

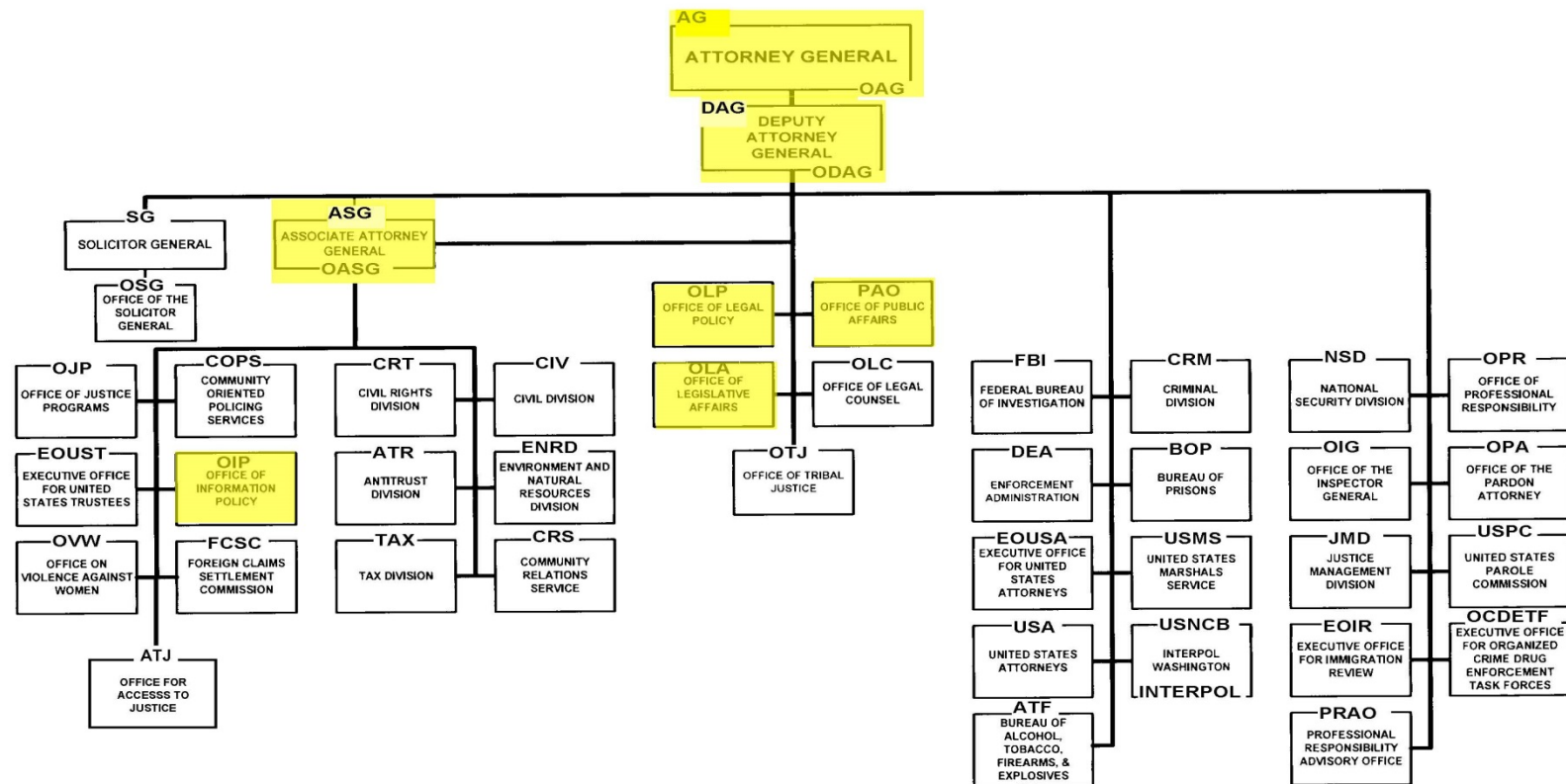


UNITED STATES DEPARTMENT *of* JUSTICE

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



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 of 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



Question:

- What type of information should be included in an acknowledgement letter?
- A. Administrative tracking number
 - B. Your office contact information
 - C. Date of receipt in your office
 - D. All of the above



Answer:

- What type of information should be included in an acknowledgement letter?
 - A. Administrative tracking number
 - B. Your office contact information
 - C. Date of receipt in your office
 - D. **All of the above**



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



Question:

- You have conducted a search in response to a complex request. What information should you include in your case notes?



Possible Answers:

- Locations/Databases Searched:
 - Include justification for why certain locations were searched based on the type of records sought
- Search Terms Used:
 - Wildcard searches, nicknames of individuals, etc.
 - Ex. of Wildcard = vot* - could be used for searching both the terms 'voting' and 'voter'
- Timeframe:
 - Beginning and cutoff dates (and why)
- Analysis of Search Results:
 - Responsiveness decisions



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



Question:

- You are processing a responsive email chain discussing the language of a draft memorandum. A participant's signature block includes their office and cell phone numbers. What exemptions might be applicable to protect this type of information?



Possible Answers:

- Exemption 5:
 - Deliberative process privilege (draft language)
- Exemption 6:
 - Personal privacy (cell phone)
- Other exemptions possible depending on content of the responsive material



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>



Question:

- Your search locates an email chain which is responsive to the request. The email chain is between another agency and yours. What do you do?



Answer:

- The email chain has mixed equity, so you consult with the other agency, but your Office provides the final response to the requester.



Importance of Communication

- Scope of the request
- Explain the process to the 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



Question:

- You called the requester to discuss the scope of their request. The requester agreed to reduce the scope of their request by both subject and date range. How should you document this agreement?
- A. Case notes
 - B. Email
 - C. In your next official correspondence
 - D. All of the above



Answer:

- You called the requester to discuss the scope of their request. The requester agreed to reduce the scope of their request by both subject and date range. How should you document this agreement?
- A. Case notes
- B. Email
- C. In your next official correspondence
- D. **All of the above**



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?