

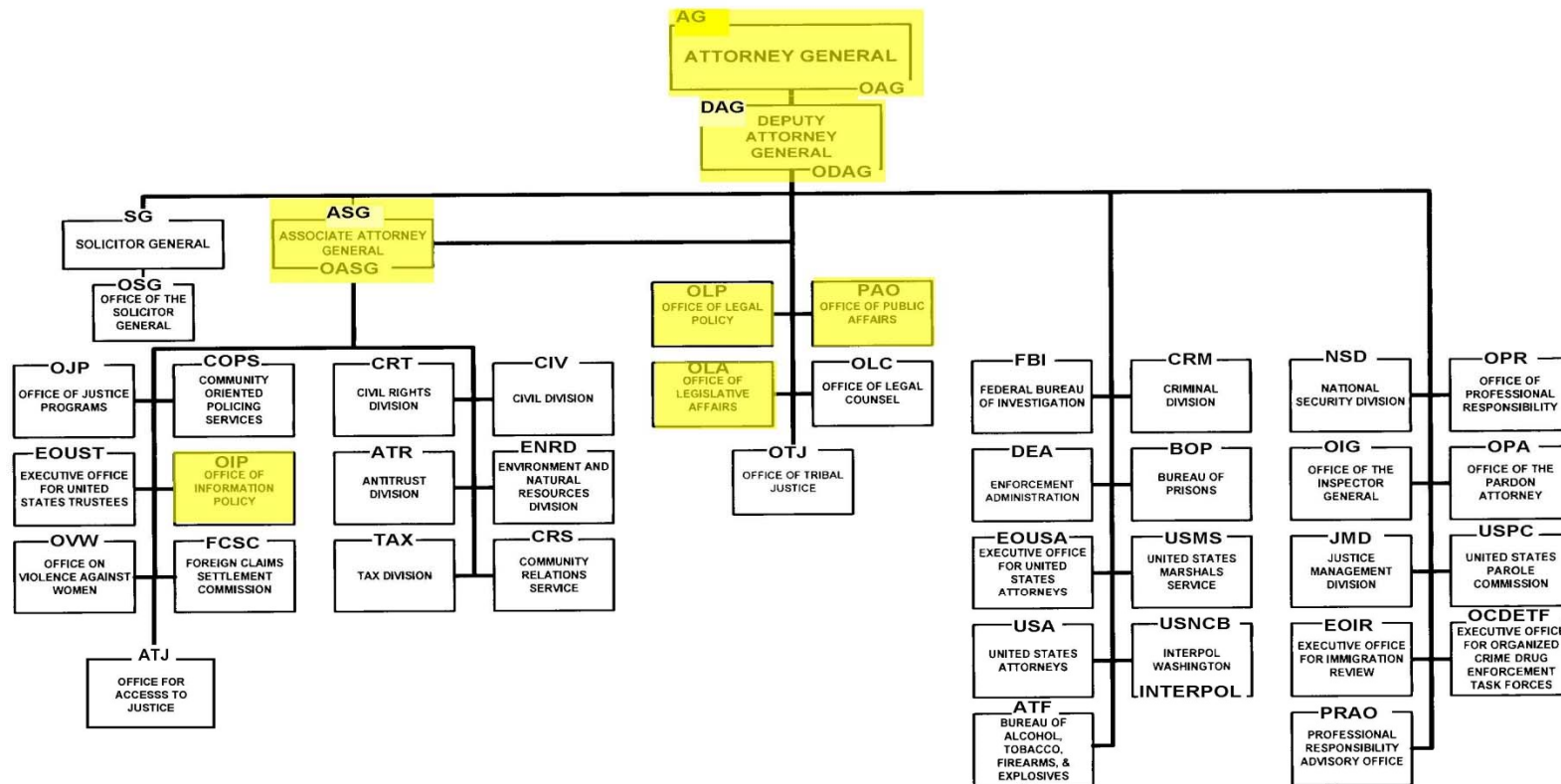


UNITED STATES DEPARTMENT *of* JUSTICE

FOIA PROCESSING FROM START TO FINISH



U.S. Department of Justice





Tools

- DOJ/FOIA Guide & OIP guidance:
<http://www.justice.gov/oip/>
- FOIA Counselor Service:
(202) 514-3642
- **Your** Agency Regulations
- [FOIA.gov](http://www.foia.gov)



Processing Checklist

- Outlines procedures for processing
- Establishes quality controls
- Creates Consistency



Receive FOIA Request

- Initial Considerations:
 - Expedition (if needed)
 - Scope
 - Assign
 - Track
 - Searching

- If possible, close within 20 working days



3 Types of Requesters

	<i>Search</i>	<i>Review</i>	<i>Duplication</i>
Commercial Use	✓	✓	✓
Institutions/Media			✓*
All Others	✓**		✓*

* First 100 pages of duplication free of charge per request.

** The first two hours of search free of charge per request.



Case Notes

- Chronology of actions from intake to final response
- Research
- Analysis



Case Notes

- Document actions
(including, but not limited):
- Searches
 - Consultations
 - Fee considerations
 - Application of Exemptions



Quick Close

- Some requests can be processed and closed within 20 working days of receipt. Examples are:
 - Previously processed records
 - Records available online or in agency's FOIA library
 - Fast search (few pages) with quick consult turnaround times



Acknowledge Request

If you cannot close in 20 working days, acknowledge request and provide the following information:

- Date of receipt & subject of request
- Administrative tracking number
- Office contact number or internet service



Acknowledge Request

- “Unusual Circumstances”
- Opportunity to narrow request scope
- Fees (as appropriate)
- FOIA Public Liaison & Office of Government Information Services (OGIS) – contact information



Definition of Search

- Review, manually or by automated means, agency records for the purpose of locating those records responsive to a request.
- Conduct thorough and adequate record search to uncover all responsive records



Search

- Identify potential locations for responsive records
- Issue search instructions
- Document record search (terms used, custodians and systems searched)
- Cut-off date for search



Record Collection

Search records systems (classified & unclassified) including, but not limited to:

- Offices
 - Emails
 - Paper files
 - Hard drives
- Databases
- Records in storage



Organization

- Maintain clean and working copies of responsive documents
- Document communications with requester
- Maintain up-to-date case notes
- Record all processing decisions



Analysis and Exemptions

- Review records to determine responsiveness
- De-duplicate universe of records



Analysis and Exemptions

- Apply exemptions as appropriate
 - Protect *national security, personal privacy, privileged communications, and law enforcement/investigations*

- Ask: Is there harm in releasing this information?
 - Segregate, if possible



CONSULTATION, REFERRAL, AND COORDINATION



CONSULTATION: document(s) that originated with *your* agency/office, but contain equity of another agency/office

REFERRAL: document(s) that originated with *another* agency/office

COORDINATION: document(s) that contain sensitive law enforcement (LE) *or* national security information



Consultation

- Send document(s) to other agency/office to obtain *their disclosure recommendations*
- *Await* agency/office consultation response



Consultation

- As originator *your* agency/office makes the *final determination* and responds to requester
- *Always include administrative tracking number*



Referral

- Refer document(s) to agency/office where it *originated*, if your agency/office has equity **provide *recommendations***
- *Advise* requester of referral of records to other agency/office



Referral

- Agency/office where document(s) originated will make the *final determination* and respond to requester
- *Always include administrative tracking number*



Coordination

- Agency/office locates records that originated with an LE agency or agency within the Intelligence Community (IC).
- When necessary, to avoid an inadvertent disclosure of personal privacy *or* national security interest, this modified procedure will be utilized.



Coordination

- Agency/Office that **received** the request typically responds to requester, after coordinating with LE or IC agency.
- Additional information regarding coordination:
<http://www.justice.gov/oip/blog/foia-guidance-13>



Importance of Communication

- Scope of the request
- Explain process to requester
 - Search methods and parameters
 - Time required for various searches



Importance of Communication

- If consultations are required, inform requester of time involved in this process
- Fees
- Interim/Rolling Responses



Final Response

- Restate subject
- Explain Search
- Disclosure Determinations/Exemptions
- Exclusion Language – Law Enforcement Agencies
- FOIA Public Liaison and OGIS Notifications
- Administrative Appeals



Additional Assistance

Contact the FOIA counselor hotline at
202-514-FOIA [3642]



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QUESTIONS?