

The Freedom of Information Act

Overview



The Freedom of Information Act (FOIA), 5 U.S.C.552, as amended, establishes a presumption that records in the possession of Federal agencies are accessible to the public. It is based on the principle of openness in government and generally provides that any person has a right, enforceable in court, of access to Federal agency records, except to the extent that such records (or portions thereof) are protected from disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (reasons an agency may withhold records from a requester, and there is a sound legal basis to withhold them). The “need to know” standard has been replaced by a “right to know” doctrine. FOIA set standards for determining which records must be disclosed and which records can be withheld. The law also provides administrative and judicial remedies for those denied access to records. Before a requester files a written FOIA request with the FOIA Officer, the requester must make sure that the information being requested is not already publicly available. When submitting a FOIA request, the requester must put the words “FOIA REQUEST” on the envelope, try to be as specific as possible in identifying the records being sought, and include a brief description of why these records are needed, since the Department may use such information as a basis for fee reduction or discretionary release of otherwise exempt materials. All requests made under FOIA are a matter of public record and may be placed in BIA public files.

Our responsibility is to provide patrons with copies of the documents they are entitled to receive under the law. If you are seeking general information or have questions about what information can be obtained without submitting a FOIA request, you may visit the Department of the Interior (DOI) home page or contact a FOIA Coordinator. The DOI home page also contains regulations and instructions for creating a FOIA request.

For more information on how to locate and request Indian Affairs documents under the Freedom of Information Act, please visit the [Department of the Interior FOIA website](#)

Related Links

- [FOIA Request Form](#)
- [FOIA Reading Room](#)

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[Return to top](#)

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