

Getting UAP Records: FOIA, Mandatory Declassification Review, the Records Collection, and State Law

Version 1.10 · October 2026 · nhilaw.com/issues/b1.html

Version 1.10, October 2026. Legal information, not legal advice. Published by the *Emergent Frontiers Institute* (NHI Law is not a law firm). Citations checked in October 2026; check every citation before relying on it.

Key points

- Use five routes together: FOIA, mandatory declassification review, the UAP Records Collection, public releases (PURSUE, NARA RG 615, reading rooms), and state public-records laws.
 - Name every synonym (UAP, UFO and variants), every component, and every record system, and ask the agency to state the terms and systems it searched (*Slaughter*).
 - Official acknowledgment must come from the agency that received the request (*Knight; Connell*). Books and interviews by former officials, including a former UAP Task Force director, do not count (*Wilson v. CIA*).
 - Discretionary withholdings, especially under Exemption 5, must meet the foreseeable-harm standard (§552(a)(8); *Reporters Committee v. FBI*).
 - Treat AARO's denials and case resolutions as findings to be tested: request the files behind them.
 - Repeated delay or refusal can support a policy-or-practice claim (*Payne Enterprises*).
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1. Summary

A practitioner seeking UAP records has five routes, best used together:

1. **FOIA** (5 U.S.C. §552): an express cause of action and de novo review, limited by Exemption 1 (classified), Exemption 3 (statutes such as 50 U.S.C. §3024(i) for intelligence sources and methods, 10 U.S.C. §130 for technical data, and 42 U.S.C. §2162 for Restricted Data), Exemption 5 (deliberative), and the Glomar response.
2. **Mandatory declassification review** (EO 13526 §3.5): reaches classified records by description, with appeal to the Interagency Security Classification Appeals Panel (ISCAP), and no judicial review.

3. **The UAP Records Collection** (FY2024 NDAA §§1841-1843): transmission duties, a clear-and-convincing standard for postponement, Federal Register reasons, and a 25-year limit; enforceable, if at all, through the APA ([Issue A3](#); [Form A3-1](#)).
4. **Releases and reading rooms**: PURSUE tranches at war.gov/ufo, NARA Record Group 615, the DoD FOIA reading room's UFO/UAP page, AARO's website, the FBI Vault, and the CIA and NSA reading rooms.
5. **State public-records laws** for state and local records ([Form A4-2](#)).

Recent case law sets three practical rules. First, courts will scrutinize UAP searches closely: in *Slaughter v. Department of the Air Force*, 2026 WL 571249 (D.D.C. Mar. 2, 2026), Judge Lamberth held search declarations inadequate because they omitted the terms “UAP” and “UFO,” did not identify the record systems searched, and did not follow an obvious lead. Second, official acknowledgment overcomes a Glomar response only when the prior disclosure is official, specific, and matching; presidential social-media statements have not qualified. *Leopold v. CIA*, 987 F.3d 163 (D.C. Cir. 2021); *New York Times Co. v. CIA*, 965 F.3d 109 (2d Cir. 2020). Third, UAP FOIA litigation has historically produced little when the records are intelligence products (*Citizens Against UFO Secrecy v. NSA*, 1980-82), and fees may be denied where the records obtained are few (*Bryant v. CIA*, 818 F. Supp. 2d 153 (D.D.C. 2011)).

2. FOIA

2.1 Framing the request

Agencies reject UAP requests that do not “reasonably describe” records. 5 U.S.C. §552(a)(3)(A). Agency correspondence published by The Black Vault, a private FOIA archive, shows agencies returning broad UAP requests for clarification and asking for document type, title, subject, date, originator, or event details. Effective requests:

- identify a specific event (date, location, unit, platform), a specific record (title, number, originator), or a specific case number from AARO's published case index;
- list synonyms expressly (UAP, UFO, unidentified aerial/anomalous phenomena, unidentified object, UAS of unknown origin, orb, tic tac, transmedium) and program names that have been publicly reported;
- name components and record systems (email, classified networks, SAP repositories, operational logs, sensor archives);
- ask the agency to identify the search terms and record systems used, which supports a later challenge under *Slaughter*; and
- for military events since May 2023, ask for records by the record types the Joint Staff reporting order creates: the incident, incursion, or engagement report; the “reporting organization UAP-event serial number” (format CCMD-date-sequence); the data-transfer and material-transfer documentation; and the counterintelligence notification. Joint Staff J3

2.2 Adequacy of search

The agency must show “beyond material doubt” that its search was “reasonably calculated to uncover all relevant documents,” with declarations that are reasonably detailed and non-conclusory. *Valencia-Lucena v. U.S. Coast Guard*, 180 F.3d 321, 325 (D.C. Cir. 1999). In *Slaughter*, the Air Force’s declarations failed because they did not identify the record systems searched by units other than NASIC’s UAP team; listed “common search terms” rather than the terms actually used; omitted the “obvious synonyms and logical variations” UAP and UFO (citing *Judicial Watch, Inc. v. DOJ*, 373 F. Supp. 3d 120, 125 (D.D.C. 2019)); and did not explain why an individual who found a non-responsive UAP video was not asked about other records. 2026 WL 571249, at 3-5. *The opinion also records that NASIC’s UAP team operated from June 2021 to April 2023 and was then disbanded, and that SOCOM declassified and released a video of a “metallic-looking spherical object” after the litigation began.* *Lindsey v. NSA/CSS**, 915 F.2d 1565 (4th Cir. 1990) (table), similarly vacated summary judgment where the agency affidavit did not describe its search.

2.3 Timing, tracking, and expedited processing

An agency must tell a requester, on request, the date it received the request and “an estimated date on which the agency will complete action on the request” (5 U.S.C. §552(a)(7)(B)). Ask for both in writing; an estimate that slips repeatedly is useful evidence later. Expedited processing is available to a person “primarily engaged in disseminating information” who shows “urgency to inform the public concerning actual or alleged Federal Government activity” (§552(a)(6)(E)(v)(II)); active congressional consideration of UAP disclosure legislation is the kind of urgency to cite. The Office of Government Information Services (OGIS) at NARA mediates disputes without litigation (§552(h)), and its involvement is worth requesting before suit when the problem is delay.

2.4 Exemption 1, foreseeable harm, and segregability

Courts give “substantial weight” to agency declarations on classification but review de novo. A withholding is upheld where the declaration describes the information and the harm with reasonable specificity and is not contradicted or shown to be in bad faith. In *Slaughter*, the court upheld withholding of an F-22 video in full because it showed launch-acceptability-region cues for the AIM-9X missile, and accepted a thin segregability declaration. Practitioners should press for segregation of the object imagery from platform and sensor data and ask for in camera review where the declaration does not explain why the two cannot be separated.

Foreseeable harm. Since the FOIA Improvement Act of 2016, an agency may withhold information only if it “reasonably foresees that disclosure would harm an interest protected by an exemption,” or disclosure is prohibited by law (§552(a)(8)(A)(i)). The D.C. Circuit treats this as “an independent and meaningful burden on agencies” and requires “a focused and concrete demonstration of why disclosure of the particular type of material at issue will, in the specific context of the agency action at issue, actually impede” the protected interest. *Reporters Committee for Freedom of the Press v. FBI*, 3 F.4th 350, 369-70 (D.C. Cir. 2021). The requirement matters most for Exemption 5. An agency that withholds analytic drafts or internal discussion of a UAP event under the deliberative process

privilege must explain the specific harm, and boilerplate will not do. For Exemptions 1 and 3, where disclosure is “prohibited by law,” the requirement adds little.

2.5 Glomar and official acknowledgment

An agency may refuse to confirm or deny the existence of records when the fact of their existence is itself protected. *Phillippi v. CIA*, 546 F.2d 1009 (D.C. Cir. 1976). A requester defeats a Glomar response by showing official acknowledgment: the information requested must be as specific as, and match, information “made public through an official and documented disclosure.” *Fitzgibbon v. CIA*, 911 F.2d 755, 765 (D.C. Cir. 1990). In the Glomar context, the question is whether a prior official disclosure establishes the existence or nonexistence of responsive records. *ACLU v. CIA*, 710 F.3d 422 (D.C. Cir. 2013) (CIA’s Glomar response on drone records was neither logical nor plausible after senior officials publicly discussed the program).

Two decisions limit what counts:

- *Leopold v. CIA*, 987 F.3d 163 (D.C. Cir. 2021): a presidential tweet calling a newspaper report “fabricated” and referring to “ending massive, dangerous, and wasteful payments to Syrian rebels” did not officially acknowledge the existence of CIA records about the program, so the agency’s Glomar response stood.
- *New York Times Co. v. CIA*, 965 F.3d 109 (2d Cir. 2020): the same presidential statements did not waive Exemptions 1 and 3 through official acknowledgment and did not “inadvertently declassify” the covert program (Katzmann, C.J., dissenting).

Two more D.C. Circuit decisions narrow official acknowledgment further, and both matter for UAP requests that cross agencies:

- *Knight First Amendment Institute v. CIA*, 11 F.4th 810 (D.C. Cir. 2021): “[d]isclosure by one federal agency does not waive another agency’s right to assert a FOIA exemption” (quoting *Mobley v. CIA*, 806 F.3d 568, 583 (D.C. Cir. 2015)); State Department statements about what the government knew did not foreclose Glomar responses by four intelligence agencies.
- *Connell v. CIA*, 110 F.4th 256 (D.C. Cir. 2024): a disclosure is “official” only if made by “the agency from which the information is being sought,” *id.* at 264 (quoting *Knight*, 11 F.4th at 816, and *Frugone v. CIA*, 169 F.3d 772, 774 (D.C. Cir. 1999)), and an agency may produce previously released documents while giving a Glomar response as to any classified or unacknowledged connection to the same subject, *id.* at 266.

Former officials are not the agency. Books and interviews by former officials, however senior, are not official acknowledgments. The Second Circuit held that information a former CIA officer sought to publish remained classified even though identical information had entered the public domain, because the disclosures had not come from the Agency itself. *Wilson v. CIA*, 586 F.3d 171, 174, 186-87, 191-92 (2d Cir. 2009). A 2026 account by a former director of the Navy’s UAP Task Force (Jay Stratton, *Out of the Shadows*) or testimony by former officials such as David Grusch therefore cannot defeat a Glomar response by itself. It can point a requester to the specific records, programs, and dates to request, and it can support a later argument that a search was inadequate.

AARO's statements. On the site's working premise that AARO is a deliberate disinformation source, its publications serve two purposes in a FOIA case. Where AARO confirms a fact, the confirmation is official and can defeat a Department of War Glomar response. Where AARO denies or "resolves" an event, request the records behind the finding (the case file, sensor data, analytic notes, and coordination with other components) so the conclusion can be tested, and do not cite the finding as proof that no other records exist.

Application to UAP. The PURSUE program began with a presidential social-media announcement in February 2026. Under *Leopold* and *NYT v. CIA*, that announcement alone is unlikely to defeat a Glomar response. Stronger official acknowledgments are: statutes (50 U.S.C. §§3373, 3373b; FY2024 NDAA §§1687, 1841-1843); AARO reports; sworn testimony of current officials before Congress; records released by the Department of War, NARA, or the agency itself; and agency FOIA productions. Each acknowledgment must be matched closely to the records requested, and under *Knight* and *Connell* it must come from the agency that received the request: a Department of War release of an Air Force or Navy record defeats a DoD Glomar response, but it does not defeat a CIA, NSA, or NRO Glomar response about the same event. Request each agency's records separately and cite that agency's own statements.

2.6 Exemption 3 statutes likely in UAP cases

Statute	Scope
50 U.S.C. §3024(i)(1)	DNI's duty to protect intelligence sources and methods (broadly construed, <i>CIA v. Sims</i> , 471 U.S. 159 (1985))
50 U.S.C. §3605 (NSA Act §6)	NSA organization, functions, activities
50 U.S.C. §3507 (CIA Act §6)	CIA organization, functions, personnel
10 U.S.C. §130	DoD technical data with military or space application subject to export control
10 U.S.C. §424	DIA, NRO, NGA organizational and personnel information
42 U.S.C. §2162	Restricted Data
35 U.S.C. §181-186	Patent applications under secrecy order

CIA has an additional tool. Its designated operational files are exempt from FOIA's search, review, and disclosure requirements, subject to exceptions for information that was the subject of an investigation of impropriety and for records already disseminated elsewhere (50 U.S.C. §3141). If CIA invokes the exemption, ask whether the records were disseminated outside the operational files and whether any inspector general or congressional investigation concerned them.

2.7 Contractor-held and subscribed records

FOIA reaches “agency records,” meaning records an agency created or obtained and controls at the time of the request. *DOJ v. Tax Analysts*, 492 U.S. 136, 144-45 (1989); *Forsham v. Harris*, 445 U.S. 169, 177-82 (1980) (records of a federally funded grantee not agency records absent government possession or control); *Burka v. HHS*, 87 F.3d 508, 515 (D.C. Cir. 1996) (data tapes held by contractors were agency records because of HHS’s “extensive supervision and control” over collection and analysis, and HHS had “constructive control” when the request was filed; applying the D.C. Circuit’s four control factors). KeyCite shows a yellow flag on *Burka* (disagreement recognized in *Center for Biological Diversity v. U.S. Forest Service* (D.D.C. Mar. 28, 2025)); read that decision before relying on the constructive-control reasoning. Two UAP applications:

- Records held by contractors in UAP programs are reachable under FOIA only if the agency has obtained or controls them; the Records Collection reaches further, covering “Government-funded” records (A3).
- AARO’s planned commercial subscription to the National UFO Historical Records Center archive (reported Sept. 2026) raises whether subscribed records become agency records. Under *Tax Analysts*, records the agency obtains and uses in its work can qualify, but license terms and the absence of control may defeat that status. Requests should ask specifically for subscribed records used in AARO analyses.

Contractor objections. A contractor whose information an agency proposes to release may sue to block it (“reverse FOIA”) under the APA. *Chrysler Corp. v. Brown*, 441 U.S. 281, 317-18 (1979). The contractor’s usual ground is Exemption 4, which covers commercial or financial information that is “both customarily and actually treated as private by its owner and provided to the government under an assurance of privacy.” *Food Marketing Institute v. Argus Leader Media*, 588 U.S. 427 (2019). Expect contractors in UAP programs to invoke Exemption 4 for technical and cost data; a requester should ask the agency whether the contractor received any assurance of confidentiality.

Witness names. Exemptions 6 and 7(C) protect personal privacy. For records about named witnesses, obtain each living person’s signed consent ([Form F4-1](#) explains how), or proof of death, before filing.

2.8 Fees and fee waivers

Requesters who publish (news media category) pay duplication costs only. Fee waivers require that disclosure contribute significantly to public understanding of government operations. Attorney-fee awards after litigation depend on the public benefit of the specific records obtained; in *Bryant v. CIA*, a UFO requester who obtained two excised documents totaling five pages was denied fees. 818 F. Supp. 2d at 157-58.

3. Mandatory declassification review

- **Authority.** EO 13526 §3.5; 32 C.F.R. §2001.33. Any person may request review of specified classified records. The request must be specific enough for the agency to locate the records “with a reasonable amount of effort”; requests for “broad types of information, entire file

series of records, or similar non-specific requests” may be denied. The agency must make a final determination “within one year from the date of receipt”; an administrative appeal must be filed within 60 days of a denial, and the appellate authority “shall normally” decide within 60 working days; final appeal lies to ISCAP (EO 13526 §5.3). 32 C.F.R. §2001.33(a)(2).

- **Advantages.** MDR does not depend on whether the requester can describe records by FOIA standards only; it requires sufficient description for the agency to locate the record. The Information Security Oversight Office’s annual reports to the President show that ISCAP declassifies information in whole or in part in a large share of the documents it decides; cite the current report when appealing. MDR reaches some records held by presidential libraries.
 - **Limits.** No judicial review. Records that are the subject of pending FOIA litigation are excluded under EO 13526 §3.5(a)(3) (“the information is not the subject of pending litigation”); operational files exempted from FOIA search are excluded (§3.5(a)(2)); information originated by the incumbent President, Vice President, and their staffs is exempt (§3.5(b)); and an agency that reviewed the information within the past 2 years “need not conduct another review” (§3.5(d)). ISCAP has carried long backlogs, which the ISOO reports document.
 - **Strategy.** Use MDR for older, specifically identified UAP records (Project Blue Book-era intelligence reports; JANAP 146 CIRVIS reports; 1950s-1990s cables), and for directives and classification guides ([Form A2-1](#)). Use FOIA for recent records and where judicial review matters.
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4. The UAP Records Collection and other releases

The Records Collection provisions and their enforcement are analyzed in [Issue A3](#). In practice:

- Ask NARA whether a given agency has transmitted records to RG 615 and whether any have been postponed; NARA’s FAQ states agencies transfer redacted and unredacted copies together.
- For a postponed record, ask the agency for the §1843(a) ground and the Federal Register citation of the unclassified reason required by §1842(g)(2)(B).
- For records older than 25 years, ask whether the President has certified continued postponement under §1842(g)(2)(D).
- Track PURSUE tranches (at least six through September 18, 2026) and cite released records as official acknowledgments in later requests.
- White House records are the hardest target. FOIA does not reach the President’s immediate staff, and the Office of Legal Counsel concluded on April 1, 2026 that the Presidential Records Act is unconstitutional in its entirety (see [Issue A3](#), §4). Request agency-held copies of White House UAP communications (for example, briefing records at DoD, ODNI, or AARO), which remain agency records subject to FOIA.

5. State and foreign records

- State public-records statutes reach police, aviation, emergency management, university, and National Guard (state status) records ([Form A4-2](#)). Records a state received from a federal agency may be withheld under state exemptions for records protected by federal law; ask for the federal basis and for release of state-created portions.
 - Foreign access laws (U.K. FOIA 2000 with ss. 23, 24, 26, 27 exemptions; Canada's Access to Information Act; Australia's FOI Act 1982) and foreign archives (The National Archives' MoD UFO files; France's GEIPAN) can supply records about U.S.-related events that U.S. agencies withhold. [Issue F6](#).
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6. Litigation strategy

1. Exhaust (or wait out the statutory period), then file in D.D.C. Use [Form A3-1](#) to pair FOIA with narrowly framed APA counts under the Records Collection.
 2. Seek an early order requiring the agency to identify custodians, record systems, and search terms.
 3. Attack generic declarations under *Slaughter*.
 4. Challenge Glomar responses only with official, specific, matching acknowledgments.
 5. Ask for in camera review where segregability is in doubt.
 6. Run MDR in parallel for records not in suit.
 7. If an agency repeatedly delays or refuses UAP requests in the same way, plead a policy-or-practice claim in addition to the individual request. A court may enjoin an agency practice of unjustified delay even after the records at issue have been released. *Payne Enterprises, Inc. v. United States*, 837 F.2d 486 (D.C. Cir. 1988).
 8. Coordinate with congressional offices; records released to Congress and placed in the public record become official acknowledgments.
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