

Instructions for Submitting a Freedom of Information Act Request

October 2008



NATIONAL RAILROAD PASSENGER CORPORATION

INSTRUCTIONS FOR SUBMITTING A FOIA REQUEST

Policy:

In keeping with the spirit and intent of the Freedom of Information Act (FOIA), it is the policy of the National Railroad Passenger Corporation (Amtrak) to make records available to the public to the greatest extent possible.

How to Submit a Request:

A request for information under the FOIA must be in writing and should be signed by the requesting party. The request should indicate that the information is sought under the FOIA. The requester should provide as much detail as possible concerning the documents sought in order to facilitate the search for responsive records and help reduce processing charges.

The request may be mailed or delivered to:

National Railroad Passenger Corporation
Freedom of Information Office
60 Massachusetts Avenue, N.E.
Washington, D.C. 20002

To facilitate delivery of the request, it is recommended that the words "FOIA Request" appear on both the letter and the envelope. If desired, requests may be faxed to 202/906-3285.

Content of the Request:

No special form or format is required for a FOIA request. However, the request should provide the following information:

1. The name and address of the requester and a telephone number at which the requester can be reached during normal business hours.
2. A reasonable description of the records sought that will enable Amtrak's staff to identify and produce the records sought with reasonable effort.
3. The fee category recommended by the requester. See the description of fee categories below.

4. A statement indicating that the requester will pay all applicable processing fees or that the requester is willing to pay up to a specified amount.

The requester may also seek a fee waiver, 49 CFR 701.11(k), or request expedited processing, 49 CFR 701.7(e). Refer to Amtrak's FOIA regulations or *FOIA Handbook* for the criteria for granting a fee waiver and expedited processing.

Fees:

Amtrak charges \$38 per hour for search, review, and submitter notification and 25 cents per page for reproduction of documents up to 8 ½ x 14 inches on a standard office copier. There is no charge for processing a request if applicable fees are less than \$10.

Fee Categories:

Processing costs are assessed for each of the fee categories as described below:

Category I – Commercial Use:

Search, review, reproduction, and submitter notification charges.

Category II – News Media:

Duplication charges; the first 100 pages are provided without charge.

Category III – Educational or Noncommercial, Scientific Institution:

Duplication charges; the first 100 pages are provided without charge.

Category IV – Other:

A request that cannot be classified in the three categories above.

Search and duplication charges only; the first two hours of search time and the first 100 pages are provided free of charge.

Why Some Requests Are Not Granted:

It is Amtrak's policy to make records publicly available unless they qualify for one or more of the nine exemptions under the FOIA or the (c)(1), (c)(2), or (c)(3) exclusions.

The exemptions authorize entities subject to the FOIA to withhold information as described below:

- Exemption 1: classified national defense and foreign relations information.
- Exemption 2: internal rules and practices.
- Exemption 3: information that is prohibited from disclosure by another federal statute.
- Exemption 4: trade secrets and other confidential business information.
- Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

- Exemption 6: information involving matters of personal privacy.
- Exemption 7: records or information compiled for law enforcement purposes to the extent that the production of such records:
 - (A) could reasonably be expected to interfere with enforcement proceedings;
 - (B) would deprive a person of a right to a fair trial or an impartial adjudication;
 - (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy;
 - (D) could reasonably be expected to disclose the identity of a confidential source;
 - (E) would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions; or
 - (F) could reasonably be expected to endanger the life or physical safety of any individual;
- Exemption 8: information relating to the supervision of financial institutions.
- Exemption 9: geological information on wells.

The three exclusions pertain to sensitive law enforcement and national security matters and are rarely used by Amtrak.

For Additional Information:

The above *Instructions for Submitting a FOIA Request* are provided as a quick guide for making a request. For further details concerning the administration of the FOIA, please refer to Amtrak’s FOIA Regulations (49 CFR 701) and Amtrak’s *FOIA Handbook*.

Revised: October 2008