

## **The Freedom of Information Act: An Essential Tool for Transparency**

By Beth Milton

In the United States, the world's oldest democracy, and India, the world's largest democracy, we take many things for granted. One of them is the legal right to obtain information from our governments. While freedom to obtain information seems like a basic right that would be enshrined in each country's constitution, it is, in fact, a much more recent innovation. The U.S. passed its landmark Freedom of Information Act in 1966, almost 200 years after the democracy's founding, and India passed its own Right to Information Act in 2005, almost 60 years after its independence.

The right to information ensures transparency in government and gives citizens access to the facts they need to hold elected officials accountable, and is a basic tenet of democracy. While the right to information has generally been respected throughout U.S. history, it was only in the 20th century that the right was legally secured with the Freedom of Information Act. The act, often shortened to FOIA (pronounced "foyah"), was passed under President Lyndon B. Johnson and signed into law on July 4, the U.S. national day.

FOIA states that any person has the right to request access to records or information held by the U.S. federal

government. Agencies of the government are required to disclose records upon receiving a written request, except those records that are protected under certain exceptions. The agencies have 20 days after receipt of a request to furnish a reply. If no reply, or an unsatisfactory reply is given, the person can file an appeal with the agency or else seek judicial review. There is no central FOIA agency, but each federal agency—such as the Department of Education or the Department of Veterans Affairs—is responsible for handling their own requests. Generally, there is no fee for the information provided, unless there is an exceptionally large amount of effort or photocopying involved in fulfilling the request.

FOIA is indispensable to the American media. FOIA requests can and have been filed for almost every topic under the sun: for access to studies regarding inner-city education, logs of official and unofficial visitors to the White House, accident reports for crashed military planes, and even just to see if one's grandmother or grandfather had a criminal file. A number of important news stories have been broken through FOIA requests. For instance, *New York Times* reporters obtained sensitive information on the possible mistreatment of U.S. military detainees using FOIA. Their newspaper stories led to public outrage



About 80 countries have laws similar to the United States' Freedom of Information Act.



National Security Archive Director Thomas Blanton (left), says the U.S. Freedom of Information Act has been a model for other nations.

*(Continued on page 2)*

### **The American Center**

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Office Hours: 8:30 a.m. to 5:00 p.m. (Monday through Friday)

### **H O L I D A Y S**

September 7: Labor Day  
September 21: Ramzan-Id  
September 28: Dassera

## A WORD FROM THE CENTER

Dear Friends of the American Center,

Greetings from the United States. It is with great pleasure that I'm writing while on leave in the U.S. and on this topic. In the last few months, the U.S. has seen some terrible scandals involving elected officials, trusted financial services sector leaders, and entertainment figures. These have rocked the trust amongst many in the country and brought dishonor to the institutions that they represent. The media has been relentless in researching details on these scandals, following leads, and then corroborating evidence to report accurately.

In September, we will celebrate the 42nd anniversary of the Freedom of Information Act (FOIA). It is under this act that many of these situations have been brought to light and better understood. India shares a similar law, and it has only worked to increase transparency in government and our trusted institutions.

We hope you enjoy this month's bulletin and events. We have had a very busy summer with many visitors from Washington, including Secretary of State Hillary Rodham Clinton; the arrival of new Ambassador Timothy J. Roemer in New Delhi; and programs all across our five-state region. We would like to welcome our new English Language Fellow, Marilyn Eversole to Pune. Marilyn will be conducting programs in our district in conjunction with our Regional English Language Officer in New Delhi.

As always, we welcome your feedback, comments, and questions. Please do not hesitate to reach out to us at [publicaffairsmumbai@state.gov](mailto:publicaffairsmumbai@state.gov).

With best wishes from across the pond,



Lynne Gadkowski  
Cultural Affairs Officer

*(Continued from page 1)*



The U.S. federal government receives nearly four million requests for information each year.

on the matter and eventually to major shifts in U.S. policies. If, as former U.S. Supreme Court Justice Louis Brandeis once wrote, "sunlight is said to be the best of disinfectants," FOIA helps to draw back the curtains and let that sunlight in.

FOIA, however, is not without limits. There are nine areas of exemption where the federal government is not obligated to provide information. These range from the obvious, such as exemptions for classified secret matters relating to national defense or foreign policy, to the less obvious, such as information on a financial institution's stability, which could lead to a bank run. One of the biggest prohibitions is on releasing a private individual's information. The Privacy Act of 1974 states that, with only a few exceptions, the federal government cannot release someone's personal information without that person's consent. This means that Americans can't use FOIA to look up their neighbor's medical history, salary, or criminal record unless their neighbor agrees.

President Obama was elected on a political platform promoting transparency and open government. Early on in his tenure, he acknowledged that one of the most effective ways to achieve these goals is through FOIA. A statement released by the White House earlier this year gives a good summary of FOIA's role in America today (full text available on: [http://www.whitehouse.gov/the\\_press\\_office/Freedom\\_of\\_Information\\_Act](http://www.whitehouse.gov/the_press_office/Freedom_of_Information_Act)):

In our democracy, the Freedom of Information Act (FOIA), which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government. At the heart of that commitment is the idea that accountability is in the interest of the Government and the citizenry alike.

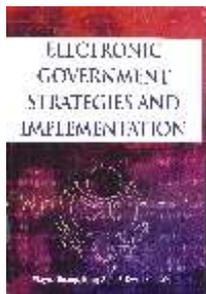
The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve. In responding to requests under the FOIA, executive branch agencies should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public.

While there will always be limits on the information the government can provide, and always tension between what the government wants to release and should release, freedom of information has proven to be an essential part of modern American — and Indian — democracy.

*Beth Milton works at the U.S. Consulate General, Mumbai*

# NOTES FROM THE AMERICAN LIBRARY

## Select Books and Periodicals Available on Governance



### ***Electronic Government Strategies and Implementation***

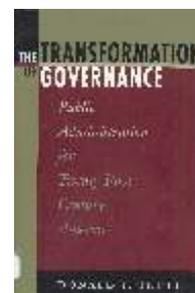
by Wayne Huang et al  
Idea Group Publishing, 2005

The book combines e-government implementation experiences from both developed and developing countries. Its 18 chapters provide an excellent overview on the topic of e-government and the practice of e-government in various countries. It provides comprehensive coverage of current issues and concerns related to e-government implementation.

### ***The Transformation of Governance: Public Administration for Twenty-First Century America***

by Donald F. Kettl  
The Johns Hopkins University Press, 2002

This book examines the historical traditions of American public administration, identifies the challenges facing it, and charts the tensions between what it has to do and its capacity to do it. It offers a new framework for reconciling effective administration with the requirements of democratic government. In conclusion, a blueprint of ten basic strategies for building a new approach to the field is provided.



### ***Public Administration Review***

This bimonthly publication of the American Society for Public Administration covers topics such as public policy, administration, and management in the United States, with occasional articles dealing with other parts of the world.

### ***Governing***

A monthly publication of Congressional Quarterly Inc., the magazine focuses on key management functions such as personnel, performance and leadership, as well as on the impact of changes in federalism, technology and regulation. *Governing* posts stories from leading newspapers nationwide on management, policy, technology, and current news, along with links to web sites of interest, such as on city planning, deregulation, tourism, and more.



Note: The Library subscribes to several online databases which provide access to hundreds of peer-reviewed periodicals in addition to the printed versions also available.

For more information, please contact the Information Desk.

Reminder! The Library  
is now open on  
Saturdays and offers  
free wireless Internet.

Note: To access eJournal USA, please visit <http://www.america.gov/publications/ejournalusa.html>

Ask a Librarian: Please write to the American Library at [libref@state.gov](mailto:libref@state.gov) for research queries related to information on U.S. international relations, education, law and legislation, English language, and literature.

**American Holidays**  
 Discussion led by Lisa Larson

**Monday, September 14**  
**American Center Auditorium 6:00 p.m.**

American holidays are now celebrated around the world. September's Mumbai Monday will offer a view into the sometimes overwhelming list of American holidays and traditions. Are they just a marketing ploy to make millions of dollars, or do they represent the deeper traditions of American life?

**Lisa Larson** joined the Foreign Service in 2003. Her previous assignments with the State Department include Sweden, Burma, and Washington, D.C. She is from Minnesota, and has a B.S. in Family Studies from the University of Minnesota.

**Secretary of State Hillary Rodham Clinton in Mumbai, July 17-19, 2009**



U.S. Secretary of State Hillary Rodham Clinton signs the memorial book at the Taj Mahal Palace and Tower in Mumbai, July 18, 2009.



SEWA artisans singing "We Shall Overcome", in Gujarati along with Secretary Clinton at Hansiba, SEWA's retail store for handicrafts in Mumbai, on July 18, 2009.

**American Center Auditorium**  
**3:30 and 6:30 p.m.**

**Friday, September 18**

**12 Angry Men**  
 (1957, 95 mins)

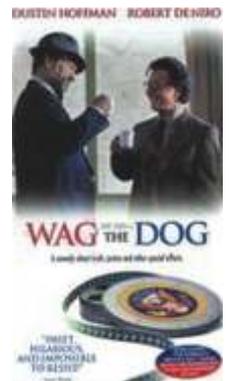
Landmark courtroom drama of a murder trial jury whose rush to a guilty verdict is stopped by one member's doubts. Henry Fonda stars as the lone dissenter, with Lee J. Cobb, Ed Begley, E. G. Marshall, Jack Klugman, Martin Balsam, and John Fiedler among the other antagonistic jurors.



**Friday, September 25**

**Wag the Dog**  
 (1997, 96 mins)

Hollywood fiction and Washington reality eerily dovetail in director Barry Levinson's wickedly funny satire of modern politics and media manipulation. When the president is accused of accosting a teenage girl in the Oval Office weeks before election night, top advisor Anne Heche and political troubleshooter Robert De Niro contact Hollywood producer Dustin Hoffman. Their plan: to create a fictitious military incident with Albania to divert the news media and take the heat off the White House. Woody Harrelson and Denis Leary costar.



Secretary Clinton and Aamir Khan discuss education and community service with students at St. Xavier's College, Mumbai, on July 18, 2009.

**Note: Internet sites included in this issue of the bulletin, other than those of the U.S. Government, should not be construed as an endorsement of the views contained therein.**

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Admission to all American Center programs, restricted to persons over 16, will be on a first-come, first-served basis. The auditorium doors will open 30 minutes before the start of the program.