

What's New?

JAG Website

11 November 2001: New Attorney General FOIA Memorandum Issued. Attorney General Ashcroft issued a new statement of Administration policy on the Freedom of Information Act (FOIA) that supersedes the Department of Justice FOIA policy memorandum that had been in effect since October 1993. In replacing the previous guidance, the Ashcroft FOIA memorandum establishes a new "sound legal basis" standard governing the Department of Justice's decisions on whether to defend agency actions under the FOIA when they are challenged in court. This differs from the "foreseeable harm" standard that was employed under the predecessor memorandum. Under the new standard, agencies should reach the judgment that their use of a FOIA exemption is on sound footing, both factually and legally, whenever they withhold requested information.

New FOIA Policy:

<http://www.usdoj.gov/oip/foiapost/2001foiapost19.htm>