

Department of the Interior
Departmental Manual
Freedom of Information Act Handbook
(383 DM 15)

Effective Date: 4/22/04

Chapter 2: Controlling FOIA Requests

Originating Office: Office of the Chief Information Officer

2.1 Electronic FOIA Tracking System (EFTS). The EFTS is a mandatory system for tracking and managing FOIA and Privacy Act requests for all bureaus with Internet access. The EFTS will assist bureaus/offices in processing their FOIA and Privacy Act (PA) requests more efficiently, ensure consistency in responses, and facilitate preparation of the annual report to DOJ/Congress.

A. The EFTS contains the following pertinent information: a control number which is automatically assigned to each request by bureau (e.g., OS-2003-00001 would be assigned to the first request received by the Office of the Secretary in fiscal year 2003); date of request, receipt, and date of perfection, name, address, and telephone number of the requester; subject of the request, date completed and disposition of request, fees incurred, etc.

B. The EFTS will:

(1) Generate the Department's FOIA annual report to DOJ/Congress and a report for each bureau;

(2) Generate search and statistical reports based on data in the system;

(3) Generate a Departmentwide log of all FOIA/PA requests that have been received. The log will provide the following information:

(a) FOIA control number assigned;

(b) Name of the requester;

(c) Date of request;

(d) Date received;

(e) Completion date;

(f) Subject of the request; and

(g) Responsible bureau.

2.2 Use of the EFTS. Only DOI's FOIA/PA Officers and Coordinators (the FOIA Contacts), Designated FOIA Attorneys and attorneys in the Division of General Law, the FOIA Appeals Officer, and the Departmental Privacy Act Officer are authorized to use the EFTS. Bureau FOIA Officers will grant access only to those employees with a "need to know" for the purposes of carrying out their FOIA/PA responsibilities. All users of the system will comply with the Business Rules and Guidelines and the Rules of Behavior for the EFTS. Users also should refer to the User's Manual developed by the contractor. Since the EFTS is a Privacy Act system of records (See Appendix C to this Handbook for a copy of DOI-71, Electronic FOIA Tracking System and FOIA Case Files), employees who have access to data in the system must be aware of the maintenance, use, and other handling requirements established by the Privacy Act (see DOI's Privacy Act regulations (43 CFR Part 2, Subpart G), and the Departmental Manual (383 DM 1-13)).

2.3 Bureau Responsibilities. Each bureau will designate one or more individuals (e.g., the Bureau FOIA Officer and the regional/field FOIA Contacts) who will be responsible for:

A. Reviewing all incoming requests, logging them into the EFTS, and determining the action office responsible for preparing the response.

B. Annotating each FOIA request and/or transmittal sheet with the following information:

- (1) FOIA control number;
- (2) Date received;
- (3) Date response is due; and
- (4) Action office.

C. Tracking and managing all FOIA requests to ensure that:

- (1) Responses are accurate, complete, and prepared in a timely manner in accordance with applicable laws, and DOI's policies and procedures;
- (2) Records are provided to the requester; and
- (3) Fees are assessed properly under the Department's fee schedule (see Appendix C of DOI's FOIA regulations) and collected, as appropriate, etc.

D. Coordinating with other offices and bureaus where appropriate to ensure that documents are treated consistently.

- E. Maintaining background information to support potential appeals and litigation.
- F. Providing supplemental information for the Department's FOIA annual report (e.g., information concerning staffing, training, and other efforts to improve the program).
- G. Maintaining necessary backup data in case there are any unforeseen circumstances that would prohibit the bureau from accessing the system.
- H. Entering the following information into the EFTS for all FOIA requests received--
 - (1) Request:
 - (a) FOIA control number assigned (automatically generated by the system);
 - (b) Type of request (FOIA, Privacy Act, Records Referred);
 - (c) Sensitivity (Non Sensitive, Sensitive, Supersensitive);
 - (d) Type of Processing (Normal, Simple, Complex, Expedited);
 - (e) Status (Open, Completed, Closed);
 - (f) Date of request
 - (g) Date received;
 - (h) Date perfected;
 - (i) Date completed; and
 - (j) Subject of request.
 - (2) Requester: Name, address, and telephone number (if available) of requester.
 - (3) Fees:
 - (a) Fee category of requester; and
 - (b) Fee incurred in processing the request.

(4) Response:

(a) Disposition - whether granted, partially granted, denied or any other reason for nondisclosure;

(b) Exemptions cited; and

(c) If exemption 3 cited, the name of the law.

(5) Comments: Name of contact in the action office, whether the request has been referred to another bureau/office for response, name of individual who initially received and referred the request, etc.

I. Establishing a bureau email address for requesters to use when submitting electronic requests (requests should not be directed to the personal email addresses of the FOIA Contacts).

2.4 Signature Authority.

A. Each bureau will designate in writing those officials who are authorized to make final decisions on FOIA requests for the bureau.

B. Bureaus will ensure that the individuals responsible for making FOIA determinations have the expertise necessary to exercise sound judgment.

2.5 Action Office Responsibility. The action office will perform the necessary research and prepare the response to the requester, a copy of which will be sent to the appropriate FOIA Contact (the FOIA control number should be included).

2.6 Handling FOIA Requests.

A. Each request should be affixed to a transmittal sheet or folder that identifies it as a FOIA request requiring priority treatment.

B. To ensure a timely response by the bureau, the appropriate FOIA Contact will fax, e-mail, or hand-carry all requests designated as "FOIA" to the action office for response whenever feasible.

C. See paragraph 1.12 of Chapter 1 and paragraph 3.15 of Chapter 3 regarding the handling of Privacy Act requests.

2.7 Recordkeeping. The EFTS and the FOIA case files that the bureaus maintain constitute a

system of records under the Privacy Act. The records are covered by three DOI Privacy Act systems of records: DOI-71, Electronic FOIA Tracking System and FOIA Case Files (see Appendix C); DOI-69, FOIA Appeals; and DOI-57, Privacy Act Files. Files subject to the Privacy Act will be maintained in accordance with the Department's Privacy Act regulations (43 CFR Part 2, Subpart G), 383 DM 1-13, and the appropriate Privacy Act system of records notice (DOI-71, DOI-69, and DOI-57).

A. Initial Requests.

(1) Bureaus will maintain an official file on each FOIA request received. The official file will include:

- (a) A copy of the incoming letter and DOI's response;
- (b) A detailed account of every record or part of it disclosed to a requester (or a copy of the documents disclosed, with any deletions marked);
- (c) A note justifying the withholding of any records or a discretionary release;
- (d) A copy of any request to waive fees or expedite processing and the bureau's response;
- (e) Any records concerning the status of the request, follow-up correspondence with the requester (e.g., clarifying the scope of the request or any fee issues), and a record of any time extensions taken;
- (f) Any intra-agency or interagency communications concerning the request;
- (g) A copy of the bill for collection and any related records; and
- (h) A copy of any appeal filed and the Department's determination on the appeal.

(2) Files created in response to requests for information under the FOIA are covered under General Records Schedule (GRS) 14, item numbers 11, 13 through 15, and 36, and GRS 20, Electronic Records, and are maintained by the action office or the Bureau FOIA Officer/FOIA Contact, as appropriate.

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B. Appeals. The FOIA Appeals Officer maintains the official files for all FOIA appeals in accordance with GRS-14, item 12. The file consists of the appellant's letter and the

Department's reply, any related correspondence, supporting documents, the legal opinion prepared by SOL, and a copy of any related litigation.

C. Disposition. If there are files scheduled for records destruction under the Federal Records Act, those records cannot be disposed of if there is an outstanding FOIA request, appeal, and/or litigation concerning those records (see 384 DM 1.6F).

2.8 Preservation of Records. Bureaus are responsible for maintaining copies of the FOIA requests that they receive along with the responses, any responsive records, and related materials. Records will be preserved consistent with the requirements of Title 44 of the United States Code and the National Archives and Record's Administration's GRS 14 and GRS 20. Bureaus must appropriately preserve all records that are the subject of a pending request, appeal, or lawsuit under the FOIA or the Privacy Act as well as any FOIA requests and related records pertaining to individual Indian trust data (IITD) or tribal trust data (TTD). The website for the Department's records management program found at <http://www.doi.gov/OCIO/records> provides additional guidance.

2.9 Coordination.

A. If a program office receives a FOIA request directly from the requester, it will send a copy of the request promptly to the FOIA Contact to be logged into the EFTS and assigned a control number (see paragraph 2.3H of this Chapter).

B. If an action office determines that a FOIA request should be referred to another office within the same bureau or another bureau for response, it will send a copy of the request to the FOIA Contact or Bureau FOIA Officer, as appropriate, identifying the office or bureau that should process the request.

C. An employee who receives an incorrectly routed FOIA request will promptly notify the FOIA Contact and forward the request to his/her office for reassignment.

D. The action office will notify the FOIA Contact immediately whenever it has extended the time limit for responding to a request and/or made a decision regarding a request for a fee waiver or expedited processing. The FOIA control number assigned to the request and the name of the requester should be provided, along with the justification for the extension or the bureau's decision.

E. Whenever an office receives a request that does or may involve other offices within the same bureau, it will advise the Bureau FOIA Officer. The Bureau FOIA Officer will decide whether the request requires coordination to ensure a uniform approach by the bureau.

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F. Bureaus will advise the Office of the Secretary (OS) FOIA Officer whenever they receive a request involving multiple bureaus that may require coordination to ensure a uniform response by the Department.

2.10 Coordinating Sensitive Requests.

A. If DOI receives a request involving potentially controversial or sensitive issues and affecting multiple bureaus, the OS FOIA Officer will designate a lead bureau/office to coordinate the response for the Department. The lead bureau may prepare a consolidated response, on behalf of DOI, after consulting with all affected bureaus/offices. This will ensure that uniform and consistent responses are prepared and any litigation-sensitive information is protected.

B Normally, the lead bureau is the bureau that has the primary interest in the records at issue. If it is difficult to determine which bureau has the primary interest, OS FOIA Officer will designate a lead based on the bureau that has the greatest volume of responsive documents and/or the office within SOL that is handling any pending litigation.

C. The lead bureau is responsible for:

- (1) Deciding whether to grant a request for a fee waiver or expedited processing;
- (2) Ensuring that all pertinent files are searched for documents that may be responsive to the request (this includes regional and field offices where applicable);
- (3) Coordinating the review of the documents to make sure that they are treated consistently and that multiple responses to the same request are consistent;
- (4) Following up with the other bureaus to ensure that responses have been sent to the requester; and
- (5) Maintaining the official file for the FOIA request (the consolidated response).

D. The other bureaus/offices involved in responding to the request will cooperate fully with the lead bureau to ensure that FOIA responses are complete, consistent, and timely. They also are responsible for maintaining official files relating to their involvement with the request. The file should indicate which bureau/office was the lead.

E. SOL is responsible for coordinating legal review of the material. If a consensus cannot be reached between the bureaus regarding the release/withholding of documents (or portions thereof), SOL will make the final determination.