United States Census Bureau Freedom of Information Act (FOIA) Reference Guide



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U.S. Department of Commerce U.S. Census Bureau *census.gov* http://cww.census.FOIA.Gov



I. Introduction

The purpose of this reference guide is to describe how the Freedom of Information Act and Privacy Act (FOIA/PA) are administered at the U.S. Census Bureau. Following the guidance presented on the following pages will assist you in preparing your request properly and receiving your request for copies of records that you seek in the shortest amount of time possible. As a general rule, before

making a FOIA request you should browse the Census Bureau's home page, www.census.gov for information that is already available to the public.

In this reference guide, we explain how to submit a FOIA/PA request to the Census Bureau. The Census Bureau uses an automated system, FOIAonline, to control, create, and process FOIA requests. The FOIAonline system may not be used when making a PA request only. Details on how to submit FOIA and PA requests are in Sections V and XI of this guide.

Helpful links to records maintained by the different parts of the Census Bureau, some of which are readily available through means other than the FOIA, are located in Section IV of this guide.

This reference guide provides an overview of how we process FOIA/PA requests and an explanation of the exemptions the Census Bureau uses most often. Fees by category and fee waivers are discussed. We also provide the procedures relating to appealing your FOIA/PA response. Lastly, we provide examples of FOIA and PA letters that you may readily use to make your request and a fillable Certification of Identity Form BC-300.

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II. What is the Freedom of Information Act?

The Freedom of Information Act (FOIA), enacted in 1966, is a Federal law set forth in Title 5, §552, of the United States Code (5 U.S.C. 552), as amended. The FOIA provides individuals with a statutory right to submit a written request for access to certain records maintained by the Federal Government. This right to request access is enforceable in court, and is supported by open government and transparency initiatives mandated by President Obama and Attorney General Holder. This right of access is limited to the extent information is protected from disclosure by one of the FOIA's nine statutory exemptions or three special law enforcement record exclusions. The Census Bureau implements the FOIA regulation at Title 15, Code of Federal Regulation, Part 4.

The FOIA is a companion to the Privacy Act of 1974 (5 U.S.C. 552a). Under the FOIA, the general rule is that anyone can make a request for an agency record. Privacy Act requests can be made only

by U.S. citizens and aliens who are lawfully admitted for permanent residence in the United States, and who are seeking information about themselves, which is maintained in a system of records by their names or other personal identifiers. Generally, the PA allows individuals to gain access to their own personal records (unless the requested records are exempted from disclosure), allows individuals to seek correction or amendment of federally maintained records, and it requires agencies to comply with statutory norms for collection, maintenance, and dissemination of records. You should note that the FOIA and the PA have different procedures and exemptions.

The Chief FOIA Officer is a designated high-level official within each agency who has overall responsibility for the agency's "efficient and appropriate compliance" with the FOIA. In accordance with the FOIA, the Census Bureau has designated a Chief FOIA Officer. The FOIA also requires all federal agencies to establish a FOIA Public Liaison. The FOIA Public Liaison serves as a supervisory official to whom requesters can raise concerns after initial response. FOIA Public Liaisons assist in reducing delays, increasing transparency and understanding of the status of requests, and resolving disputes. The name and contact information of the Census Bureau's Chief FOIA/PA Officer and the FOIA Public Liaison can be found at: http://www.census.gov/foia/.

III. What is a Record?

All Census Bureau records are subject to FOIA requests. However, the Census Bureau is mandated by law, Title 13 U.S.C., and has adopted policies, to protect the privacy of its customers. Additionally, the Census Bureau may withhold information pursuant to the nine exemptions and three exclusions contained in the FOIA statue and outlined in Section VI below.

Agency records subject to the FOIA are those either created or obtained by an agency, and those under agency control at the time of the FOIA request. Broadly, this includes paper documents, tapes, photos and electronic records generally in the possession and control of an agency. Agencies within the executive branch of federal government, including the Executive Office of the President and independent regulatory agencies are subject to the FOIA. State government, municipal corporations, the courts, Congress, and private citizens are not subject to the FOIA.

IV. Access to Certain Records Without a FOIA Request

FOIA Library

The FOIA is an integral part of creating an open and transparent government. The Census Bureau's FOIA Library and FOIAonline are places for the public to view and inspect agency records to see if the information is already available without the need to make a FOIA request. If you have access to the Internet, you will not need to make a FOIA request to obtain access to these records. Additionally, proactive disclosures, which include certain categories of information, including specific policy statements, certain administrative staff manuals, FOIA logs, annual reports, custom tabulations, emergency preparedness and response data products, and frequently requested records, are posted in the FOIA Library at: http://www.census.gov/foia/foia_library/. You may access previously released FOIA requests at https://foiaonline.regulations.gov/foia/action/public/home and clicking on the "Search FOIA Requests" option. Information you can search varies by agency. You may search by keyword(s), a phrase (place it in quotation marks), tracking number, or fiscal year.

The Census Bureau prepares many documents for public distribution through its website, such as printed reports, press releases, and answers to frequently asked questions. The Census Bureau proactively posts data in raw, structured formats, at http://www.data.gov. It is a good idea to check these sources prior to making your FOIA request. The FOIA does not apply to records that are already publicly available or other statutes specifically providing for fees. For example, custom tabulations and customer service requests.

V. Making a FOIA Request

A. How to make a FOIA Request

You can submit a FOIA request for any agency record that is not publicly available. All Census Bureau FOIA requests for agency records must be submitted in writing, must be reasonably described, and must comply with the Census Bureau's regulations for making requests. You may submit your written request via FOIAonline, mail, fax, or email. In making your request to the Census Bureau, you should be as specific as possible in describing the records you are requesting. In your description, include the subject matter of the records, the dates and place the records were created, the file descriptions, persons involved, the dates of the records, and any other pertinent details that will help identify the records. You should state that the records are requested under the FOIA, and include a daytime telephone number and your email address in case additional information is needed before answering your request. While a FOIA request can be made for any agency record, you should be aware that pursuant to the Department of Commerce's FOIA regulations, Title 15, Code of Federal Regulations, Section 4.3, the FOIA does not require agencies to do research for you, to analyze data, or to answer written questions.

B. Where to Request Records

FOIAonline (automated request)

FOIAonline is a multi-agency FOIA processing and tracking tool that allows the public to electronically submit FOIA requests. There is no fee for using the system. You may register for an account or submit a request as a guest user at https://foiaonline.regulations.gov. Please note that guest users will have limited tracking and communications features. Enhanced features are available to users with accounts.

Guest users may:

- Search for previously released records;
- Generate reports;
- Receive records electronically if you provide an email address.

Registered users may, in addition to the above:

- Track progress on all of your requests submitted through FOIAonline via a personal dashboard;
- Communicate directly with the agency at all points in the process;
- Have your contact information pre-populated in future requests;
- Receive notification when the status of your request has changed.

Mail

You may submit the request in paper copy via mail by marking the outside of the envelope, "Freedom of Information Request" and mailing your FOIA request to:

U.S. Census Bureau Freedom of Information Act Office Room 8H027 4600 Silver Hill Road Washington, D.C. 20233

Fax

You may fax the request to the FOIA staff at (301) 763-6239.

Email

You may email the request to census.eFOIA@census.gov.

You may call (301) 763-2127 if you have questions about making a FOIA request or other general FOIA related questions.

VI. Reasons Access May be Denied under the FOIA

It is the policy of the Census Bureau to make records available to the public to the greatest extent possible, in keeping with the spirit of the FOIA, open government, and transparency. FOIA provides any person with a right of access to federal agency records unless those records are protected from disclosure under the law.

The Census Bureau will deny a FOIA request in whole or in part only when we determine that information may be withheld under one or more of nine exemptions which apply to Government information in accordance with 5 U.S.C. §552(b).

- (b)(1) Exemption 1: National security classified information
- (b)(2) Exemption 2: Internal personnel rules and practices
- (b)(3) Exemption 3: Information exempted from disclosure by other statutes
- (b)(4) Exemption 4: Trade secrets, commercial or financial information
- (b)(5) Exemption 5: Privileged internal government communications
- (b)(6) Exemption 6: Personal information affecting an individual's privacy
- (b)(7) Exemption 7: Investigatory records compiled for law enforcement purposes
- (b)(8) Exemption 8: Records of financial institutions
- (b)(9) Exemption 9: Geological information on wells

Congress provided special protection in the FOIA for three narrow categories of law enforcement and national security records. The provisions protecting those records are known as exclusions. The first exclusion protects the existence of an ongoing criminal law enforcement investigation when the subject of the investigation is unaware that it is pending and disclosure could reasonably be expected

to interfere with enforcement proceedings. The second exclusion is limited to criminal law enforcement agencies and protects the existence of informant records when the informant's status has been officially confirmed. The third exclusion is limited to the FBI and protects the existence of foreign intelligence or counterintelligence, or international terrorism records when the existence of such records is classified. Records falling within exclusion are not subject to the requirements of the FOIA.

Census Bureau records that most often fall into one of these exempted categories include: internal personnel rules and practices (Exemption 2); information that is prohibited from disclosure by statute, such as Title 13 U.S.C. (Exemption 3); information we have obtained from businesses (Exemption 4, in conjunction with Exemption 3); certain internal communications that are protected by a privilege (Exemption 5); personal information (Exemption 6); and certain types of information compiled for law enforcement purposes (administration, civil, or criminal) (Exemption 7).

Additional resources on the nine categories of exempt information can be found on the FOIA.gov page.

VII. Response Times

Response times vary depending on the complexity of the request itself and the backlog of requests already pending at the Census Bureau. In most cases, we will be able to respond to the request within twenty (20) working days, or approximately one month. In other instances, a longer period of time may be necessary. For example, sometimes we receive requests for hundreds of pages of documents, which require a line-by-line review of each page. While we make every effort to respond to FOIA requests as quickly as possible, in some cases we simply cannot do so within the twenty-day time period specified in the FOIA.

Should we need an extension of time to respond to your request, the FOIA Office will notify you in writing and offer you the opportunity to modify or limit the scope of your request. Alternatively, you may agree to a different timetable for the process of your request. The Census Bureau's FOIA Public Liaison can assist you with this.

A. Extensions of Time for Responding to FOIA Request

Under certain circumstances, the twenty working days time period may be extended by up to 10 working days for a total of up to 30 working days. Agencies are allowed an additional ten working days when: (1) they need to collect responsive records from field offices; (2) the request involves a "voluminous" amount of records which must be located, compiled, and reviewed; or (3) if an agency must consult with another agency which has a substantial interest in the responsive document. When an extension is needed, the requester may be notified and offered the opportunity to modify or limit their request.

B. Expedited Processing

We generally process requests in the order in which they are received. However, you may request expedited handling of your request. To request expedited processing, you must submit a statement explaining why your request should be expedited.

The Census Bureau relies on Title 15, Code of Federal Regulations (15 CFR), Section 4.6(e) (1) in determining whether to grant expedited requests. We will expedite a FOIA request only in the following cases:

- 1. Circumstances in which the lack of expedited treatment could reasonably be expected to pose a threat to the life or physical safety of an individual;
- 2. The loss of substantial due process rights (a request will not normally be expedited merely because the requester is facing a court deadline in a judicial proceeding);
- 3. A matter of widespread and exceptional media interest involving questions about the Government's integrity which affect public confidence; and
- 4. An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information.

If your expedited request is granted, your FOIA request will be given priority and processed as soon as practicable.

VIII. Fees

The Census Bureau does not charge fees for processing a request that is \$20 or less. If the estimated fee for search or duplication charges exceeds \$20, the requester will be notified, unless the requester has stated in the FOIA request an amount sufficient to cover the estimated fees.

If we estimate fees will exceed \$250, you will be required to pay the estimated fees in advance before we proceed further with your request. If, while processing your request, we find that the actual fees exceed the estimated fee, we will obtain your consent to pay the additional fees before continuing to process your request. If the actual fees to process your request are less than any advance payment you have made, you will be refunded the overpayment amount. Refunds are handled through the U.S. Department of Treasury.

The Census Bureau categorizes the requester for the purpose of assessing fees. Fees may be assessed for search, review, and duplication, depending on the category of the requestor. Search fees include the time spent searching for and determining which records are responsive (even if no responsive records are located). Review fees include the time spent reviewing the records to determine which portions can be released and make any necessary redactions. Duplication fees include the cost per page of records being released to the requester. The following is a chart of the four specific categories and chargeable fees:

Category	Chargeable Service		
Commercial Use Requesters	Search, Review, and Duplication		
Educational and Non-commercial Scientific	Duplication (excluding the cost of the first 100		
Institutions Requesters	pages)		
	Duplication (excluding the cost of the first 100		
Representative of the New Media	pages)		
All Other Requesters	Search and Duplication (excluding the cost of the		
	first 2 hours of search and 100 pages)		

The Department of Commerce, under 15 C.F.R. 4.119(c)(1) and (c)(2), applies the following "Fee Schedule."

Service	Rate	
(i) Manual Search	Actual salary rate of employee involved, plus 16	
	percent of salary rate.	
(ii) Computerized Search	Actual direct cost, including operator time.	
(iii) Duplication of Records:		
(A) Paper copy reproduction	\$.08 per page	
(B) Other reproduction (e.g., computer disk or		
printout, microfilm, microfiche, or microform)	Actual direct cost, including operator time.	
,	A stual colony note of ampleyees conducting	
(iii) Duplication of Records:	Actual salary rate of employee conducting	
(iv) Review of records (including redaction)	review, plus 16 percent of salary rate.	

If it can be reasonably determined that a requester is attempting to break a request down into a series of requests to avoid fees, we may aggregate the requests and charge accordingly. Multiple requests pertaining to unrelated subject matters are not aggregated. Requests made by more than one requester may be aggregated if we have a concrete basis to conclude that requesters are acting together to avoid fees.

IX. Fee Waivers

Pursuant to procedures established in 15 CFR § 4.11 (k), the Census Bureau uses the following criteria in deciding whether the statutory standard for granting a reduction in fees or a fee waiver has been met:

- 1. The subject of the requested records must concern identifiable operations or activities of the Federal Government.
- 2. The disclosable portions of the requested records must be meaningfully informative about Government operations or activities in order to be "likely to contribute" to and increase public understanding of those operations or activities.
- 3. The disclosure of the requested information must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester.
- 4. The disclosure of the requested information is likely to contribute "significantly" to the public's understanding of Government operations or activities.
- 5. Whether the requester has a commercial interest that would be furthered by the requester.
- 6. Whether any identified commercial interest of the requester is sufficiently great, in comparison with the public interest in disclosure, such that the disclosure is not primarily in the commercial interest of the requester.

X. Making a Privacy Act Request

Information may be requested from the Census Bureau under the Privacy Act, 5 U.S.C. 552a. The PA allows individuals to gain access to their own personal records (unless the requested records are exempted from disclosure), and to seek correction or amendment of federally maintained records that

are inaccurate, incomplete, untimely, or irrelevant. If you are requesting your own record(s), we will process your request under the PA as well as under the FOIA.

The PA applies only to U.S. citizens and aliens who are lawfully admitted for permanent residence in the United States. It applies only to personal information maintained by agencies in the Executive Branch of the Federal Government. The PA also pertains only to information that is maintained in a "system of records," which the Act defines as a group of agency-controlled records from which information is retrieved by a unique identifier, such as an individual's name and/or birth date, social security number, or employee identification number. The PA further defines a "record" as any individually identifiable set of information that an agency might maintain about a person.

Under the PA, you may request copies of Census Bureau records that:

- 1. are about you, and
- 2. are filed and can be retrieved by your name or a personal identifier (such as your Social Security number).

There are three basic elements to a request for records under the Privacy Act. First, the letter should state:

- 1. that the request is being made under the Privacy Act,
- 2. the letter should include the name, address, and signature of the requester; and
- 3. the request should describe the records as specifically as possible.

You can describe the records by identifying a specific system of records or by describing your contacts or involvement with an agency. If possible, include in your description information such as the date and place the records were created, the file descriptions, subject matter, persons involved, and other pertinent details that will help identify the records.

In order to protect your privacy as well as the privacy of others, whenever you request information about yourself, we will ask you to provide either a notarized statement or a statement signed under penalty of perjury stating that you are the person that you say you are. This requirement can be met by completing the Certificate of Identification (COI, Form BC-300) (see Appendix xx). The Census Bureau requires that this form be completed) before records will be disclosed.

PA requests should be made in writing either in person or by mail. Please mark the envelope "Privacy Act Request" and mail your request to:

U.S. Census Bureau Freedom of Information Act Office Room 8H027 4600 Silver Hill Road Washington, D.C. 20233

A third party request refers to a request from any persons for access to records concerning another person. If you are requesting another living person's record, you need the person's written consent to disclose the record(s) to you. Third party requests require completion of the COI, Form BC-300.

Once the form is received, the request is typically handled by the FOIA office like other first-person PA requests. We will not release personal information to a third party without consent.

XI. Administrative Appeals

You have the right to appeal denial or partial denial, no records found, and no records determination responses. The Assistant General Counsel for Administration (Office) must receive your appeal within 30 calendar days of the date of this initial denial letter. Address your appeal to the following office:

Assistant General Counsel for Administration Room 5898-C U.S. Department of Commerce 14th and Constitution Avenue, N.W. Washington, D.C. 20230

Your appeal may also be sent by e-mail to FOIAAppeals@doc.gov, by facsimile (fax) to (202) 482-2552, or by FOIAonline, if you have an account in FOIAonline at https://foiaonline.regulations.gov/foia/action/public/home#. Your appeal must include a copy of the original request, the response to your request, and a statement of the reason why the response was in error. The submission of your appeal (including e-mail and fax submissions) is not complete without the required attachments. The appeal letter, the envelope, the e-mail subject line, and the fax cover sheet should be clearly marked "Freedom of Information Act Appeal."

The e-mail, fax machine, and Office are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine or Office after normal business hours will be deemed received on the next normal business day.

APPENDIXES

Appendix 1.—FOIA Request to the Census Bureau

Sample Letter

[Date]

[Freedom of Information Act Officer] U.S. Census Bureau Freedom of Information Act Office Room 8H027 4600 Silver Hill Road Washington, D.C. 20233

Dear [Freedom of Information Act Officer]:

This is a request under the Freedom of Information Act. I request that a copy of the following document [or documents] containing the following information be provided to me: [identify the documents as specifically as possible].

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am [insert a suitable description of the requester and the purpose of the request, for example: a representative of the news media affiliated with a newspaper (magazine, television station, etc.), and this request is made as part of news gathering and not for a commercial use; affiliated with an educational or noncommercial scientific institution, and this request is made for a scholarly or scientific purpose and not for a commercial use; an individual seeking information for personal use and not for a commercial use; affiliated with a private corporation and am seeking information for use in the company's business.]

[Optional] I am willing to pay fees for this request up to a maximum of [insert amount]. If you estimate that the fees will exceed this limit, please inform me first.

[Optional] I request a waiver of all fees for this request. Disclosure of the requested information to me 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 my commercial interest. [Include specific details, including how the requested information will be disseminated by the requester for public benefit.]

[Optional] I ask that my request receive expedited processing because [Include specific details concerning your "compelling need," such as being someone "primarily engaged in disseminating information" and specifics concerning your "urgency to inform the public concerning actual or alleged Federal Government activity."]

[Optional] I also include a telephone number at which I can be contacted during the hours of [insert hours], if necessary, to discuss any aspect of my request. Thank you for your consideration of this request.

Sincerely,

Name Address City, State, Zip Code

Appendix 2.— Privacy Act Request to the Census Bureau

Sample Letter

[Date]

[Freedom of Information Act Officer]
U.S. Census Bureau
Freedom of Information Act Office
Room 8H027
4600 Silver Hill Road
Washington, D.C. 20233

Dear [Freedom of Information Act Officer]:

This is a request under the Privacy Act for copies of all records you have in your possession about me.

In an effort to assist with your search for these records, I am providing the following additional information about myself:

Full name, Current address, Date and place of birth, Citizenship status.

[Optional: Please explain contact, if any, with the Agency and any additional personal data you don't mind revealing to the agency, such as other names used, former places of residence, foreign travel, government and other employment, political activities, etc., that would help us distinguish between you and other individuals with the same or similar names.]

If you deny any or this entire request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of appeal procedures available to me under the law.

[Optional: If you have any questions about handling this request, you may telephone me at (home phone) or at my (office phone).]

Thank you for your consideration of my request.

Sincerely,

Name Address City, State, Zip Code Telephone number [Optional]

Appendix 3.—FOIA and Privacy Act Request to the Census Bureau

Sample Letter

[Date]

[Freedom of Information Act Officer] U.S. Census Bureau Freedom of Information Act Office Room 8H027 4600 Silver Hill Road Washington, D.C. 20233

Dear [Freedom of Information Act Officer]:

This is a request under the Freedom of Information Act and the Privacy Act for copies of all records you have in your possession about me.

In an effort to assist with your search for these records, I am providing the following additional information about myself:

Full name, Current address, Date and place of birth, Citizenship status.

[Optional: Please explain contact, if any, with the Agency and any additional personal data you don't mind revealing to the agency, such as other names used, former places of residence, foreign travel, government and other employment, political activities, etc., that would help us distinguish between you and other individuals with the same or similar names.]

If you deny any or this entire request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of appeal procedures available to me under the law.

[Optional: If you have any questions about handling this request, you may telephone me at (home phone) or at my (office phone).]

Thank you for your consideration of my request.

Sincerely,

Name
Address
City, State, Zip Code
Telephone number [Optional]

Appendix 4.—Acknowledgement to the Requester

Sample Letter

[Date]

Dear [Requester's Name]:

The U.S. Census Bureau received your Freedom of Information Act (FOIA) request, dated [insert Date], on [insert Date]. We have assigned FOIA tracking number [Enter FOIA tracking number] to your request. Please refer to this number in all future correspondence.

Your request has been assigned to [insert FOIA contact name] of my staff, who can be reached by telephone at [insert phone] or by e-mail at [insert email].

You may track the progress of your request through FOIAonline, the electronic FOIA system used by the U.S. Census Bureau, at https://foiaonline.regulations.gov/foia/action/public/home, or if you have any questions, please feel free to contact the FOIA staff member assigned to your request. You may also contact the Census Bureau's FOIA Public Liaison by telephone at [insert phone] or by email at census.efoia@census.gov, if you wish to discuss your request.

Thank you,

Appendix 5.—Response for Census Records

Sample Letter

[Date]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on [insert Date], and have assigned to it tracking number "[Enter FOIA tracking number]". We are responding under the Privacy Act and the FOIA to your request for a copy of your completed 2010 Census questionnaire.

With respect to the FOIA and the Privacy Act, we must deny your request. Title 13, United States Code, Section 9, requires that census records be used solely for statistical purposes, and also makes these records confidential, except as specified in Section 8 as discussed above. FOIA Exemption (b)(3), 5 U.S.C. § 552(b)(3), exempts from disclosure records that are made confidential by statute. Exemption (k)(4) of the Privacy Act 5, U.S.C. § 552a(k)(4), protects census records from disclosure because they are required by statute to be maintained and used solely as statistical records.

The census of population is conducted every 10 years. It is possible that the U.S. Census Bureau maintains records relating to you in the decennial censuses of population. Section 8 of Title 13, United States Code, and its implementation regulation at 15 CFR Part 80, authorize the release of census information under very specific conditions. Under Section 8, the U.S Census Bureau is authorized to release information to a person requesting his or her own census information. It may also be released to his or her authorized representatives or legal heir on proof of death. However, if you want records from the 2010 Census or earlier censuses, please see the enclosed application for additional information on the release of confidential census information. If you have any questions about this service, please contact the Personal Census Search Unit, U.S. Census Bureau via mail at P.O. Box 1545, Jeffersonville, IN 47131 or via phone at (812) 218-3046. Under statute and regulation, the \$65 application fee may not be waived. Please be aware that the enclosed form has not been updated to reflect the year 2010, we suggest that you cross out the year 2000 and write in the year 2010, if the form has not been updated.

Based on the above information, this constitutes a denial of your request. You have the right to appeal this denial. The Assistant General Counsel for Administration (Office) must receive your appeal within 30 calendar days of the date of this initial denial letter. Address your appeal to the following office:

Assistant General Counsel for Administration Room 5898-C U.S. Department of Commerce 14th and Constitution Avenue, N.W. Washington, D.C. 20230

Your appeal may also be sent by e-mail to FOIAAppeals@doc.gov, by facsimile (fax) to (202) 482-2552, or by FOIAonline, if you have an account in FOIAonline, at https://foiaonline.regulations.gov/foia/action/public/home#. Your appeal must include a copy of the original request, the response to your request, and a statement of the reason why the denial determination was in error. **The submission of your appeal (including e-mail and fax submissions) is not complete without the required attachments.** The appeal letter, the envelope, the e-mail subject line, and the fax cover sheet should be clearly marked "**Freedom of Information Act Appeal.**" The e-mail, fax machine, and Office are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine or Office after normal business hours will be deemed received on the next normal business day.

Appendix 6.—Audit Requester

Sample Letter

[Date]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Governments Division. We received your correspondence in the U.S. Census Bureau's Freedom of Information Act (FOIA) Office on [insert Date], and have assigned to it tracking number [Enter FOIA tracking number]. We are processing your request under the FOIA for: [insert detailed description of audit reports requested].

The U.S Census Bureau is the clearinghouse for all A-133 audit reports. However, for purposes of the FOIA, these reports are the primary concern of the "cognizant/oversight" government agency assigned by the Office of Management and Budget (OMB). Our Governments Division's Federal Programs Branch, which is responsible for the OMB Circular A-133 audit reports maintained by the U.S Census Bureau's Federal Audit Clearinghouse (FAC) in Jeffersonville, Indiana, has completed its search and located the nonprofit audit reports.

The FAC does not release audits to the public, but instead, will forward requested audits to the Federal "cognizant/oversight" agency for the audit who will process the FOIA request. That Federal agency will determine what and if the audit can be released. That agency will also inform you of any fees associated with processing your request. We are forwarding the reports along with a copy of your request and this letter to the [insert oversight agency/agencies] for processing. They will respond directly to you. For your information, enclosed is a copy of our referral letter to [insert oversight agency/agencies].

Sincerely,

Appendix 7.—Clarification of a Request

Sample Letter

[Date]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on [insert Date], and have assigned to it tracking number "[Enter FOIA tracking number]". We are responding under the FOIA to your request for: [insert detailed description of responsive documents requested].

Pursuant to Title 15, Code of Federal Regulations, Section 4.4(c), records requested must be described in enough detail to enable Department personnel to locate them with a reasonable amount of effort. If possible, a request should include specific information about each record sought, such as date, title or name, author, recipient, and subject matter of the record. As currently stated, your request, does not clearly describe the records sought, and therefore, does not constitute a proper request, under the FOIA. In particular, please provide clarification for the following: "[List in detail parts of request that need clarification.]"

We are more than happy to assist you with your request. However, additional information is needed in order to search for responsive documents. Please clarify your request by providing additional information and describing in detail the records you seek. If necessary, for assistance, please feel free to contact [insert FOIA staff member assigned] of my staff by telephone at (301) 763-[insert extension] or by email at [insert email address]. You may also contact our office in writing at:

FOIA Office Room 8H027 U.S. Census Bureau 4600 Silver Hill Road Washington, D.C. 20233

If a clarification of your request or other communication is not received within 30 calendar days from the date of this letter, your FOIA request will be considered "closed."

Sincerely,

Appendix 8.—Consultation with Another Agency

Sample Letter

[Date]

Dear [Requester's Name]:

While processing a Freedom of Information Act (FOIA) request submitted by [insert Requester Name] to the U.S. Census Bureau, received on [insert Date], we identified [# of pages] pages of interest to your office. [Name of Requester] is requesting [List a detailed description of the responsive documents.]. Accordingly, we are forwarding this information to your office for consultation. We have assigned tracking number [Enter FOIA number] to this request for our records.

Please provide this office with your views and recommendations regarding disclosure of these pages, and the application of any FOIA exemptions within seven business (excluding Saturdays, Sundays, and legal public holidays) of receipt of this letter. This office will provide the final response to the requester. If you respond via the United States Postal Service, address your response to:

FOIA Office Room 8H027 U.S. Census Bureau 4600 Silver Hill Road Washington, D.C. 20233

If you respond via a private carrier, address your response to:

FOIA Office Room 8H027 U.S. Census Bureau 4600 Silver Hill Road Suitland, MD 20746

A copy of the requester's initial letter is enclosed for your information. If you have any questions, please contact [FOIA staff name] of my staff by telephone at [insert phone number] or by email at [insert email address].

Sincerely,

[Freedom of Information Act Officer name]
Freedom of Information Act Officer
Chief, Freedom of Information Act and Information Branch

Enclosures

Appendix 9.—Credit Card Request

Sample Letter

[Date]

[Requester's Name] [Requester's Address] [City, State, Zip Code]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office requesting a list of government credit card holders. We received your correspondence in this office on [insert Date], and have assigned to it tracking number "[Enter FOIA tracking number]".

Enclosed is one (1) document (5 pages) responsive to your request. There is no charge for this information. For your convenience, the information you requested is publicly available on the Census Bureau web site at www.census.gov.

Title 41 of the Federal Property Management Regulations prohibits soliciting, vending, and debt collection on Federal property. We request that employees report any such calls. In addition, it is U.S. Department of Commerce policy that employees may not receive personal mail at their places of work. You should be aware that our offices refuse mass mailings of an obvious personal nature and will return such mail to the U.S. Postal Service as undeliverable.

Sincerely,

[Freedom of Information Act Officer name]
Freedom of Information Act Officer
Chief, Freedom of Information Act and Information Branch

Enclosure

Appendix 10.—Customer Service Response

Sample Letter

[Date]

[Requester's Name] [Requester's Address] [City, State, Zip Code]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on [insert Date], and have assigned to it tracking number "[Enter FOIA tracking number]". We are responding under the FOIA to your request for:

"[List a detailed description of the responsive documents requested.]"

The U.S. Census Bureau may publish the data you requested. Published information is available free at www.census.gov. Otherwise, you may obtain it for a fee through the U.S. Census Bureau's Customer Liaison and Marketing Services Office (CLMSO). For your convenience, we have forwarded your request to CLMSO. You may contact this office at the address below to discuss the status of your request:

U.S. Census Bureau Customer Liaison & Marketing Services Office Room 8H180 4600 Silver Hill Road Washington, DC 20233

Pursuant to Title 5 United States Code, Section 552(a)(4)(A)(vi), and Title 15 Code of Federal Regulations, Section 4.11 (j), products that are subject to a separate fee schedule are not available under the FOIA and shall be ordered through the appropriate means. The data you requested is subject to a separate fee schedule. Therefore, the FOIA is not applicable to your request.

Sincerely,

[Freedom of Information Act Officer name]
Freedom of Information Act Officer
Chief, Freedom of Information Act and Information Branch

cc: Customer Liaison & Marketing Services Office

Appendix 11.—Expedited Processing Approval

Sample Letter

[Date]

[Requester's Name] [Requester's Address] [City, State, Zip Code]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on [insert Date], and have assigned to it tracking number "[Enter FOIA tracking number]". We are responding under the FOIA to your request for:

"[List a detailed description of the responsive documents requested.]"

In your request correspondence, you seek expedited processing of your request. Pursuant to procedures established in Department of Commerce's FOIA regulations, Title 15, Code of Federal Regulations, Section 4.6(e)(1), we rely on the following factors in determining whether the statutory standard for granting expediting processing has been met:

- 1. Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
- 2. the loss of substantial due process rights;
- 3. a matter of widespread and exceptional media interest involving questions about the Government's integrity which affect public confidence; and
- 4. an urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information.

After review of your request, we have determined that your expedited processing justification is sufficient to grant your request for expedited processing. Therefore, in accordance with 15 CFR Section 4.6, we are granting your request for expedited processing. Your FOIA request will be given priority and processed as soon as practicable.

Sincerely,

Appendix 12.—Extension due to Consultation w/other Components

Sample Letter

[Date]

[Requester's Name] [Requester's Address] [City, State, Zip Code]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on [insert Date], and have assigned to it tracking number "[Enter FOIA tracking number]". We are responding under the FOIA to your request for:

"[List a detailed description of the responsive documents requested.]"

At this time, pursuant to the provisions of Title 15, Code of Federal Regulations, Section 4.6(c)(2), I am extending the time for our initial determination from [insert Date] to [insert Date]. This extension is necessary for consultation with other components of the U.S. Census Bureau. We will make every effort to respond in advance of [insert Date]. If necessary, please feel free to contact [insert FOIA staff name] of my staff by telephone at (301) 763-[insert phone extension] or by email at [type email address] to discuss either an alternative time frame for processing your request or modifying your request.

Sincerely,

Appendix 13.—Fee Estimate for "All Others" Requester

Sample Letter

[Date]

[Requester's Name] [Requester's Address] [City, State, Zip Code]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on [insert Date], and have assigned to it tracking number [Enter FOIA Tracking number]. We are responding under the FOIA to your request for:

"[List a detailed description of the responsive documents requested.]"

Under the Department of Commerce's FOIA regulations, Title 15, Code of Federal Regulations, Section 4.11, four requester categories and associated chargeable fees are provided. It is our determination that the fee schedule for "All Other Requesters" applies to your request. Therefore, you are responsible for the costs of search and duplication excluding the cost of the first 2 hours of search and the first 100 pages of duplication. We have prepared and enclosed a fee estimate of \$[click here and type Fee Estimate] for processing your request.

Pursuant to 15 CFR Section 4.11, we shall not consider your request received for the purposes of calculating the time limit in Section 4.6(b) of the regulations to respond to a request, or process it further, until we receive payment for the entire anticipated fee. Advance payment is required. After we receive your payment, we will continue to process your request. A FOIA check transmittal form is enclosed for your convenience. We will charge you for or refund any difference between the estimated charge and the actual cost of providing the documents.

If necessary, please contact [FOIA Staff Member name] of my staff by telephone at (301) 763-[insert phone extension] or by e-mail at [insert email address] to discuss modifying the request to meet your needs at a lower cost. If payment or other communication is not received within 30 calendar days from the date of this fee notification letter, your FOIA requests will be considered "closed."

Sincerely,

Appendix 14.— Fee Waiver Granted

Sample Letter

[Date]

[Requester's Name] [Requester's Address] [City, State, Zip Code]

Dear [Requester's Name]:

This letter is in further response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on [insert Date], and have assigned to it tracking number "[Enter FOIA tracking number]". We are responding under the FOIA to your request for:

"[List a detailed description of the responsive documents requested.]"

In your request correspondence, you seek a waiver of fees. Pursuant to procedures established in Department of Commerce's FOIA regulations, Title 15, Code of Federal Regulations, Section 4.11(k), we rely on the several factors in determining whether the statutory standard for granting a fee waiver has been met. After review of your request, we have determined that your fee waiver justification is sufficient to grant your request for a waiver of processing fees. Therefore, in accordance with 15 CFR Section 4.11, we are granting your request for a fee waiver. Your FOIA request will be processed as soon as practicable.

If you have any questions about your request, please feel free to contact [insert FOIA Staff name] of my staff, who can be reached by telephone at (301) 763-[insert phone extension] or by e-mail at [insert email address]. You may also track the progress of your request through FOIAonline, the electronic FOIA system used by the U.S. Census Bureau, at https://foiaonline.regulations.gov/foia/action/public/home.

Sincerely,

Appendix 15.— Clarification Needed

Sample Letter

[Date]

[Requester's Name] [Requester's Address] [City, State, Zip Code]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on [insert Date], and have assigned to it tracking number [insert FOIA Tracking number]. We are responding under the FOIA to your request for: [insert description of documents requested].

Upon review of your request, we have determined that it is not a proper FOIA request. While a FOIA request can be made for any agency record, you should be aware that the FOIA does not require agencies to do research for you, to analyze data, to answer written questions, or to create records in response to a request. Further, pursuant to Title 15, Code of Federal Regulations, Section 4.4(c), records requested must be described in enough detail to enable Department personnel to locate them with a reasonable amount of effort. If possible, a request should include specific information about each record sought, such as date, title or name, author, recipient, and subject matter of the record. As currently stated, your request does not clearly describe the records sought, and therefore, does not constitute a proper request under FOIA.

We are more than happy to assist you with your request. However, additional information is needed in order to search for responsive documents. Please clarify your request by providing additional information and describing in detail the records you seek. If necessary, for assistance, please feel free to contact [click here and type the FOIA Staff Member Assigned Name] of my staff by telephone at (301) 763-[insert phone extension] or by email at [insert email address]. You may also contact our office in writing at:

FOIA Office Room 8H027 U.S. Census Bureau 4600 Silver Hill Road Washington, D.C. 20233

If a clarification of your request or other communication is not received within 30 calendar days from the date of this letter, your FOIA request will be considered "closed."

Sincerely,

Appendix 16.— Interim FOIA Response

Sample Letter

[Date]

[Requester's Name] [Requester's Address] [City, State, Zip Code]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on [insert Date], and have assigned to it tracking number "[Enter FOIA tracking number]". We are responding under the FOIA to your request for:

"[List a detailed description of the responsive documents requested.]"

We have gathered numerous documents that are possibly responsive to your request. We are still processing these documents. However, we have initially identified several of these documents, which we have determined to be fully releasable under FOIA. Enclosed are

"[insert Number Documents in this format: six (6)]" documents ("[insert Number of Pages]" pages) that are responsive to your request. We will continue to process your request with all practical speed and will, in future correspondence, provide you with all documents and portions thereof to which you are entitled under FOIA as well as any appeals rights you may have. If you have any questions, please contact [click here and type the FOIA Staff Member Assigned Name] of my staff by telephone at (301) 763-[click here and type extension] or by e-mail at [click here and type email address].

Sincerely,

[Freedom of Information Act Officer name]
Freedom of Information Act Officer
Freedom of Information Act and Information Branch

"[if appropriate, click here and type: Enclosure(s) (# enclosures)]"

Appendix 17.— Referral Letters

Sample Letter

[Date]

[Requester's Name] [Requester's Address] [City, State, Zip Code]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on [insert Date], and have assigned to it tracking number "[Enter FOIA tracking number]". We are responding under the FOIA to your request for:

"[List a detailed description of the responsive documents requested.]"

While processing your request we identified "[insert Number Documents in this format: six (6)]" document ([# of pages] pages), which originated from the [Name of Federal Agency]. We have referred this portion of your request to them for processing and direct response to you. For your convenience, we have enclosed a copy of our letter notifying the [Name of Federal Agency] of your request.

Please contact please contact [click here and type the FOIA Staff Member Assigned Name] of my staff by telephone at (301) 763-"[click here and type extension]" or by e-mail at "[click here and type email address]" for assistance if you have any questions concerning this referral.

Sincerely,

[Freedom of Information Act Officer name]
Freedom of Information Act Officer
Freedom of Information Act and Information Branch

Enclosure

Appendix 18.— No Responsive Documents

Sample Letter

[Date]

[Requester's Name] [Requester's Address] [City, State, Zip Code]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on [insert Date], and have assigned to it tracking number "[Enter FOIA tracking number]". We are responding under the FOIA to your request for: [insert detailed description of responsive documents requested]

Our search of the U.S. Census Bureau records failed to identify any records in our files that are responsive to your request. Unfortunately, we are unable to assist you with your request.

Although no records were located during our search, you have the right to appeal a no records found response. The Assistant General Counsel for Administration (Office) must receive your appeal within 30 calendar days of the date of this initial denial letter. Address your appeal to the following office:

Assistant General Counsel for Administration Room 5898-C U.S. Department of Commerce 14th and Constitution Avenue, N.W. Washington, D.C. 20230

Your appeal may also be sent by e-mail to FOIAAppeals@doc.gov, by facsimile (fax) to (202) 482-2552, or by FOIAonline, if you have an account in FOIAonline, at

https://foiaonline.regulations.gov/foia/action/public/home#. Your appeal must include a copy of the original request, the response to your request, and a statement of the reason why the no records found response was in error. The submission of your appeal (including e-mail and fax submissions) is not complete without the required attachments. The appeal letter, the envelope, the e-mail subject line, and the fax cover sheet should be clearly marked "Freedom of Information Act Appeal."

The e-mail, fax machine, and Office are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine or Office after normal business hours will be deemed received on the next normal business day.

Sincerely,

Appendix 20.— Special Tabulations

Sample Letter to the Requester

[Date]

[Requester's Name] [Requester's Address] [City, State, Zip Code]

Dear [Requester's Name]:

This letter is in response to your correspondence, dated [insert Date], to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on [insert Date], and have assigned to it tracking number "[Enter FOIA tracking number]". We are responding under the FOIA to your request for:

"[List a detailed description of the responsive documents requested.]"

The U.S. Census Bureau does not have a standard data product responsive to your request. However, the U.S. Census Bureau provides data users with the option to have special data products created to fulfill needs not met by our standard data products. These special tabulations are statistics produced from internal U.S. Census Bureau files that are not available to the public, and the work is done on a cost-reimbursable basis as time and resources permit. The actual cost of a special tabulation depends on the complexity and scope of the request. Special tabulations are subject to the U.S. Census Bureau Disclosure Review Board's approval. Information on submitting a request for the 2010 Census Special Tabulation Program is available at http://www.census.gov/population/www/cen2010/spec-tab/.

Pursuant to Title 5 United States Code, Section 552(a)(4)(A)(vi), and Title 15 Code of Federal Regulations, Section 4.11(j), products that are subject to a separate fee schedule are not available under FOIA and shall be ordered through the appropriate means. The data you requested is subject to a separate fee schedule. Therefore, the FOIA is not applicable to your request.

Sincerely,

U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration U.S. CENSUS BUREAU



CERTIFICATION OF IDENTITY

PRIVACY ACT STATEMENT

In accordance with 15 CFR Section 4.24(d), the U.S. Census Bureau requires you provide us with sufficient information to identify you when you submit requests by mail or otherwise not in person under the Privacy Act of 1974, 5 U.S.C. Section 552a. We take this step to ensure that we do not wrongfully disclose the records of individuals who are the subject of U.S. Census Bureau systems of records. Providing this information is voluntary, however, if you do not provide it we will be unable to take action on your request. If you provide false information on this statement you may be subject to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

REQUESTER INFORMATION			
1. Full name of requester/ Subject of record(s) sought	Last – Please print or type	First – Please print or type	Middle – Please print or type
	Place of Birth – Please print or type		Date of Birth (mm/dd/yyyy)
2. Current address	Address - Number and street - Please print or type		
	City – Please print or type		State ZIP Code
3. Requester status Mark (X) appropriate box.	Self Guardian of individual whose record(s) is sought— Enclose copy of appointing document, Parent of minor child whose record(s) is sought		
4. Information being requested – <i>Please describe in as much detail as possible.</i>	Please print or type 		
5. Declaration	I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the per son named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.		
	Original Signature of Requester		Date
6. Authorization to release information to another person.	a. If you are authorizing information replease fill in the information below. Name of authorized recipient – Ple	₹	sed to another person –
Office Use Only PA/FOIA Control #	b. Further pursuant to 5 U.S.C. Section the above-described information re		S. Census Bureau to release Date
	Original Signature of Requester		Date

Your feedback is valuable to us!

Please send us an email with feedback or suggestions to census.efoia@census.gov on how we can improve our service to you. You may contact us at (301)763-2127. Our address is:

U.S. Census Bureau Freedom of Information Act Office Room 8H027 4600 Silver Hill Road Washington, D.C. 20233

Thank You