as they are created.

Subpoenas: An order or demand of a court or other authority is issued for the production or disclosure of records. No such demand shall be complied with without the prior approval of the Secretary.

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Time Limits: Upon receipt of a request the responsible organizational unit shall determine within ten working days, whether to comply with such requests and notify the requestor in writing of such determination and the reasons therefor and the right of such person to request a review by the General Counsel of any adverse determination.

An agency's failure to comply with the time limits for either the initial request or the administrative appeal may be treated as an exhaustion of administrative remedies, and the requestor may seek judicial review.

Vaughn Index:

An itemized index correlating each withheld document (or portion) with a specific FOIA exemption and the relevant part of the agency's nondisclosure justification.