

## FOIA Response Deadline

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### Issue

By what deadline must a public agency respond to a Freedom of Information Act (FOIA) request? Does FOIA require that requests be fulfilled within four business days? The Office of Legislative Research is not authorized to provide legal opinions, and this report should not be considered one.

### Summary

Generally under FOIA, any denial of a request to inspect or copy public records must be made in writing within four business days after the request is made. (The standard is 10 business days for certain personnel, medical, or similar files.) Failing to comply with a request within the applicable timeframe is deemed a denial ([CGS § 1-206\(a\)](#)).

In practice, however, the Freedom of Information Commission (FOIC) generally advises public agencies that this statute does not require agencies to fulfill a request within four business days (e.g., produce copies of records). Rather, it allows the requestor to file an appeal if the agency does not, at a minimum, acknowledge the request within the specified timeframe.

In a 2014 contested case, the commission stated the following:

It is well settled that the law does not require a public agency to provide a copy, or to allow inspection of, public records “within four business days” of the request. Rather, [CGS § 1-206]...simply provides a requester with the ability to file an appeal in the event an agency fails to respond to the request. After four business days have elapsed, if no response is received from an agency, then such non-response is deemed a denial for purposes of triggering the requester’s right to file an appeal without having to wait indefinitely for a response that may never be forthcoming ([FIC 2014-184](#)).

The timeliness of an agency's fulfillment of the request (e.g., permitting inspection or producing copies of a record) is instead determined by whether it is "prompt." FOIA allows any person to (1) inspect records promptly during regular business or office hours and (2) receive a copy of a record promptly upon a written request ([CGS §§ 1-210\(a\) & -212\(a\)](#)).

Determining whether an agency's response is "prompt" requires a fact-specific analysis. In construing the meaning of "promptly," FOIC stated the following in a 2014 contested case:

It is well settled that the law does not require "immediate" access to records upon demand, but rather, permits a person the right to receive a copy of or inspect public records "promptly." The Commission has held that the meaning of the word "promptly" is a particularly fact-based question. In [Advisory Opinion #51](#) [issued in 1982], the Commission advised that the word "promptly," as used in [CGS § 1-210(a)], means quickly and without undue delay, taking into consideration all of the factors presented by a particular request ([FIC 2014-184](#)).

The advisory opinion notes that while it cannot definitively set out all factors that must be considered, potential factors include the volume of records requested and the time by which the requestor needs them, the amount of personnel time an agency must devote to the response, and the time constraints under which the agency must complete its other work.

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