



**FEMA**

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# Backgrounder

## **FOIA COURT ORDER DIRECTS FEMA TO RELEASE APPLICANT INFORMATION: FEMA LAUNCHING OUTREACH EFFORT TO APPLICANTS AFFECTED**

As a result of the recent Freedom of Information Act (FOIA) court case News-Press v. DHS/FEMA, the United States Court of Appeals for the 11<sup>th</sup> Circuit ordered FEMA to release information normally protected under the Privacy Act and the FOIA exemption for personal privacy, including the following:

- The addresses of those individuals who applied for disaster assistance from FEMA following the 2004 Florida hurricanes and those who filed flood insurance claims under the National Flood Insurance Program for the 2004 hurricanes in Florida to *The News-Press* of Fort Myers, Fla. and the *Pensacola News Journal*; and,
- The addresses of those individuals who applied for disaster assistance from FEMA in connection with 31 specific disasters between 1998 and 2004, including the 2004 hurricanes to the *South Florida Sun-Sentinel*.

The order affects up to 2.2 million persons in eight states who applied for federal assistance in connection with disasters that include hurricanes Charley, Frances, Ivan and Jeanne in Florida in 2004 and 27 additional Presidentially declared disasters.

### **Questions & Answers**

#### **How many applicants does this court decision affect?**

This court decision affects hundreds of thousands of households. It includes the release of information from more than two million FEMA applications.

#### **What disasters are covered by this court decision?**

This court decision covers 31 disasters in eight states between 1998 and 2004. Specific disaster events include hurricanes Charley, Frances, Ivan and Jeanne in Florida in 2004; Hurricane Isabel in 2003; Hurricane Floyd in 1999; Hurricane George in 1998; and 24 other major disasters. The states involved are Alabama, California, Florida, Louisiana, Michigan, North Carolina, Ohio and Wisconsin.

#### **What types of applicant information must FEMA release if there is a FOIA request?**

If FEMA receives a FOIA request for information about an applicant, the agency is required to make available the following:

- |                                   |                                       |
|-----------------------------------|---------------------------------------|
| ▪ FEMA registration number        | County and zip code                   |
| ▪ Type and category of assistance | Eligible or ineligible for assistance |
| ▪ Dollar amount provided          | Renter or homeowner                   |

- Cause of damage Insurance status on items claimed
- Line item description of lost/damaged personal property
- Item-by-item description of damage to real property

**When and how is FEMA notifying applicants that their information is being released?**

Beginning the first week of August, FEMA is launching an effort to contact affected applicants. FEMA will send a letter to the last known address and call the last known phone number in an applicant’s file.

**Will people who applied for federal assistance after more than one disaster be contacted multiple times?**

Yes, FEMA will notify each applicant for each disaster. If you applied for assistance in more than one of the designated disasters covered under this court ruling, you will be contacted more than once.

**Will this type of applicant information be released for other disasters, including future disasters?**

The court based its decision on the special circumstances surrounding the 2004 Florida hurricanes. It determined that the public interest in FEMA’s disbursement of disaster aid in those conditions outweighed the privacy interest of the people involved. FEMA will continue to protect the addresses of disaster victims in the future both under FOIA and the Privacy Act.

**Will the news organizations be able to contact applicants directly as a result of this release of information?**

FEMA is being required to release the addresses of the applicants’ disaster-damaged homes. However, if the news organizations match the addresses with the detailed information previously released under the FOIA, they will have considerable information about the individual applicant, such as the amount of assistance provided and the status of their insurance claims.

**Is there anything an applicant can do to prevent the release of this information?**

If they wish, applicants can contact the newspapers to let them know they do not want any personal information about them to be published.

**Why did the media organizations file the FOIAs and appeal the withholding of people’s names and addresses?**

That is a question better addressed to the newspapers themselves. You can reach the *South Florida Sun-Sentinel* at 954-356-4615 or by e-mail at [gbulfin@sun-sentinel.com](mailto:gbulfin@sun-sentinel.com). The *Pensacola New Journal*’s telephone number is 850-435-8681 and its email address is [news@pensacolanejournal.com](mailto:news@pensacolanejournal.com). The *News-Press* of Fort Myers, Fla., may be reached at 239-335-0560 or [response@news-press.com](mailto:response@news-press.com).

**States and Disaster Events Included in the Ruling**

State	Disaster Number	Date	Title
Alabama	1250	09/30/1998	Hurricane Georges
	1438*	10/09/2002	Tropical Storm Isidore
	1466	05/12/2003	Severe Storms, Tornadoes and Flooding
	1549	09/15/2004	Hurricane Ivan
California	1203	02/09/1998	Severe Winter Storms and Flooding
	1498	10/27/2003	Wildfires

<b>Florida</b>	1204	02/12/1998	Severe Thunderstorms, Tornadoes and Flooding
	1306	10/20/1999	Hurricane Irene
	1345	10/04/2000	Heavy Rains And Flooding
	1460	04/25/2003	Tornado
	1539	08/13/2004	Hurricane Charley and Tropical Storm Bonnie
	1545	09/04/2004	Hurricane Frances
	1551	09/16/2004	Hurricane Ivan
	1561	09/26/2004	Hurricane Jeanne
<b>Louisiana</b>	1246	09/23/1998	Tropical Storm Frances and Hurricane Georges
	1435	09/27/2002	Tropical Storm Isidore
	1437	10/03/2002	Hurricane Lili
	1548	09/15/2004	Hurricane Ivan
<b>Michigan</b>	1346	10/17/2000	Severe Storms And Flooding
	1527	06/30/2004	Severe Storms, Tornadoes and Flooding
<b>North Carolina</b>	1240	08/27/1998	Hurricane Bonnie
	1292	09/16/1999	Hurricane Floyd & Irene
	1490	09/18/2003	Hurricane Isabel
	1546	09/10/2004	Tropical Storm Frances
	1553	09/18/2004	Hurricane Ivan
<b>Ohio</b>	1444	11/18/2002	Severe Storms and Tornadoes
	1484	08/01/2003	Tornadoes, Flooding, Severe Storms, and High Winds
	1519	06/03/2004	Severe Storms and Flooding
<b>Wisconsin</b>	1238	08/12/1998	Wisconsin Severe Storms and Flooding
	1332	06/23/2000	Severe Storms, Tornadoes And Flooding
	1526	06/18/2004	Severe Storms and Flooding

