

Appealing FOIA Denials

FOIA APPEAL

ILLINOIS FORM

Date
Name
Address
Phone Number

Dear Administrator (insert name if applicable): This is an appeal made pursuant to the Freedom of Information Act (5 ILCS 140/1 *et seq.*) On [date] I made a FOIA request to your agency for [brief description of what you requested]. On [date], your agency denied my request on the grounds that [reasons given by the agency]. Copies of my request and the denial are enclosed. The information which I have requested is clearly public information in accordance with the FOIA and in my opinion is not validly protected by any of the Act's exemptions. [Insert any public policy and legal arguments in favor of disclosure of document.] I trust that upon reconsideration, you will reverse the decision denying me access to this material and grant my original request. However, if you deny this appeal, I intend to initiate a lawsuit to compel disclosure. As I have made this request in my capacity as a journalist and this information is of timely value, I would appreciate your expediting the consideration of my appeal in every way possible. In any case, I will expect to receive your decision within 7 business days, as required by the statute. Thank you for your assistance.

Sincerely,

[Signature]

OR;

Date
Name
Address
Phone Number

Dear Administrator (insert name if applicable): This is an appeal made pursuant to the Freedom of Information Act (5 ILCS 140/1 *et seq.*) On [date] I made a FOIA request to your agency for [brief description of what you requested]. It has been [number] business days since my request was received by your agency. This period clearly exceeds the 7 working days provided by the statute, thus I deem my request denied. A copy of my correspondence and the postal form showing receipt by your office are enclosed. The information which I have requested is clearly public information in accordance with the FOIA and in my opinion is not validly protected by any of the Act's exemptions. [Insert any public policy and legal arguments in favor of disclosure of document.] I trust that upon reconsideration, you will reverse the decision denying me access to this material and grant my original request. However,

if you deny this appeal, I intend to initiate a lawsuit to compel disclosure. As I have made this request in my capacity as a journalist and this information is of timely value, I would appreciate your expediting the consideration of my appeal in every way possible. In any case, I will expect to receive your decision within 7 business days, as required by the statute. Thank you for your assistance.

Sincerely,

[Signature]

You are not required to make legal or policy arguments to support your appeal; by simply stating "I appeal" the agency will review the documents and the justifications given in the original denial. However, it is usually a good idea to try to persuade them to release the information. Do not include this as an idle threat. But, if you do intend to follow up with a lawsuit, state this. Often the agency will more closely consider its position when it knows it will have to defend it in court soon.

FOIA APPEAL

FEDERAL VERSION

Date
Name
Address
Phone Number

Dear Administrator (insert name if applicable): This is an appeal made pursuant to the Freedom of Information Act (5 U.S.C. 552/a *et seq.*) On [date] I made a FOIA request to your agency for [brief description of what you requested]. On [date], your agency denied my request on the grounds that [reasons given by the agency]. Copies of my request and the denial are enclosed. The information which I have requested is clearly public information in accordance with the FOIA and in my opinion is not validly protected by any of the Act's exemptions. [Insert any public policy and legal arguments in favor of disclosure of document.] I trust that upon reconsideration, you will reverse the decision denying me access to this material and grant my original request. However, if you deny this appeal, I intend to initiate a lawsuit to compel disclosure. As I have made this request in my capacity as a journalist and this information is of timely value, I would appreciate your expediting the consideration of my appeal in every way possible. In any case, I will expect to receive your decision within 7 business days, as required by the statute. Thank you for your assistance.

Sincerely,

[Signature]

OR;

Date
Name

Address
Phone Number

Dear Administrator (insert name if applicable): This is an appeal made pursuant to the Freedom of Information Act (5 U.S.C. 552/a *et seq.*) On [date] I made a FOIA request to your agency for [brief description of what you requested]. It has been [number] business days since my request was received by your agency. This period clearly exceeds the 10 working days provided by the statute, thus I deem my request denied. A copy of my correspondence and the postal form showing receipt by your office are enclosed. The information which I have requested is clearly public information in accordance with the FOIA and in my opinion is not validly protected by any of the Act's exemptions. [Insert any public policy and legal arguments in favor of disclosure of document.] I trust that upon reconsideration, you will reverse the decision denying me access to this material and grant my original request. However, if you deny this appeal, I intend to initiate a lawsuit to compel disclosure. As I have made this request in my capacity as a journalist and this information is of timely value, I would appreciate your expediting the consideration of my appeal in every way possible. In any case, I will expect to receive your decision within 20 business days, as required by the statute. Thank you for your assistance.

Sincerely,

[Signature]