

Form B1-2. FOIA Administrative Appeal: Inadequate Search, Glomar Response, and Overbroad Withholding

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When to use. Appealing an inadequate search, a refusal to confirm or deny, or overbroad withholdings. **Not for:** A request that has had no determination at all, where suit may be filed without appeal.

Deadlines. File within the agency's appeal period, which must be at least 90 days after the adverse determination (5 U.S.C. §552(a)(6)(A)(i)(III)(aa)); the agency decides within 20 working days (§552(a)(6)(A)(ii)).

[Requester name, address, email]

[Date]

[Agency FOIA Appeals Officer / Office of Information Policy, as applicable]

[Address / portal]

Re: FOIA Appeal, Request No. [] (unidentified anomalous phenomena records)

Dear Appeals Officer:

I appeal the [date] determination on Request No. [], in which [agency] [state result: found no records / refused to confirm or deny the existence of records / withheld [number] records in full / released records with redactions]. Copies of the request and determination are attached.

1. The search was not adequate. An agency must show that its search was “reasonably calculated to uncover all relevant documents.” *Valencia-Lucena v. U.S. Coast Guard*, 180 F.3d 321, 325 (D.C. Cir. 1999). The determination [does not identify the record systems searched / does not state the search terms used / omits obvious terms]. Courts require agencies to use “obvious synonyms and logical variations,” including the abbreviations UAP and UFO, and to identify the record systems searched by each component. *Slaughter v. Dep’t of the Air Force*, No. 1:24-cv-862-RCL, 2026 WL 571249, at *3-5 (D.D.C. Mar. 2, 2026). [Identify specific omitted components, custodians, record systems, terms, and leads, e.g., the unit’s operations and safety offices, AARO, classified email, sensor archives.] Please conduct a new search and describe it.

2. The Glomar response is improper. [If applicable.] A refusal to confirm or deny is proper only if confirming the existence of records would itself reveal exempt information, and it fails where the existence of records has been officially acknowledged. *ACLU v. CIA*, 710 F.3d 422 (D.C. Cir. 2013); *Fitzgibbon v. CIA*, 911 F.2d 755, 765 (D.C. Cir. 1990). The following official and documented disclosures establish that [agency] holds responsive records: [list, matched precisely to the request: statute; AARO report and page; sworn testimony of a named official at a named hearing and page; record released by the Department of War or NARA with identifier]. [Note: presidential social-media statements alone have not been treated as official acknowledgment, *Leopold v. CIA*, 987 F.3d 163 (D.C. Cir. 2021); rely on more formal disclosures. In the D.C. Circuit, the acknowledgment must come from the agency that received the request; a disclosure by a different agency does not waive this agency’s Glomar response. *Knight First Amendment Inst. v. CIA*, 11 F.4th 810, 816 (D.C. Cir. 2021); *Connell v. CIA*, 110 F.4th 256, 264, 266 (D.C. Cir. 2024). List this agency’s own statements first.] In addition, Congress has legislated specifically on UAP reporting, records, and programs (50 U.S.C. §§3373, 3373b; Pub. L. No. 118-31, §§1687, 1841-1843), so confirming that an agency holds UAP records reveals nothing not already acknowledged by law.

3. The withholdings are overbroad. [If applicable.] [Agency] withheld [records] in full under Exemption [1/3/5/7]. Please (a) release all reasonably segregable portions, including imagery of the object with sensor overlays and platform data redacted; (b) identify the specific executive order category and harm for each Exemption 1 withholding; (c) identify the specific statute for each Exemption 3 withholding; and (d) for Exemption 5, explain whether the record reflects a final assessment or resolution of the event, which is not predecisional.

3A. Foreseeable harm. For each withholding under Exemption 5 and any other exemption that does not rest on a statute barring disclosure, the agency must show that it “reasonably foresees that disclosure would harm an interest protected by an exemption.” 5 U.S.C. §552(a)(8)(A)(i). A general statement that release would chill internal deliberations is not enough; the agency must explain how disclosure of the particular material would cause that harm. *Reporters Comm. for Freedom of the Press v. FBI*, 3 F.4th 350, 369-70 (D.C. Cir. 2021). Assessments of a UAP event that are years old, or that concern a phenomenon the government has acknowledged studying, are unlikely to meet that standard.

4. UAP Records Collection. Records responsive to this request are also “unidentified anomalous phenomena records” under Pub. L. No. 118-31, §1841(a)(1)(C). Please state whether they have been transmitted to the UAP Records Collection at the National Archives and, if their disclosure has been postponed, the ground found under §1843(a) and the Federal Register citation required by §1842(g)(2)(B). Records created outside the federal government may not be withheld or redacted except for protected names. §1842(a)(2)(C).

Relief requested. Please remand for a new search, withdraw the Glomar response, release segregable material, and provide the information requested in part 4.

Reservation. [If the agency has a record of delay or blanket denials on UAP requests:] This is [number] of [number] UAP-related requests by [requester] to [agency] since [year] that have been [denied in full / answered with a refusal to confirm or deny / left without a determination past the statutory deadline]. [Requester] reserves the right to seek relief from that policy or practice in addition to relief on this request. *See Payne Enterprises, Inc. v. United States*, 837 F.2d 486 (D.C. Cir. 1988). If this appeal is denied, [requester] may seek mediation through the Office of Government Information Services (5 U.S.C. §552(h)(3)) or file suit.

Sincerely,
[Name]