

Requesting Your FBI File

Records about you can be obtained under the Privacy Act, 5 U.S.C. § 552a. Your personal records may only be released to you, unless you give a proper express waiver to release records to another person. To file a successful request, your request should include:

- **Complete name and current address** are required.
- **Citizenship** or US resident status is required. Privacy Act requests may only be processed for US citizens or lawfully admitted permanent US residents. Non-conforming requests will be processed under the Freedom of Information Act.
- Include any **identifying data** that could help the government identify records related to you, such as date and place of birth. Other *optional* information may include former addresses, social security number, aliases or previous names.
- You may also describe any **particular incidents or events** in which you were involved that you think may have come under FBI surveillance.
- **Describe yourself** as either:
 - “an individual seeking information for personal, noncommercial use,” or
 - “affiliated with an educational or noncommercial institution, and this request is made for scholarly purposes” or
 - “a representative of the news media and this request is made as part of a news gathering and not for commercial use.”
- Scholarly and media requestors may be entitled to a waiver of fees. If you fit that description, state “I am entitled to a waiver of fees” along with the name of your media or institution. . For other non-commercial requestors, such as individuals, the FBI cannot charge fees for the first two hours of search, or first 100 pages of document production.
- State the **maximum dollar amount you are willing to pay for copying fees**. By submitting a request, you are considered to agree to pay copying fees up to \$25 unless you specify a different amount, lesser or greater.
- **Certify that you are who you say you are**. Sign your request. Then, you have two options. You may either:
 - Have your request Notarized, or
 - You may state “Under penalty of perjury, I hereby declare that I am the person named above and I understand that any falsification of this statement is punishable under the provisions of Title 18, United States Code (U.S.C.), Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years, or both; and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of Title 5, U. S. C., Section 552a(i)(3) as a misdemeanor and by a fine of not more than \$5,000.”
- If you wish to authorize the release of personal records about yourself **to another person**, you may state “Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:” and list all persons to whom you would like to grant access to your files.

You may also request your FBI file by filling out US Department of Justice Certification of Identity Form DOJ-361 [<http://www.fbi.gov/foia/u.s.-department-of-justice-form-361-certification-of-identity>] and attaching any additional information.

Requests should be addressed and mailed to the FBI main office in Washington, D.C., and any regional field offices that you believe may have records concerning you—we've included Portland because we are located in Oregon, but only send your request there if you think that office might have records on you.

The FBI is required to make a reasonable effort to search for records. Adding optional details and descriptions may make it easier for the FBI to locate records, and make it harder for them to claim they could not reasonably find information. But keep in mind that any information or details that you volunteer in this letter are being sent to the FBI and may be used by them as they see fit.

Requesting Other FBI Files

The Freedom of Information Act, 5 U.S.C. §552, allows any person, except fugitives, federal agencies, and foreign intelligence agencies, to request information about organizations, businesses, investigations, historical events, incidents, groups, or deceased persons. A successful FOIA request should include:

- **The requestor's name.**
- **The requestor's address, or where to send results.**
- **The subject of the request.** Additional details on the subject may help the FBI identify conforming records. Also, if you have particular knowledge of the filing system where records are held, or any other administrative information concerning where records you are seeking are within the FBI informational framework, this can also facilitate a request.
- **Describe yourself** as either:
 - “an individual seeking information for personal, noncommercial use,” or
 - “affiliated with an educational or noncommercial institution, and this request is made for scholarly purposes” or
 - “a representative of the news media and this request is made as part of a news gathering and not for commercial use.”
- Scholarly and media requestors may be entitled to a **waiver of fees**. If you fit that description, state “I am entitled to a waiver of fees” along with the name of your media or institution. For other non-commercial requestors, the FBI cannot charge fees for the first two hours of search, or first 100 pages of document production.
- State the **maximum dollar amount you are willing to pay for copying fees**. By submitting a request, you are considered to agree to pay copying fees up to \$25 unless you specify a different amount.
- If you are not requesting any personal information about yourself, you **do not need certify your identity**. You do not need to include, as seen in Privacy Act request, a declaration under penalty of perjury, or have the request Notarized. You are not required to sign the document.

- If you are requesting release of personal information about a deceased person, you must include proof of death. Acceptable forms of proof of death include: obituaries, death certificates, recognized sources that can be documented, written media, Who's Who in America, an FBI file that indicates a person is deceased, date of birth is 100 years or greater, or Social Security Death Index page.

Requesting Personal Information About Another Living Person

Under the Privacy Act, personal information is generally not released by the FBI to third parties without express written consent from the individual themselves. If you wish to receive personal information concerning another living individual, you must file their express written consent with your request. List the records you wish to receive in your FOIA/Privacy act request, and then either:

- Have the individual fill out the US Department of Justice Certification of Identity Form DOJ-361 [<http://www.fbi.gov/foia/u.s.-department-of-justice-form-361-certification-of-identity>], including the bottom section entitled "OPTIONAL: Authorization to Release Information to Another Person". Attach this form to your request.
- Have the individual write a letter containing their full name and address, and other information that would reasonably confirm the individual's identity, such as date and/or place of birth, or social security number. The letter should state "Pursuant to 5 U.S.C. § 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:" and list the names of all persons to whom they wish to release information. The consenting individual must **certify** their identity by signing the consent letter, and then either (1) having it Notarized or (2) stating "Under penalty of perjury, I hereby declare that I am the person named above and I understand that any falsification of this statement is punishable under the provisions of Title 18, United States Code (U.S.C.), Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years, or both; and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of Title 5, U. S. C., Section 552a(i)(3) as a misdemeanor and by a fine of not more than \$5,000."

Identification Record Request aka "Rap Sheet" or "Criminal History"

Requesting your "rap sheet" from the FBI requires a specific process with specific forms. The steps are laid out on the FBI Information Record Request web site [<http://www.fbi.gov/about-us/cjis/background-checks>]. To obtain your records, you must:

- Complete the Applicant Information Form [<http://www.fbi.gov/about-us/cjis/background-checks/applicant-information-form>]. If the request is for multiple people, all must sign.
- Obtain a set of your fingerprints. The FBI provides a standard fingerprint form [<http://www.fbi.gov/about-us/cjis/background-checks/standard-fingerprint-form-fd-258>]. The FBI IRR site lists procedures for fingerprinting. They suggest

employing fingerprint technician, potentially available at a law enforcement agency.

- Submit payment of \$18 for each person covered by the request. If there are multiple requests per person, you must pay \$18 for each request. There are two payment options. Payment may be made through a money order or cashiers check made payable to the Treasury of the United States, or you may pay by credit card using the Credit Card Payment Form [<http://www.fbi.gov/about-us/cjis/background-checks/credit-card-payment-form>]. Cash, personal checks, or business checks **will not** be accepted.
- Review the FBI Identification Record Request Checklist [<http://www.fbi.gov/about-us/cjis/background-checks>].
- Mail the required items to the following address
 - FBI CJIS Division-Record Request
 - 1000 Custer Hollow Road
 - Clarksburg, WV 26306
- Processing may take up to six weeks. If you have a record, you will receive your Identification Record, “rap sheet.” Otherwise, you will receive a “no record” response.

Resources:

FBI Records: Freedom of Information Act/ Privacy Act.
[<http://www.fbi.gov/foia/requesting-fbi-records>]