

PUBLIC HANDBOOK FOR GAINING ACCESS TO DEPARTMENT OF ENERGY INFORMATION

How to Make a Freedom of Information Act Request

You may gain access to DOE information in a number of ways, through--

- . the Freedom of Information and Privacy Acts
- . DOE Internet Home Page,
- . DOE's Reading Room and Field Reading Rooms.

This Handbook explains how you can obtain DOE Information.

Freedom of Information Act and Privacy Act.

The Freedom of Information Act (FOIA), which is found in 5 U.S.C. 552, is a law that gives a person the right to obtain federal agency records unless the records (or parts of the records) are protected from disclosure by any of the nine exemptions contained in the law. The FOIA was recently amended by the electronic Freedom of Information Act Amendment of 1996 ("E-FOIA Amendments").

Regulations that set forth procedures for requesting DOE records under the FOIA are published at 10 CFR part 1004. The CFR can be found in all law libraries and federal depository libraries. You may also obtain a copy from DOE at the address listed below or at DOE's home page (see below).

DOE makes available in its Public Reading Rooms information pertaining to matters issued, adopted, or promulgated by DOE; these are commonly known as "reading room materials." These materials include the Federal Budget,

DOE Circulars, regulations and information collections reviewed by DOE, other policies and management documents, and DOE Annual FOIA Report. Many of these documents are also available through the Publications Office, and DOE Internet Home page (See below).

In addition to gaining access to reading room materials, requesters may also file FOIA requests with DOE to obtain records. It is important to understand that there is no central office in the government that processes FOIA requests for all agencies; each federal agency responds to FOIA requests for records in its own files. Thus, the public may submit FOIA requests to DOE to obtain records that are in DOE's files. Please be aware the FOIA does not require agencies to do research, to analyze data, to answer written questions, or to create records in order to respond to a request.

Individuals who file a FOIA request must address their request in writing to the FOIA Officer, United States Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, Phone (202) 586-5955. Requests for information should be as specific as possible. Requesters should consult DOE's FOIA regulations, which outline the procedures governing the FOIA request process. A brief summary of that process follows.

Upon receipt of a FOIA request, the FOIA Officer will determine within 20 days (excepting Saturdays, Sundays and legal public holidays) after the receipt of such request whether it is appropriate to grant the request. (The time period for providing a response may be extended under the FOIA; in addition, the certain circumstances, requesters may receive

an “expedited” response.) DOE will provide a written response to the FOIA request; if the request is denied in whole or in part, DOE will notify the requester of the denial, and of the requester’s right to file an appeal within DOE. If DOE denies an appeal in whole or in part, the requester may seek judicial review of that denial.

Fees for FOIA Requests.

Agencies may charge fees for responding to FOIA requests. The FOIA divides requesters into four categories for fees:

1. Commercial use requesters. When DOE receives a request for document for commercial use, it will assess charges that recover the full direct cost of searching for, reviewing the release, and duplicating the records sought.
2. Educational and non-commercial scientific institution requests. DOE shall provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages.
3. Representatives of the news media. DOE shall provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages.
4. All other requesters. DOE shall charge requesters who do not fit into any of the categories above fees that recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge.

DOE may waive fees, in whole or in part, if “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.” In certain circumstances, DOE may request advance payment of fees.

Privacy Act.

Information may also be requested from DOE under the Privacy Act, 5 U.S.C. 552a. Privacy Act requests for information in DOE’s files must be in writing, and sent to the same address as FOIA requests (above). Compared to some other agencies, DOE has relatively few records that are subject to the Privacy Act, and historically has received only a small number of Privacy Act requests. DOE’s Privacy Act regulations are published at 10 C.F.R. 1008.

DOE’s Internet Home Page.

You may access the DOE home page at <http://www.doe.gov/>. The home page contains information on DOE’s mission, a description of DOE’s organization structure. The section under FOIA contains [DOE FOIA regulations](#), this handbook, DOE FOIA Annual Reports for [1996](#), [1997](#) and [1998](#).