Tools


- FOIA Counselor Service: (202) 514-3642

- Your Agency Regulations

- 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

<table>
<thead>
<tr>
<th></th>
<th>Search</th>
<th>Review</th>
<th>Duplication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Use</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Institutions/Media</td>
<td></td>
<td>✓</td>
<td>✓*</td>
</tr>
<tr>
<td>All Others</td>
<td>✓**</td>
<td></td>
<td>✓*</td>
</tr>
</tbody>
</table>

* 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.

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 requestor 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]
QUESTIONS?