



Freedom of Information Act (FOIA)
**Requests for
Postal Service Records**

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What Is the Freedom of Information Act (FOIA)?

- The Freedom of Information Act (FOIA) is a federal law that was passed in 1966 for the purpose of providing the public with a right of access to government information. The premise is that the public has a right to know what the government is doing. The Act may be found in title 5 of the United States Code at section 552.
- The law applies only to federal agencies within the Executive Branch of the government, so it does not apply to the courts or congress. It does apply to the Postal Service.
- The FOIA provides that any person may ask any federal agency for record(s), and that agency must provide the record(s) unless an exemption applies. The requester does not have to give a reason for requesting the records. The agency must respond in writing within a specified time period, give a reason if it has decided it cannot release requested records, and tell the requester how to appeal any such denial decision. If the agency withholds any of the records and the requester has exhausted all administrative remedies, the requester may bring suit against the agency in federal district court.
- Each agency to which the law applies, including the Postal Service, must publish regulations implementing it. In the following section, this publication explains where these regulations may be found.

Where Are Postal Service Regulations Found?

The Postal Service's FOIA regulations are located at part 265 of title 39, Code of Federal Regulations (CFR). You will find title 39 in your local law library. You may also access the various titles of the Code of Federal Regulations through the U.S. House of Representatives' Internet Law Library. The address is <http://www.access.gpo.gov/nara/cfr/>.

The Postal Service's official records are made available to the public in accordance with its regulations at part 265.

The Postal Service's web site (<http://www.usps.gov>) has sections containing information on rates, stamp releases, and other recent developments; postal products; business customer needs including forms; and a variety of subjects including postal history.



What Information Is Publicly Available?

Public Index

- The FOIA requires agencies to make certain classes of information available on a continuing basis. These records are listed in a “Public Index” and are available for ready access in the agency’s “reading room.”
- The Public Index and reading room locations are further described at sections 265.5 and 265.6 of title 39, Code of Federal Regulations.
- Copies of records in the Public Index may be obtained by writing to the below address and clearly describing the class of Public Index records of interest and the time frame for which they should be provided.

LIBRARY
US POSTAL SERVICE
475 L'ENFANT PLZ SW RM 11800
WASHINGTON DC 20260-1540

Reading Room

- Public Index records are available for review and copying between the hours of 9:00 A.M. and 4:00 P.M. in the Postal Service’s Library located at Postal Service Headquarters, 475 L’Enfant Plaza SW, Room 11800, Washington, DC 20260-1540.
- Records classified in the Public Index that are created after November 1, 1996, will be made available electronically at the Postal Service web site: <http://www.usps.gov>.

What About a Customer's New Address?

A frequent misconception is that the Postal Service tracks the whereabouts of all of its customers. It does not. If a customer moves and chooses to file a forwarding address order, the information is kept for 18 months at the post office serving the last known address. The new address of a business that files a forwarding order is available to anyone upon written request and payment of the prescribed fee. The new address of an individual or family that files a forwarding order is available only to government agency requesters and requesters needing the information to serve legal process and who meet specific certification requirements. Applicable regulations can be found at section 265.6(d) of title 39, Code of Federal Regulations.



How Do I Make a Request for Records?

If you do not wish to visit the reading rooms for Public Index records, or if you want copies of records not contained in the Public Index, you should make a written request as indicated below.

Making an FOIA Request

Format

If you want to make a request, simply write a letter indicating across the top of the letter and on the envelope that this letter is a “Freedom of Information Act Request.” Make your letter short, clear, and, most importantly, give a reasonable description of the records you want.

Reasonable Description

Your letter must clearly describe the records you want. This is one requirement the law places on the requester — to provide a reasonable description of the records wanted. A reasonable description is one that will allow agency personnel familiar with the subject matter to locate the records with a reasonable amount of effort. In phrasing a reasonable request, the requester must keep in mind that the Postal Service has about 40,000 facilities at which records are maintained. It does not have a centralized index of every record it holds at these facilities. Consequently, requesters generally should not ask for all records within a broad category.

The following examples show you the difference between a broad request and a reasonable description:

Requests that **do not** meet the reasonable description standard:

“Please provide copies of all records the Postal Service has about me.”

“Please provide copies of all records concerning my mail.”

“Please provide copies of all records relating to delivery of mail to prisoners.”

The same requests meeting the reasonable description standard:

“Please provide copies of my personnel folder. I was employed by the Postal Service at the Lakeland Post Office from 1985 to 1992. My social security number is 999-99-9999 and date of birth is 12-12-XX.”

“Please provide copies of all records concerning delivery of my registered mail, mailed on X-XX-97 to:

JAMES CITIZEN
1111 CAPITOL ST
CITY ST ZIP+4
REGISTERED MAIL NO R-666-999-888

“Please provide copies of Postal Service regulations governing the delivery of mail to prisoners.”

If your request does not contain a reasonable description of the records wanted, the Postal Service will write back to you requesting clarification, which will delay processing of the request. A reasonable



description will also minimize processing costs passed on to you since the Postal Service will not have to spend time processing records in which you have no interest.

Other Elements of the Request Letter

Processing will be facilitated if your request states how much you are willing to spend to obtain the requested information. If this information is missing, the Postal Service will write back and get written authorization and advance payment, depending on the amount.

To enable the Postal Service to work cooperatively with you, include a telephone number where you can be reached in case there are questions about your request.

Where Do I Send My Request?

- Send your request to the custodian of the records. The custodian is the head of the postal facility where the record is kept. In most cases, this will be a postmaster. At Headquarters, it is the vice president of the functional area relating to the subject of the request. For example, a request for investigative records held by the Postal Inspection Service should be directed to:

CHIEF POSTAL INSPECTOR
US POSTAL SERVICE
475 L'ENFANT PLZ SW RM 3100
WASHINGTON DC 20260-2100

- If you do not know who the custodian is, address your request to:

FREEDOM OF INFORMATION/PRIVACY ACTS OFFICER
US POSTAL SERVICE
475 L'ENFANT PLZ SW RM 8800
WASHINGTON DC 20260-5243

This office will ensure that your request is directed to the appropriate custodian for attention.

When Can I Expect a Response?

- The custodian must respond within the time constraints of the law. Historically the time constraints have been 10 working days; as of October 2, 1997, the amended Act will require agencies to respond within 20 working days.
- If your request is sent to the wrong facility, the time for response does not start until the request is actually received by the custodian of the records.
- There are three unusual circumstances in which the Postal Service may extend the response period for another 10 working days: (1) if the request requires a search for records from a facility other than that processing the request; (2) if the request requires the search for and review of a large volume of records; and (3) if the request requires consultation with another agency or with other components of the Postal Service having an interest in whether to comply with the request.

What if Records Are Withheld?

- The FOIA requires the release of any requested agency records unless they are covered by an exemption in the Act. Most records the Postal Service has in its possession are “agency” records. Exceptions may include personal notes or other personal documents unrelated to the agency’s business. It is the policy of the Postal Service to make its official records available to the public to the maximum extent consistent with the public interest.
- If records or parts of records are denied, you have a right to appeal to the General Counsel. This is done by writing a letter to the General Counsel within 30 days of the date of the letter of denial. Make your letter simple and brief, stating why the records should not have been denied and include:
 - a. Copies of the original request.
 - b. The letter from the custodian denying the records.

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- c. Any other related correspondence.
 - Send your appeal letter to:

GENERAL COUNSEL
US POSTAL SERVICE
475 L'ENFANT PLZ SW
WASHINGTON DC 20260-1100
 - The appeal procedure is found at section 265.7(e) of the Postal Service's regulations as cited in 39 CFR.

What Will It Cost?

- Depending on the amount of time it takes to process your request, the number of pages, and your category as a requester, you may be charged a fee covering some or all of the Postal Service's direct costs of processing a request. The Postal Service's fee regulations are located at section 265.9.



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- The Postal Service charges 15 cents per page for photocopying. It charges \$5.35 per quarter hour for looking for the records if the search is done by a professional employee; and \$4.40 per quarter hour if the search is done by a clerical employee. The same costs apply for time to review records, when they are requested for a commercial use, to determine whether they may be released.
 - When you request information that must be retrieved by computer, you are charged for the resources required to furnish the information. Charges are based on the Information Services Price List contained in appendix A of part 265 (39 CFR 265).
 - Different fees apply to different requesters. There are three categories of requesters:
 - a. The first includes representatives of the news media, and educational or noncommercial scientific institutions whose purposes are scholarly or scientific research. A requester in this category who is not seeking records for a commercial use is charged only for reproduction costs in excess of 100 pages.
 - b. The second category consists of requesters seeking records for commercial use, meaning profit-making activities. They may be charged all applicable fees for search, review, and duplication.
 - c. The third category of requesters covers anyone not falling within the first or second categories. Requesters in this last group may be charged for reproduction and search costs, except that the first 100 pages of reproduction and the first two hours of search time are free.

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- If the assessable cost is \$10.00 or less, the Postal Service does not charge anything.
 - If costs exceed \$25 and your request letter did not state that you are willing to accept any and all costs, the Postal Service will:
 - a. Notify you of the estimated costs.
 - b. Ask for your written agreement to accept liability.

Note: If the estimated costs are over \$250, Postal Service regulations allow for the collection of up to the full amount of the fees before processing the request.

- Any requester may ask for a fee waiver. The eligibility of a requester for a fee waiver will vary, depending on the ability to show how the requested information relates to the operations or activities of the government and the means to convey the information to the public. For example, a news media requester may qualify for a fee waiver. In that case, the Postal Service may waive in full or in part the chargeable fees for copying pages in excess of 100 pages. Indigence alone is not sufficient to qualify for a fee waiver.

What if I Have Questions About Obtaining Postal Service Records?

You may direct written questions about obtaining Postal Service records to:

FREEDOM OF INFORMATION/PRIVACY ACTS OFFICER
US POSTAL SERVICE
475 L'ENFANT PLZ SW RM 8800
WASHINGTON DC 20260-5243

Make telephone inquiries by contacting: Freedom of Information/Privacy Act Officer at (202) 268-2608.

Fax requests to:

FREEDOM OF INFORMATION/PRIVACY ACTS OFFICER
(202) 268-2605

How Do I Obtain a Copy of the Postal Service's Freedom of Information Act Annual Report?

Agencies are required to submit an annual report on their FOIA activities including statistics on the number of denials and appeals. The report, currently submitted to the Congress on an annual basis, will be submitted to the Attorney General on a fiscal year basis as of February 1, 1999. The reports are available upon written request to the FOIA/PA Officer at the address above.