



U.S. Department of Justice

Office of Legal Policy

Office of Information and Privacy

Washington, D.C. 20530

Mr. Harold Weisberg
Route 12
Old Receiver Road
Frederick, Maryland 21701

JAN 26 1984

Re: Appeal No. 80-1017
RLH:LFE:PLH

Dear Mr. Weisberg:

You appealed from the refusal by the Federal Bureau of Investigation to waive the customary charges involved in the processing of your request for access to records pertaining to yourself.

On the basis of the information available to me, I have concluded that a waiver of fees in this case should not be granted. The statutory test for evaluating fee waiver requests is whether release of the information involved will redound to the primary benefit of the general public, in which event a waiver is required by law. 5 U.S.C. 552(a)(4)(A). I considered five factors in my determination as to whether sufficient public benefit would be derived from disclosure so as to warrant the granting of a fee waiver: (1) whether a genuine public interest exists in the subject matter of the request, (2) whether the documents in question will meaningfully contribute to the public development or understanding of that subject of public interest, (3) whether the information in question is already in the public domain, (4) whether the requester is able to disseminate the information to the public and (5) whether any personal interest of the requester which can reasonably be expected to be benefited by disclosure outweighs any public benefit to be gained. Financial status of a requester is not a dispositive factor.


In reaching my conclusion on your appeal, I have analyzed these five factors as they apply to the circumstances of your request. I am unaware of any public interest existing in the subject matter of the records you have sought. Inasmuch as the subject of the requested records is yourself, it appears that the only person who will benefit to any discernible extent from the disclosure of the records in this case is you. Moreover, I have been advised that approximately 95% of the records consist of pleadings in cases you have brought against the government. The material is thus already in the public domain. The remainder is primarily correspondence related to these cases. Accordingly, because neither a complete nor a partial fee waiver is required, your appeal is denied.

If you wish to limit your request in order to reduce the estimated fees, you should notify the Civil Division as to the material in which you are most interested. If the records encompassed by your reformulated request do not involve search and reproduction fees in excess of \$20.00, the Civil Division will provide them to you free of charge.

Judicial review of my action on this appeal is available to you in the United States District Court for the judicial district in which you reside or have your principal place of business or in the District of Columbia, which is also where the records you seek are located.

Sincerely,

Roger B. Clegg
Acting Assistant Attorney General

By: 
Richard L. Huff, Co-Director
Office of Information and Privacy