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How To Determine What Information is Subject to FOIA Requests

What Can I Obtain with a FOIA Request?

Under the FOIA and the FCC's implementing rules, you are allowed to obtain copies of FCC records unless the records contain information that is exempt under the FOIA from mandatory disclosure. [Section 552\(b\) of the FOIA](#) contains nine types of records which are routinely exempt from disclosure under the FOIA:

- Records classified national defense or foreign policy materials, 5 U.S.C. § 552(b)(1);
- Internal personnel rules and agency practices, 5 U.S.C. § 552(b)(2);
- Information specifically exempted from disclosure by another statute, 5 U.S.C. § 552(b)(3);
- Trade secrets and commercial or financial information obtained from a person and privileged or confidential, 5 U.S.C. § 552(b)(4);
- Inter- or intra-agency memoranda or letters which would not be available to a party in litigation with the agency, 5 U.S.C. § 552(b)(5);
- Personnel, medical and similar files, disclosure of which would constitute a clearly unwarranted invasion of personal privacy, 5 U.S.C. § 552(b)(6);
- Records compiled for law enforcement purposes, 5 U.S.C. § 552(b)(7);
- Records relating to the examination, operations, or condition of financial institutions, 5 U.S.C. § 552(b)(8); and
- Oil well data, 5 U.S.C. § 552 (b)(9).

Even if a record falls within one of these FOIA exemptions, the FCC may, in some circumstances, release the records, depending upon the exemption at issue and the circumstances of the FOIA request.

Are there any privacy considerations which the FCC must consider in granting your FOIA request?

Under the FOIA Exemption 6 and the Privacy Act, the FCC may be prohibited from disclosing information about an individual from a system of records without the written consent of the individual to whom the record pertains.

Can the FCC deny my FOIA request?

Yes. If the Bureau or Office that is the custodian of the records determines that there are no records responsive to your request, or that one or more of the FOIA exemptions described above applies to the documents you request, your request will be denied in writing.

How long will it take to get the information that I request?

Under the FOIA, the FCC must determine within 20 business days of receipt of your FOIA request by the FOIA Requester Service Center whether it is appropriate to grant or deny a FOIA request. The FCC makes every effort to act on a request within this time frame. If we determine that your request will take longer than 20 days to process, we will notify you in writing explaining the circumstances requiring the extension and establishing a date for response of not more than 10 working days beyond the initial 20-day limit.

However, if the FCC determines that the request cannot be processed within this 10 day extension, we will provide you with an opportunity to modify your request so that it may be processed within the extended time limit, or provide an opportunity for you to arrange with the FCC for an alternative timeframe for processing the original or modified request. We will also advise you of any additional charges involved. For this reason, it is important for you to include a telephone number where we can call you to discuss any issues involving your FOIA request. Even if we call, you will receive a letter from the FCC confirming your consent to any additional time and/or costs that may be necessary to comply with your FOIA request.

You may seek expedited processing of your FOIA request if you have a compelling need for the documents.

If my FOIA request is denied, what can I do?

If your FOIA request is denied in whole or in part, the Bureau or Office that made the decision will notify you of the denial of your request and of your right to file an administrative application for review. The application for review and the envelope containing it should have the words "Review of Freedom of Information Action" clearly written on them and must be filed within 30 calendar days of the date of the Bureau or Office's written decision. A FOIA application for review should be sent to the Office of General Counsel, Federal

Communications Commission, 45 L Street NE, Washington, D.C. 20554. A copy of the application for review should also be sent to the person (if any) who originally submitted the records you are seeking. If the FCC denies your application for review in whole or in part, you may seek judicial review of that decision in a United States District Court.

Federal Communications Commission
45 L Street NE
Washington, DC 20554

Phone: [1-888-225-5322](tel:1-888-225-5322)

ASL Video Call: [1-844-432-2275](tel:1-844-432-2275)

Fax: [1-866-418-0232](tel:1-866-418-0232)

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