Imagine
Imagine a gigantic database.

A database of documents.

Every document the U.S. Government has ever created.
That database exists. It even has a name.
It’s called ...

“Every document the U.S. Government has ever created and hasn’t gotten around to throwing out yet.”
You can query this database by using an obscure search engine called “FOIA”
**FOIA is the Freedom of Information Act**

<table>
<thead>
<tr>
<th>Google</th>
<th>Foia</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Electronic</strong></td>
<td><strong>Paper (mostly)</strong></td>
</tr>
<tr>
<td><strong>Web</strong></td>
<td><strong>Postal service (mostly)</strong></td>
</tr>
<tr>
<td><strong>Queries are instant</strong></td>
<td><strong>Queries take months, years</strong></td>
</tr>
<tr>
<td><strong>Search engine is a computer and an algorithm</strong></td>
<td><strong>Search engine is a team of humans</strong></td>
</tr>
<tr>
<td><strong>Tries to be helpful</strong></td>
<td><strong>Tries to be helpful (mostly) … but sometimes comes across as petulant, even hostile</strong></td>
</tr>
</tbody>
</table>
Every document in this database has two things in common:

• Every document in the database was created *with taxpayer money*

• Every document in the database sheds light on *what your government is up to*
But documents in the database stay there unless you ask for them

No mechanism yet exists to systematically share these records with the public.

Requesting documents under FOIA is a socially useful, necessary, and perfectly legal form of “hacking.”

Example: records about the BP blowout
What we’re going to learn today

• What’s a FOIA request
• How to submit one
• Tools and techniques for FOIA hacking

We’ll do this by studying some examples from the website GovernmentAttic.org, whose proprietors have filed more than 1,000 FOIA requests in the last few years
A FOIA request can be as simple as a four-sentence letter, email or fax

d00ds,

OMG, this is totally a request under the Freedom of Information Act.

I request that you provide me with a copy of records regarding <whatever>.

I am an individual requesting this information for noncommercial purposes.

I am willing to pay up to $XX for this request if necessary.

Muchas gracias, Compadres!

J. Random Warez

Must state it’s a FOIA request

Must describe records you want

Must give info for “fee category”

Must state willingness to pay fees

(Include your return address and contact info!)
The FOIA process

You

Mail, fax, or email request → Receive request

Log it

Search for docs (queue)

Declassify?

Redact

Send docs

Da Gubmint

Log it

Send ack letter (queue)

Search for docs (queue)

(Declassify?)

Redact

Send docs

You (Really?)

Get "no records" letter

No records? (Really?)

Get goodie

Revise request and/or appeal

Weeks

Weeks/months

Months/years
Fees: nuts and bolts

• Agencies can charge certain reasonable search and duplication fees
• Fees based on four “fee categories”
• Most requests end up being free or a few tens of dollars
  – ... but big files & searches can get expensive
• Limit your exposure – state up front how much you’re willing to pay
• If fees are high, get the FOIA officer to explain them to you over the phone
Fees: a tollbooth used by some Agencies to deter requesters

• Fees can be expensive for big requests
• Some Agencies charge high or erroneous fees
• Knowing the four fee categories, being willing to reframe requests, discussing your request with FOIA staff and their IT people can help
• This “Tollbooth theory” explains many odd FOIA situations
Exemptions

• Agencies are allowed to black out ("redact") some stuff under a bunch of FOIA exemptions

• Exemptions range from national security to privacy concerns to "go away, that’s internal stuff"
Redactions look like Swiss cheese sprinkled with gibberish

Swiss cheese (Holes where your document text should be)

Gibberish (Exemption codes like b1, b2, b7c, ...)

[Image of a redacted document]
Exemptions are often misused

• Some exemptions are questionable. Their use doesn’t really hold up under knowledgeable scrutiny. **Be skeptical.**

• When it comes to FOIA, bless their hearts, **Agencies inadvertently make errors. A lot.**
The three exemptions most misused

• **Exemption b(1)** – currently and properly classified *national security information*

• **Exemption b(2)** – internal materials

• **Exemption b(5)** – legally *privileged material*; usually the “deliberative process privilege”

Be especially skeptical of these.
What can you do?

• Send an appeal letter
  – Google “foia appeal” for more info

• The denial letter should tell you where to send your appeal

• Appeals are often successful if you explain where the Agency went wrong
Good news: presumption of disclosure

President Bush and Attorney General Ashcroft ordered agencies to:
– use FOIA exemptions aggressively to **withhold** material

President Obama and Attorney General Holder ordered agencies to:
– **release** as much as possible
– **presume release** when in doubt
– release even exempt material if there is "no foreseeable harm"
Five examples from GovernmentAttic.Org

• Non-commercial web site founded in 2007
• Has filed numerous FOIA requests
• As a public service, posts documents that aren’t available anywhere else
• Shy people but agreed to be interviewed
FBI Confidential File Room Dossier

• Collection of memos identifying FBI files so sensitive that they had to be stored in a special file room

• 1950 – 1972

• Serves as a roadmap to historically significant FBI files

• Shows the tension between the need to isolate certain files but still be able to use them – this problem still exists in the electronic age

• Documents that describe interesting documents
  – Permits requests for particular files of interest – by file number!
The file on “Smuggling of Atomic Bombs or Parts thereof and Other Weapons of Mass Destruction into the United States,” contains highly classified information … regarding United States developments in the field of atomic weapons and estimates of Soviet developments in the field of atomic weapons, together with suggested countermeasures.”

-- August 1, 1952

(And you thought the term “Weapon of Mass Destruction” was something President Bush came up with!)
The FBI’s High Visibility Memos

• Produced whenever the FBI handled a FOIA request about a notable person

• The memos point to a number of notable files

• GovernmentAttic webmeisters asked for them after seeing mention of “high vis files” in another document

• Another example of documents that describe interesting documents
The FBI’s High Visibility Memos

John Winston Ono Lennon, Deceased Former Member of the Beatles Musical Group:

“The bulk of the documents to be released are from a Security Matter – New Left investigatory file. The investigation was initiated upon receipt of information that Lennon might engage in activities to disrupt the 1972 Republican National Convention …”

-- May 15, 1980
DoD Resale Activities Board of Review

- Established by Congress to review which sexually explicit magazines and videos could be sold or rented on military bases
- An example of where government and free speech collide
- The Board’s meeting minutes and agendas and decisions were requested
It’s a dirty job, but somebody’s got to do it ...

The Board met six times during the period July 29, 1998, through September 30, 1998, and reviewed 279 periodicals, 58 films or video recordings, and five audio recordings. Copies of meeting minutes are at Appendix D. The Board submitted two reports to the Acting Assistant Secretary of Defense for Force Management Policy. Copies of memoranda from the Board’s Chairman containing results of Board deliberations are at Appendix E.

And the verdict was ...

Verboten!

OK!

... and about 160 others

... and about 10 others
USAF Entertainment Liaison Office Weekly Reports

• Army / Navy / Air Force / Marines / Coast Guard all have Hollywood offices ("ELOs")

• “There must be some sort of periodic reporting to show what these guys were doing”

• Got a large number of weekly reports

• A window into the influence DoD has in Hollywood

• Shows how the military builds its brand though the use of movies and television
Gumball 3000 – Edwards AFB
PA referred a producer whose project involves music and entertainment stars going on a “Cannonball-like” race from Las Vegas to Los Angeles. They asked if they could “race” on Edwards runways. According to the producer, the event would be on MTV and made into a feature. SAF/PAYE declined support as not enough AF involvement to warrant it at this time, plus the race plans to end at a Playboy mansion.”

-- October 11, 2005
FEMA’s RAMP Database

• The Federal Emergency Management Agency keeps a set of lessons learned

• RAMP: Remedial Action Management Program

• Shows what worked and what failed

• Everything from Space Shuttle Challenger accident to floods/disasters/hurricanes/tornados

• GA got a printout of the database after asking for the lessons learned on a flood, seeing a mention of RAMP, and asking for the RAMP database
FEMA’s RAMP Database

One of thousands of suggestions for operational improvement:

•“In support of recent hurricanes, CR’s primary function is to hand out flyers to victims. If I were a disaster victim without phone, electricity or some means to get to a disaster center etc. and received a flyer informing me of this information, I would be infuriated.” (Item 1604-I-12, 4/5/2006)
Some examples of items the GA dudes requested

Documents pointing to other documents

- FOIA Case Logs – lists of FOIA requests
- Contents of Agency INTRAnet sites
- List of Inspector General closed investigations
- List of agency videotapes
- List/Copies of TSA Emergency Amendments

Agency self-identified interesting documents

- List of oldest still-classified documents at an agency
- List of restricted opinions (GAO)
- Reports of an Agency to Congress not posted online
More things they FOIAed ...

“Peek behind the scenes”

- Contents of FOIA Tracking Folders
- Internal Agency newsletters
- Correspondence with Members of Congress
- Articles from NSA Technical Journals
- NORAD 9/11 Air Defense recordings
- Agency Memoranda of Understanding (MOU/MOA)

Popular culture

- Lists of movies/books on the Space Station
- Complaints to the FCC about TV shows
Databases are fair game under FOIA

- FOIA applies to electronic records and databases
- Asking for digital data reduces copying/search costs
- Also makes it easier to share on the Internet
- Discussing *selection of database fields* with agency IT folks can help overcome agency objections
FOIA + database + web = cool website
Problem: where’s the interesting stuff?

• It’s tough for an individual to know where the interesting stuff is ...
  – Or how to ask for it, even if you know it’s there

• Agencies have no incentive to tell a requester where the interesting stuff is
  – Or what magic words to use to retrieve it
Solution: get them to tell you

• The GA muchachos have adopted the general technique of submitting queries \textit{that spur the agency itself to signal where its own interesting stuff is}

Examples:
• Identifying restricted or unpublished reports
• Looking for “missing” report or file numbers
• Looking at what historical records are still classified
• Focusing on material withheld by the agency
• Seeking “documents that identify other documents”
Places you can go for more information

• nsarchive.org
• GetMyFBIfile.com
• GetGrandpasFBIfile.com
• OpenTheGovernment.org
• FOI-L listserv archives
• GovernmentAttic.org
A parting challenge

• Take 30 seconds to think about something you’re curious about – a recent news story, or whatever
• Figure out which government agency might have something to do with it
• Guess what likely documents they might have
• Request them! Today!
• Thank you notes are always a good idea
• Post your experiences on the HOPE Forum!
Appendix
Priorities of a Typical FOIA Office

• Minimize administrative hassle
• Rebuff PITA requests
• Minimize agency embarrassment/hassle
• Not give up agency “property” (we built it – why should they get it for free?)
• Not release sensitive documents
• Protect the public treasury
• Whittle away the backlog of requests
Priorities of a Typical FOIA Requester

• Obtain interesting/useful records (high relevancy)

• At minimum cost or fees (low system processing)

• And get them reasonably quickly (low latency)