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SESSION 3.15: PLAIN WRITING & FOIA

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FOIA Professionals Wear Many Hats



National Archives Identifier 6011634

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Written Communication



- Acknowledgment letters
- Final response letters
- Appeal response letters
- General correspondence
- Website

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## Plain Writing Act of 2010

Agencies must write all new or substantially revised documents in language that is:

- Clear
- Concise
- Well-organized



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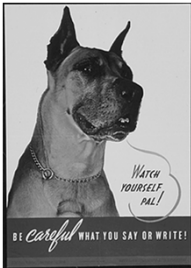
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## Plain Writing Tips



1. Write for your audience
2. Organize the information
3. Choose your words carefully
4. Be concise
5. Keep it conversational
6. Design for reading
7. Follow web standards
8. Test your assumptions

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## WTF: What the FOIA?!?

INSTEAD OF: "The information you seek is exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. 552(a)(7)(A)."



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TRY: "The information you seek is exempt from disclosure under FOIA Exemption 7(A), which protects from disclosure information related to an ongoing or prospective law enforcement investigation or proceeding. In this case, we have invoked Exemption 7(A) to withhold in full 150 pages of material pertaining to a pending law enforcement investigation."

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## WTF: What the FOIA?!?

INSTEAD OF: "The [Agency's] FOIA Guide requires that a requester must state their willingness to pay reasonable fees incurred during the processing of their request. You have failed to adhere to the published FOIA standards by your willingness to pay only \$30 in fees, which has been deemed unreasonable."

TRY:

- Shifting the negative from the person ("you have failed")
- Stating clearly the estimated fees for search, review & duplication
- Providing next steps: is the requester entitled to two free hours of search & the first 100 pages?

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## WTF: What the FOIA?!?

INSTEAD OF: "With regard to expedited processing, [Agency] does not have a 'first-in, first-out' FOIA processing system, therefore [Agency]'s processing of your request will proceed and is not delayed by [Agency]'s processing of other pending FOIA requests."

TRY: Your request for expedited processing is being reviewed. However, we expect to process your request within the 20 working days allowed by law."



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## WTF: What the FOIA?!?

INSTEAD OF: "The Privacy Act provides that records maintained by a federal agency about an individual that are retrieved by that individual's name or other unique identifier are confidential and may not be disclosed without the consent of the individual, unless one or more of twelve exceptions applies. 5 U.S.C. § 552a(b)."

TRY: "The Privacy Act is a separate law from the FOIA. It protects personally identifiable information about a person. Furthermore, it generally requires that person's consent for them to be released."

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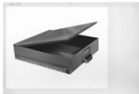
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## Let's Discuss!

Exemption 6

Balancing test & foreseeable harm

No records



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National Archives Identifier 2666953339

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## Next steps

- Borrow language
- Visit & bookmark [plainlanguage.gov](http://plainlanguage.gov)
- Consider plain language training
- Engage OGIS in review of your FOIA-related templates & other written material



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