

TEMPLATE: ACKNOWLEDGMENT LETTER AND INITIAL DETERMINATIONS UPON INTAKE

[Date]

Via Electronic Mail OR Via First Class Mail

[Requester Name]

[Address]

[Email address]

Re: Acknowledgement of Freedom of Information Act (FOIA) Request No. xxxx-xxxxx

Dear [Requester's Full Name]:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the [Agency Name]. Your request was received on [Date of Receipt] and was assigned tracking number [tracking number]. You requested the following:

["Quote (ideally) or paraphrase (if appropriate) the description of the records requested."]

The FOIA, 5 U.S.C. § 552(a)(6)(A)(i), requires [Agency Name] to make a determination in response to a FOIA request within 20 business days from the date of receipt.

{UNUSUAL CIRCUMSTANCES LANGUAGE}

In unusual circumstances, the time limit may be extended by 10 business days, as stated in 5 U.S.C. § 552(a)(6)(B). **{IF APPLICABLE:** Because OR If your request requires [Agency Name] to (1) search for or collect records from facilities separate from the office processing the request, (2) search for, collect, or examine a voluminous amount of separate and distinct records, AND/OR (3) consult with another agency or among two or more components within [Agency Name], [Agency Name] is invoking OR will invoke an additional 10 business-day extension for determination of your request. You have the option to narrow the scope of your request to limit the search, collection, examination, AND/OR consultation(s) needed.}

{IF APPLICABLE: EXPEDITED PROCESSING DETERMINATION LANGUAGE}

EXPEDITED PROCESSING REQUESTED – GRANTED:

You have requested expedited processing of your FOIA request. Upon consideration, [Agency Name] has determined to grant your request for expedited processing. Therefore, your request will be processed as soon as practicable, pursuant to the FOIA, 5 U.S.C. § 552(a)(6)(E)(iii).

EXPEDITED PROCESSING REQUESTED – DENIED:

You have requested expedited processing of your FOIA request. Upon consideration of your request pursuant to the FOIA, 5 U.S.C. § 552(a)(6)(E)(iii), [Agency Name] has determined to deny your request for expedited processing.

Expedited processing may be granted for requesters who demonstrate a compelling need. A compelling need can be established by showing that: (1) failure to obtain the records quickly could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, or (2) if the requester is a person primarily engaged in disseminating information, by demonstrating that there exists an urgency to inform the public concerning actual or alleged Federal Government activity. To determine whether there is an urgency to inform, the factors an agency must consider include whether a request concerns a matter of current exigency to the American public, the consequences of delaying a response would compromise a significant recognized interest, and whether the request concerns federal government activity.

CHOOSE APPLICABLE OPTION:

You have not provided any justification in support of your request for expedited processing.

OR

You have provided the following justification in support of your request for expedited processing: **["quote justification provided by requester."]** You have not demonstrated a compelling need by showing that there is an imminent threat to the life or safety of an individual.

AND/OR

You have not demonstrated a compelling need by showing that there is an urgency to inform. Specifically, you have not described how the request concerns a matter of current exigency; **and/or** a significant recognized interest; **and/or** how a significant recognized interest would be compromised; **and/or** federal government activity. **[Provide a specific explanation of which factors are met (if any) and which are not and why – the reason must tie in to the records actually requested.]**

[REQUESTER FEE CATEGORY LANGUAGE – SELECT ONE:]

Provisions of the FOIA allow **[Agency Name]** to recover part of the cost of complying with your request. For purposes of fee assessment, you have been categorized as a “all other” requester. **[Agency Regulation]**. In this fee category, you are responsible for search costs incurred after the first 2 free hours and for duplication costs after the first 100 pages of records are copied free. **[Agency Regulation]**. **[IF APPLICABLE: You have agreed to pay fees in the amount of \$xx.00.]** No fee will be assessed if the total charge for fulfilling the request will be less than **\$XX.00**. **[Agency Regulation]**.

OR

Provisions of the FOIA allow **[Agency Name]** to recover part of the cost of complying with your request. For purposes of fee assessment, you have been categorized as a “commercial use” requester. **[Agency Regulation]**. In this fee category, you are responsible for search, review, and duplication costs. **[Agency Regulation]**. **[IF APPLICABLE: You have agreed to pay fees in the amount of \$xx.00.]** No fee will be assessed if the total charge for fulfilling the request will be less than **\$xx.00**. **[Agency Regulation]**.

OR

Provisions of the FOIA allow [Agency Name] to recover part of the cost of complying with your request. For purposes of fee assessment, you have been categorized as an “educational or non-commercial scientific institution” requester. [Agency Regulation]. In this fee category, you are responsible for duplication costs after the first 100 pages of records are copied free. [Agency Regulation]. [IF APPLICABLE: You have agreed to pay fees in the amount of \$xx.00.] No fee will be assessed if the total charge for fulfilling the request will be less than \$xx.00. [Agency Regulation].

OR

Provisions of the FOIA allow [Agency Name] to recover part of the cost of complying with your request. For purposes of fee assessment, you have been categorized as a “representative of the news media” requester. [Agency Regulation]. In this fee category, you are responsible for duplication costs after the first 100 pages of records are copied free. [Agency Regulation]. [IF APPLICABLE: You have agreed to pay fees in the amount of \$xx.00.] No fee will be assessed if the total charge for fulfilling the request will be less than \$XX.00. [Agency Regulation].

{IF APPLICABLE: DENIAL OF REQUESTED PREFERRED FEE CATEGORY.}

You have asked to be categorized as a [educational OR non-commercial scientific institution OR representative of the news media] requester for purposes of fee assessment. Upon consideration, [Agency Name] has determined to deny your request. You do not qualify for this requester fee category because [provide brief explanation].

{IF APPLICABLE: FEE AGREEMENT LANGUAGE}

A request is not ready for processing if it does not include an acceptable agreement to pay fees or does not otherwise convey your willingness to pay fees. {WHEN POSSIBLE: [Fees for processing your request are estimated at a total of \$xx.xx, consisting of \$xx.xx in search, \$xx.xx in review, AND/OR \$xx.xx in duplication fees. If you wish to pursue your request, please confirm your agreement to pay the estimated fees.] OR [If you wish to pursue your request, please confirm your agreement to pay all applicable fees OR indicate your agreement to pay fees for a specific amount over \$xx.xx.]}

{IF APPLICABLE: FEE WAIVER REQUEST LANGUAGE}

Alternatively, if you wish to request a fee waiver, please provide an explanation that addresses the public interest in disclosure of the information and whether disclosure is primarily in your commercial interest, pursuant to the following factors required under [Agency Regulation]

1. *The subject of the request:* Whether the subject of the requested records concerns the operations or activities of the Government;
2. *The information value of the information to be disclosed:* Whether the disclosure is likely to contribute to an understanding of Government operations or activities;
3. *The contribution to an understanding of the subject by the general public likely to result from disclosure:* Whether disclosure of the requested information will contribute to public understanding;
4. *The significance of the contribution to public understanding:* Whether the disclosure is likely to contribute “significantly” to public understanding of Government operations or activities;

5. *The existence and magnitude of a commercial interest.* Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so –
6. *The primary interest in disclosure.* Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is “primarily in the commercial interest of the requester.

{IF ANY ADVERSE DETERMINATION WAS MADE: APPEAL, OGIS, AND FOIA PUBLIC LIAISON LANGUAGE}

If you are not satisfied with [Agency Name’s] determination, you may administratively appeal in writing by email to [Agency Appeals Email Address] or by mail to:

[Agency Appeals Mailing Address]

An appeal should include a copy of the initial request, a copy of the letter denying the request, and a statement explaining why you believe the denying official erred. Appeals must be electronically transmitted or postmarked within 90 calendar days of the date of this letter.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS by e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; facsimile at 202-741-5769; or by mail at:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001

You may also contact [Agency Name’s] FOIA Public Liaison for assistance or dispute resolution at [Agency FOIA Public Liaison email address] or [Agency FOIA Public Liaison phone number].

A search will be initiated by [Agency Name] for records responsive to your request. If any responsive records are located, they will be reviewed for determination of releasability.

If you have any questions regarding your request, please contact [FOIA Specialist Name] at [telephone] or [email].

For additional information regarding [Agency Name’s] FOIA program, please refer to the information available on our website at [Agency FOIA website URL].

We appreciate the opportunity to assist you with this matter.

Sincerely,

[Name]
[Title]
[Office Name]
[Agency Name]