

EXPEDITED PROCESSING

Federal law provides a statutory time limit of 20 *business* days for responding to Freedom of Information Act (FOIA) requests.

However, the Department of Defense (DoD) Freedom of Information Act (FOIA) Program [\[32 C.F.R., Part 286\]](#) provides for the expedition of initial FOIA requests. DoD Components must make expedited processing determinations within 10 calendar days after receipt of a request that meets the criterion of reasonably described records as detailed in 32 C.F.R. § 286.5.

There are two reasons for expediting the processing of an initial FOIA request:

COMPELLING NEED

- A. Circumstances in which the failure to obtain the records on an expedited basis could reasonably be expected to pose an imminent threat to life or physical safety of an individual;
- B. An individual, who is primarily engaged in disseminating information, urgently needs the information in order to inform the public concerning actual or alleged government activity.

OTHER CIRCUMSTANCES

- C. Loss of substantial due process rights is imminent;
- D. Failure to obtain the requested information on an expedited basis could reasonably be expected to harm substantial humanitarian interests.

TO DEMONSTRATE YOUR NEED FOR EXPEDITED PROCESSING, YOU MUST SUBMIT A DETAILED STATEMENT, EXPLAINING THE BASIS FOR YOUR REQUEST. THIS STATEMENT MUST BE CERTIFIED AS TRUE AND CORRECT.

Category B Request: *Urgency to inform the public* generally means the requested information has a particular value that it will lose if not disseminated quickly. This usually concerns a breaking news story of general public interest. Historic information, or information sought for litigation or commercial activities normally would not qualify for expedited processing in this category.

Requesters seeking expedited processing under this category, who are not a full-time members of the news media, must establish that he or she is a person whose primary professional activity or occupation is information dissemination, and not an incidental or secondary activity. Such a requester must also establish a particular urgency to inform the public about the government activity involved in the request—one that extends beyond the public's right to know about government activity generally. The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an “urgency to inform” the public on the topic.

Category C Request: In addition to a certified statement, your request must also include a description of the due process rights that would be lost.