

§ 2105.54 When may you file an appeal?

(a) You may file an appeal when:

- (1) The Agency withholds records, or parts of records;
- (2) The Agency informs you that your request has not adequately described the records sought;
- (3) The Agency informs you that it does not possess or cannot locate responsive records and you have reason to believe this is incorrect or that the search was inadequate;
- (4) The Agency did not address all aspects of the request for records;
- (5) You believe there is a procedural deficiency (for example, fees are improperly calculated or you have been placed in the wrong fee category);
- (6) The Agency denied your request for a fee waiver;
- (7) The Agency did not make a decision within the time limits in § 2105.15 or, if applicable, § 2105.16; or
- (8) The Agency denied, or was late in responding to, a request for expedited processing filed under the procedures in § 2105.18.

(b) An appeal under paragraph (a)(8) of this section relates only to the request for expedited processing and does not constitute an appeal of the underlying request for records. Special procedures apply to requests for expedited processing of an appeal (*see* § 2105.60).

(c) Before filing an appeal, you may wish to communicate with the contact person listed in the FOIA response, the Agency's FOIA Officer, and/or the FOIA Public Liaison to see if the issue can be resolved informally. However, appeals must be received by the FOIA Appeals Officer within the time limits in § 2105.55 or they will not be processed.