

A blue-tinted background image showing the silhouettes of several people in business attire standing in a conference room or hallway, engaged in conversation. The image is overlaid with a diagonal blue gradient.

13th Annual FOIA[®]Xpress User Conference & Technology Summit

806 W. Diamond Ave., Suite 400, Gaithersburg, MD 20878
301.670.2300 / www.ains.com / info@ains.com

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Recent Significant
FOIA Decisions



Procedural Issues

- Email as an agency record even if not used in conducting official agency business



Procedural Issues

- Contractor's records as agency records under Open Government Act if for "purposes of records management"



Collaboration Room

- Readily reproducible records in “native electronic format”



Procedural Issues

- Expedited Processing of Referred Records



Procedural Issues

- Backlog speed of processing



Procedural Issues

- FOIA Improvement Act of 2016
- Foreseeable Harm



Procedural Issues

- Repeated Requests



Exemption 1

- Foreign relations harm caused by information not from or to a foreign government



Exemption 5

- Attorney-client privilege
- Deliberative process privilege



Exemption 7

- Determining whether records are compiled for law enforcement purposes



Exemption 7(C)

- Protecting suicide note to widow



Exemption 7(C)

- Protecting identities of employees of a business, or not



Exemption 7(C)

- **Protecting Independent Counsel's draft indictment of Hillary Clinton**





Thank you,

Dick Huff
FOIA Instructor

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Gaithersburg, MD 20878

info@ains.com
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www.ains.com

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