

Frequently Asked Questions

1. What is the purpose of the FOIA? (Chapter 1)

The FOIA gives "any person" the right to seek access to records possessed by the Executive Branch of the Federal Government.

2. Who may request records under the FOIA? (Chapter 1)

Any person, including foreign citizens, partnerships, corporations, associations and foreign, state or local governments.

3. What is the definition of a record? (Chapter 1)

Records are defined as products of data compilation, such as all books, papers, maps, and photographs, machine readable materials or other documentary materials, regardless of physical form or characteristics made or received by an agency of the United States Government under Federal law in connection with the transaction of public business.

4. What are the requirements for FOIA requests? (Chapter 5)

Requests must be in writing, reasonably describing the requested information, citing FOIA, indicating agreement to pay fees.

5. Do all FOIA requests have to be in writing? (Chapter 5)

Yes, U.S. Coast Guard does not accept verbal requests.

6. When will a record be denied? (Chapter 5)

Because the FOIA is a disclosure statute, all records are considered releasable unless information contained in the records must be withheld, in whole or in part, based on one or more of the nine FOIA exemptions.

7. What does the Coast Guard require for a reasonably described record? (Chapter 5)

The Coast Guard requires a description of a record that enables the Government to locate the record with a reasonable amount of effort. The record is reasonably described when the description contains sufficient file-related information to permit an organized non-random search of the Coast Guard's filing arrangements and existing retrieval systems, or when the record contains sufficient event-related information needed to conduct such a search.

8. What records apply to the FOIA? (Chapter 5)

Records that exist at the time a request is received.

9. What constitutes a preliminary search of records? (Chapter 5)

Upon receipt of the request, an initial review of files is conducted to determine if records are subject to the request.

10. How are fees assessed? (Chapter 11)

Fees are assessed based on the category of the requester. The categories are described as those received from a commercial organization, educational or noncommercial scientific institution, representative of the news media and an "all others" category.

11. What constitutes a fee waiver? (Chapter 11)

If a requester can demonstrate that the 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 requester.

12. How are fees collected? (Chapter 11)

The requester would be notified about the fee status of the request. Fees are collected when it is estimated that the search charges, review charges, duplication fees or any combination of fees that could be charged to the requester will likely exceed \$25. The requester shall be notified of the estimated amount of the fees. When fees exceed \$250, the requester may be required to remit payment prior to releasing any records.