

**PART 1900—PUBLIC ACCESS TO
CIA RECORDS UNDER THE FREE-
DOM OF INFORMATION ACT
(FOIA)**

Sec.

GENERAL

- 1900.01 Authority and purpose.
- 1900.02 Definitions.
- 1900.03 Contact for general information and requests.
- 1900.04 Suggestions and complaints.

FILING OF FOIA REQUESTS

- 1900.11 Preliminary information.
- 1900.12 Requirements as to form and content.
- 1900.13 Fees for record services.
- 1900.14 Fee estimates (pre-request option).

CIA ACTION ON FOIA REQUESTS

- 1900.21 Processing of requests for records.
- 1900.22 Action and determination(s) by originator(s) or any interested party.
- 1900.23 Payment of fees, notification of decision, and right of appeal.

ADDITIONAL ADMINISTRATIVE MATTERS

- 1900.31 Procedures for business information.
- 1900.32 Procedures for information concerning other persons.
- 1900.33 Allocation of resources; agreed extensions of time.
- 1900.34 Requests for expedited processing.

**CIA ACTION ON FOIA ADMINISTRATIVE
APPEALS**

- 1900.41 Designation of authority to hear appeals.
- 1900.42 Right of appeal and appeal procedures.
- 1900.43 [Reserved]
- 1900.44 Action by appeals authority.
- 1900.45 Notification of decision and right of judicial review.

AUTHORITY: 5 U.S.C. 552; 50 U.S.C. 3001 *et seq.*; 50 U.S.C. 3501 *et seq.*; 50 U.S.C. 3141; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235; E.O. 13392, 70 FR 75373, 3 CFR, 2005 Comp., p. 216; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298.

SOURCE: 88 FR 23341, Apr. 17, 2023, unless otherwise noted.

GENERAL

§ 1900.01 Authority and purpose.

(a) This part is issued under the authority of and in order to implement the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552); and

in accordance with the CIA Information Act of 1984 (50 U.S.C. 3141); section 102A(i) of the National Security Act of 1947, as amended (50 U.S.C. 3024(i)); and section 6 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 3507). It contains procedures that CIA follows in processing requests for records submitted under the FOIA. The procedures in this part should be read in conjunction with the text of the FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (OMB Fee Guidelines).

(b) Requests made by individuals for records about themselves under the Privacy Act of 1974 (5 U.S.C. 552a) are processed in accordance with CIA's Privacy Act regulations, set forth at 32 CFR part 1901, as well as under this part.

(c) Other than as expressly provided in this part, this part creates no right or benefit, substantive or procedural, enforceable by law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

§ 1900.02 Definitions.

For purposes of this part, the following terms have the meanings indicated:

(a) *Agency* or *CIA* means the United States Central Intelligence Agency acting through the CIA Information and Privacy Coordinator.

(b) *Agency Release Panel (ARP)* means the Agency's forum for reviewing information review and release policy, assessing the adequacy of resources available to all Agency declassification and release programs, and considering administrative appeals in accordance with this part.

(c) *Business days* means calendar days when the Agency is operating and specifically excludes Saturdays, Sundays, and legal public holidays. Three (3) business days may be added to any time limit imposed on a requester by this part if responding by U.S. domestic mail; ten (10) business days may be added if responding by international mail.

(d) *Chief FOIA Officer* means the senior CIA official, at the CIA's equivalent of the Assistant Secretary level, who has been designated by the Director of the CIA (DCIA) to have Agency-wide responsibility for the CIA's efficient and appropriate compliance with the FOIA.

(e) *CIA Information and Privacy Coordinator or Coordinator* means the official who serves as the Agency manager of information review and release activities implementing the FOIA.

(f) *Direct costs* means those expenditures that CIA actually incurs in the processing of a FOIA request; it does not include overhead factors such as space; it does include:

(1) *Pages*, which means paper copies of standard office size or the dollar value equivalent in other media;

(2) *Duplication*, which means generation of a copy of a requested record in a form appropriate for release;

(3) *Review*, which means all time expended in preparing a record for release, including examining a record to determine whether any portion must be withheld pursuant to law and in effecting any necessary deletions but excludes personnel hours expended in resolving general legal or policy issues regarding the application of exemptions; and

(4) *Search*, which means all time expended in looking for and retrieving material that may be responsive to a request utilizing available paper and electronic indices and finding aids, including time spent determining whether records located during a search are responsive to the request.

(g) *Fees* means those direct costs which a requester may be assessed considering the categories established by the FOIA; the fee categories include:

(1) *Commercial use*. Requests in which the disclosure sought is primarily in the commercial interest of the requester and which furthers such commercial, trade, income or profit interests, which can include furthering those interests through litigation.

(2) *Educational or non-commercial scientific institution, or a representative of the news media*—(i) *Educational or non-commercial scientific institution*. Requests made under the auspices of an accredited United States institution

engaged in scholarly or scientific research and which are for information not for commercial use, but rather intended to be used in specific scholarly or scientific works.

(ii) *Representative of the news media*. Requests from any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term *news* means information that is about current events or that would be of current interest to the public. Examples of news media include television or radio stations broadcasting to the public at large, and individual or corporate publishers of periodicals that disseminate “news” and make their products available through a variety of means to the general public, including news organizations that disseminate solely on the internet. “Freelance” journalists who demonstrate a solid basis for expecting publication through a news media entity will be considered a representative of the news media. A publishing contract would be the clearest proof that publication is expected, but the Agency may also look to the past publication record of a requestor in making this determination.

(3) *All other*. Requests not described in paragraph (g)(1) or (2) of this section.

(h) *FOIA Public Liaison* means the CIA supervisory official(s) who shall assist in the resolution of any disputes between a FOIA requester and the Agency and to whom a FOIA requester may direct a concern regarding the service he or she has received from CIA and who shall respond on behalf of the Agency as prescribed in this part.

(i) *FOIA Requester Service Center* means the office within the CIA where a FOIA requester may direct inquiries regarding the status of a FOIA request he or she filed at the CIA, requests for guidance on narrowing or further defining the nature of scope of his or her FOIA request, and requests for general information about the FOIA program at the CIA.

(j) *Interested party* means any official in the executive, military, congressional, or judicial branches of government, United States or foreign, or U.S.

Central Intelligence Agency

§ 1900.12

Government contractor who, in the sole discretion of the CIA, has a subject matter or physical interest in the documents or information at issue.

§ 1900.03 Contact for general information and requests.

(a) A member of the public seeking to file a FOIA request or an administrative appeal must direct a written request or appeal via mail to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, DC 20505, or online at: https://www.foia.cia.gov/foia_request/form, in accordance with the requirements of this part.

(b) Requesters may view the status of pending FOIA requests at <https://www.cia.gov/readingroom/request/status>. In addition, inquiries regarding the status of a FOIA request, obtaining guidance on narrowing or further defining the nature or scope of a FOIA request, or obtaining general information about the FOIA program at CIA, may be directed to the CIA FOIA Requester Service Center, Central Intelligence Agency, Washington, DC 20505, via facsimile at (703) 613-3007, or via telephone at (703) 613-1287. Collect calls cannot be accepted.

(c) Concerns, suggestions, comments, or complaints regarding the service received from CIA or regarding the Agency's general administration of the FOIA may be directed to the FOIA Public Liaison, Central Intelligence Agency, Washington, DC 20505, via facsimile at 703-613-3007, or via telephone at 703-613-1287. Collect calls cannot be accepted.

§ 1900.04 Suggestions and complaints.

The CIA remains committed to administering a results-oriented and citizen-centered FOIA program, to processing requests in an efficient, timely and appropriate manner, and to working with requesters and the public to continuously improve Agency FOIA operations. The Agency welcomes suggestions, comments, or complaints regarding its administration of the FOIA. Members of the public shall address all such communications to the FOIA Public Liaison as specified at § 1900.03(c). The Agency may respond as determined feasible and appropriate under

the circumstances. Requesters seeking to raise concerns about the service received from the CIA FOIA Requester Service Center may contact the FOIA Public Liaison after receiving an initial response from the CIA FOIA Requester Service Center. The FOIA Public Liaison shall be responsible for assisting in reducing delays and assisting in the resolution of disputes between a FOIA requester and the Agency.

FILING OF FOIA REQUESTS

§ 1900.11 Preliminary information.

(a) Members of the public shall address all communications to the CIA Coordinator as specified at § 1900.03. Any requests for access to records which are not directed to the Information and Privacy Coordinator, in accordance with the requirements set forth in §§ 1900.03 and 1900.12, shall not be considered proper FOIA requests.

(b) The CIA shall not process a request for records under the FOIA or an appeal of an adverse determination regarding a FOIA request submitted by a member of the public who owes outstanding fees for information services at this or other Federal agencies and will terminate the processing of any pending requests submitted by such persons to the CIA.

(c) The CIA shall not accept requests for records under the FOIA submitted by any government entity, other than a State, territory, commonwealth, or district of the United States, or any subdivision thereof, or from any representative of such a government entity.

§ 1900.12 Requirements as to form and content.

(a) *Required information.* (1) Requests must reasonably describe the records of interest sought by the requester, as set forth at 5 U.S.C. 552(a)(3). This means that documents must be described sufficiently so that Agency professionals who are familiar with the subject area of the request are able, with a reasonable effort, to determine which particular records are within the scope of the request. In order to assist CIA in identifying the specific records sought, all requesters are encouraged to be as specific as possible in describing the