FOIA, INC.

Duke Law Journal

Margaret B. Kwoka
University of Denver Sturm College of Law
Congress should “legislate freedom of information for itself, the public, and the press.”
AGENCY CASE STUDIES

- Securities and Exchange Commission
- Food and Drug Administration
- Environmental Protection Agency
- Defense Logistics Agency
- Federal Trade Commission
- National Institutes of Health
FDA RECORD RESELLING EXAMPLES

FOI Services, Inc.

FDA News

Washington Information Source

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FOIAing is not an exact science with promised deadlines of delivery. We will do all we can to get you the information you need.
OTHER RESELLING EXAMPLES

NIH

DLA

SEC

SEC

EPA
PRIVATIZATION OF FOIA

- Corporate Subsidies
- Resource Constraints
- Selling Transparency
## ROUTINIZED REQUESTS

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<thead>
<tr>
<th>Date</th>
<th>Requestor</th>
<th>Request Details</th>
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<td>4/26/13</td>
<td>331 INC RESEARCH CONSULTING &amp; SUBV</td>
<td>A copy of the releasable inspection reports, 483s, and the file</td>
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### Commercial Organization Details

- **BEC Machine Products**
  - SPM7MC13M375
  - SPM7MC130V4335
  - spm7m013m1656
  - spm7m013m2656
  - spm7m13m1786
  - smp7m13m1983

- **JH BARR & ASSOCIATES LLC**
  - 271

- **Daily Closed Log**
  - 8/20/13 DAILY CLOSED LOG 6/17-21/13
  - 8/20/13 DAILY CLOSED LOG 6/17-21/13
POTENTIAL SOURCES OF AUTHORITY

- Legislation
- Executive Order
- Office of Management and Budget
- DOJ Office of Information Policy
- OGIS
House to Weigh Overhaul Of Open Records Process

By GARDINER HARRIS

WASHINGTON — Fifty years after Congress passed a law to comply with the Justice Department’s Office of Information Policy, the federal entity that is supposed to review and keep track of requests for information, the government is now reviewing the process.

Among the agencies that failed to comply was the Department of Agriculture, which has been found to have withheld or delayed documents.

Ms. Kwoka said one solution to the routine commercial requests was for the government to do a better job of automatically disclosing such information online, before it is requested.

John Day, vice president at Day & Day, said, "If they did that, a good part of our business would go away." He added, "So I think it's a bad idea."

Senator Charles E. Grassley, a Republican of Iowa and chairman of the Judiciary Committee, said he was a strong supporter of Ms. Kwoka's suggestion that agencies disclose records before requests are received.

"The reform bill, which working..."