

## FREEDOM OF INFORMATION -- REQUESTER SERVICE CENTER

### GUIDELINES ON HOW TO USE THE FREEDOM OF INFORMATION AND PRIVACY ACTS

[Description of MSPB Records](#)

[How to File a FOIA or Privacy Act Request to Access MSPB Records](#)

#### Records Created and Maintained by the Board

##### Public Records

Certain MSPB records are available for public inspection and distribution. Examples include: Annual Reports, guidebooks, operating manuals, *Reports on Cases Decided*, press releases, *News of Merit*, *Issues of Merit*, Federal Register notices, staff biographies, organization charts, telephone directories, and the Board's initial and final decisions. Copies of the Board's decisions and other public records are maintained in the headquarters library for research and review by the public. Final decisions and other Board documents and reports may be downloaded from the Board's Web site. You may obtain copies of decisions and/or other documents by writing to the Clerk of the Board, U.S. Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419 or by calling the MSPB Library at (202) 653-6772 or the Clerk's Office at (202) 653-7200, by fax at (202) 653-7130, V/TDD: (800) 877-8339, or by e-mail at [mspb@mspb.gov](mailto:mspb@mspb.gov). When requesting decisions, please provide the Board with the name of the case, the date of the decision, and/or the docket number.

Other public records include information related to the Board's special studies and oversight functions. These studies are performed by the Office of Policy & Evaluation and consist of reports, reviews, monographs, and other similar records and background information pertaining to the MSPB's published surveys, reviews, investigative reports, and special studies. Also included are records that have been released in response to requests under the Freedom of Information Act (FOIA) or Privacy Acts (PA) that the Board believes may be of continuing public interest. These publications and records are available via the MSPB web site search functionality.

##### Appellate Records

The Board's appellate records are maintained in a system of records subject to the Privacy Act of 1974. These records are related to MSPB's adjudication process and customarily include all of the parties' pleadings -- the written submissions that set out their claims, allegations, arguments and evidence -- as well as verbatim hearing records and the notices, orders and decisions issued by the MSPB. These records may contain correspondence related to the specific cases, status letters and requests for access to records. Access to these records is provided in accordance with the FOIA and the PA. The Board's regulations implementing these statutes are at 5 CFR Parts [1204](#) and [1205](#), respectively.

##### Administrative Records

These records are common to most federal agencies and include records such as: personnel, payroll and administrative records; procurement, supply and property records; budget/accounting preparation, presentation and apportionment records; travel and transportation records; space rental and maintenance records; communications records; and, printing, binding, duplication and distribution records. Also included are records related to the administration of government-wide programs such as the FOIA and PA and other records related to the Board's correspondence and communications with the public, other government agencies, members of Congress, and the White House.

#### How to File a FOIA Request to Access MSPB Records

Persons seeking access to Board records must comply with the regulations implementing the Freedom of Information (FOIA) and Privacy Acts (PA) (5 CFR Parts [1204](#) and [1205](#)). The language of the Board's regulations shall govern any conflict that might arise between the guidance proffered here and the Board's regulations.

Requests for information should be directed to the headquarters, regional, or field office believed to hold the information sought. Please visit the [contact](#) page for addresses. If necessary, MSPB will redirect the request, and will attempt to respond within seven to 20 days of the receipt by the appropriate office. If you are unsure where to direct your request, contact the Office of the Clerk at (202) 653-7200 for help.

**Describe what you seek:** Identify what you seek as concisely as possible, but in enough detail that an MSPB employee will be able to locate them with a reasonable amount of time and effort. It is a good idea to include a telephone number where the MSPB may contact you if it is necessary to clarify your request. If possible, use a computer, typewriter or a black ink pen to complete your request.

**Consider costs in advance:** The FOIA and PA allow MSPB to assess fees to recover the government's cost for duplicating its records. If the Board determines that the duplication costs will exceed \$100, we will contact you to get your consent to the fee charges before providing the records. To avoid this delay, indicate in your request the maximum amount of fees that you are willing to pay for the records. The Board will contact you before exceeding that amount.

**Fee Waivers:** If you believe that you qualify for a waiver or reduction in the fee payment under the provisions of the FOIA, you should state this in your initial request. You must provide the Board with your reasons why the fees should be waived or reduced. There is no provision for waiving fees under the PA.

Mention the FOIA/PA: State in your request that you are seeking information under the Freedom of Information Act, or if your request is for Privacy Act records relating to you. It helps speed processing if you write FREEDOM OF INFORMATION or PRIVACY ACT REQUEST on the outside of the envelope, if mailed, or in the beginning of an e-Mail or a fax submission.

FOIA/PA Appeals: Sign and date your initial request and keep a copy for your own records or for use in the event you wish to file a FOIA or PA appeal. You may appeal:

1. the MSPB's denial of access (in whole or in part) to requested information;
2. a determination that the requested records do not exist;
3. a denial of a fee waiver/reduction request; or,
4. the MSPB determination of the category of requester for fee determination.

All appeals are addressed to the Chairman of the Board and should include:

1. a copy of your initial request;
2. the Board's response; and,
3. a statement or your arguments why the Board's initial response should be overruled.

## **VISIT THE MSPB**

Reading Rooms: The MSPB Headquarters Library (202) 653-7132 is open to the public Monday through Friday from 1:00 PM to 5:00 PM.

Budget constraints preclude dedicated public reading areas in the Board's field and regional offices. However, most offices will make space available to the public for reading and research. The public is strongly advised to call before visiting a regional or field office to ensure that the space and research materials are available.