

SAMPLE FOIA REQUEST LETTER FOR RECORDS ON A DECEASED
BENEFICIARY

To hasten the processing of your request, address your request to the CMS Regional Office which has jurisdiction over the state where the beneficiary lived. The list of Regional

Offices and the respective states they have jurisdiction over can be found at:

<https://www.cms.gov/about-cms/where-we-are/regional-offices/cms-locations>.

Date

CMS FOIA Officer

(Address to the Regional Office as explained above)

Dear _____:

Under the Freedom of Information Act, 5 U.S.C. subsection 552, I am requesting access to [identify the records as clearly and specifically as possible].

Select either A, or B.

- A.** I am the personal representative (e.g., executor, administrator) authorized to act on behalf of _____.
Name of deceased individual for whom records are being requested

I have included a copy of the document authenticating my legal authority (e.g., probate court document, orders of administration and/or executorship, letters testamentary).

OR

- B.** I am not the personal representative of the estate and therefore have included a signed release authorization from the personal representative of the deceased individual as well as a copy of the document authenticating the personal representative's legal authority to act (e.g., probate court document, orders of administration and/or executorship, letters testamentary).

[Optional] I am willing to pay fees for this request up to a maximum of \$__. If you estimate that the fees will exceed this limit, please inform me first.

[Optional] I request a waiver or reduction of all fees for this request the Department's FOIA regulations at 45 C.F.R. 5.45. [Include specific details.]

[Optional] I ask that my request receive expedited processing because _____. [Include specific details concerning your "compelling need."]

[Optional] I request that the information I seek be provided in electronic format, and I would like to receive it on a personal computer disk [or a CD-ROM].

[Optional] If you have any questions about handling this request, you may telephone me at _____ [insert home / office / mobile phone].

Sincerely,

Name

Address

Enclosures: Described in A. and B. above