



OCT 30 2001

MEMORANDUM

TO: Heads of Operating and Staff Divisions

FROM: The General Counsel

SUBJECT: The Freedom of Information Act

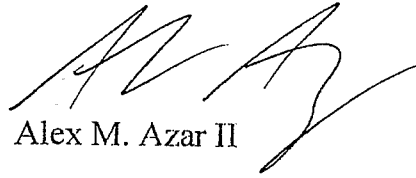
On October 12, 2001, Attorney General John Ashcroft issued a new policy memorandum on the Freedom of Information Act (FOIA) to the Heads of All Federal Departments and Agencies (available at <http://www.usdoj.gov/oip/foiapost/2001foiapost19.htm>). This policy supercedes the policy memorandum of October 4, 1993, issued by then Attorney General Janet Reno.

The new policy emphasizes the Administration's commitment to full compliance with the FOIA, which serves as a means for government accountability via a well-informed citizenry. In addition, it stresses the need to safeguard national security, enhance the effectiveness of law enforcement agencies, protect sensitive business information, and protect personal privacy.

The Attorney General encourages agencies to make discretionary disclosures of information protected under the FOIA "only after full and deliberate consideration of the institutional, commercial, and personal privacy interests that could be implicated by disclosure of the information."

Whereas the 1993 policy announced a presumption of disclosure for Department of Justice determinations on whether or not to defend agency nondisclosure decisions, the new policy is to defend agency decisions unless they lack a sound legal basis or present an unwarranted risk of adverse impact on the ability of other agencies to protect other important records.

While the FOIA itself has not changed, the new policy is somewhat more deferential to agency decisions. If you have questions concerning this policy, please direct them to Jeff Davis in our Business and Administrative Law Division at 202-619-0153.



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