

GUIDELINES FOR APPEALING DENIALS OF WITHHELD RECORDS OF THE 9/11 COMMISSION

Scope of Guidelines

These guidelines establish an administrative appeal procedure for requesters who are denied access to the records of the National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission). As a legislative branch entity, the records of the Commission are not subject to the provisions of the Freedom of Information Act (5 U.S.C. 552), and therefore judicial review is not available.

How do I request access to documents that have been denied in part or in full during the initial review of the records of the Commission?

- Documents that have been denied in full during the processing of the records of the Commission have been replaced by withdrawal notices. An initial request for review of any withdrawn document should include a copy of the withdrawal notice. An initial request for a document released with deletions should include a copy of the partially-released document.

What are my appeal rights under the National Archives and Records Administration's (NARA) Guidelines Defining Exemption Categories for 9/11 Commission Records?

- You may appeal in writing NARA's refusal to release a record, either in whole or in part. The appeal may be sent by regular mail or email.

How do I file an appeal?

- All appeals must be in writing and received by NARA within 35 calendar days of the date of NARA's denial letter. Both the letter and the envelope must be marked with the words "9/11 Commission Records Access Restrictions Appeal." The appeal must include a copy of your initial request and our denial response.
- Your appeal must include an explanation of why we should release the records.

Where do I send my appeal?

- Your appeal should be sent to the Deputy Archivist of the United States (ATTN: 9/11 Commission Records Access Restrictions Appeal Staff), Room 4200, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

- Denials of access to national security information in the custody of NARA are made by designated officials of the originating or responsible agency or by NARA under a written delegation of authority. You must appeal determinations that records remain classified for reasons of national security to the agency with responsibility for protecting and declassifying that information. NARA will provide you with the necessary appeal information in those cases.

How does NARA handle appeals?

- NARA will attempt to respond to your appeal within 20 working days after its receipt. If we reverse or modify our initial decision, we will inform you in writing and reprocess your request. If we do not change our initial decision, our response to you will explain the reasons for our decision and the exemption categories from the Guidelines Defining Exemptions to 9/11 Commission Records that apply.