

## Department of the Interior Department Manual

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**Effective Date:** 10/01/2024

**Series:** Information Resources Management

**Part 383:** Public Access to Records

**Chapter 15:** Freedom of Information Act

**Originating Office:** Office of the Solicitor

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### 383 DM 15

15.1 **Purpose.** This chapter outlines the roles and responsibilities of Department of the Interior (Department) employees with respect to the Freedom of Information Act (FOIA).

15.2 **Scope.** This chapter applies to all Department employees in all components of the Department other than the Office of Inspector General unless otherwise provided.

15.3 **Authorities.** 5 U.S.C. § 552, as amended, 43 CFR Part 2.

#### 15.4 **Definitions.**

A. Bureau. Bureau includes the Department's eleven principal components, Office of the Secretary, and Office of the Solicitor.

B. FOIA Professionals. FOIA Professionals are employees assigned responsibility for processing FOIA requests as a primary or collateral duty.

C. Record Custodians. Record Custodians are employees who provide copies of agency records they have created or obtained to the Department's FOIA Professionals for processing in response to FOIA requests.

D. Subject Matter Experts. Subject Matter Experts are employees who provide contextual information to the Department's FOIA Professionals to ensure their processing determinations are fully informed.

#### 15.5 **Roles and Responsibilities.**

A. Chief FOIA Officer. The Solicitor is the Department's Chief FOIA Officer (CFO) with statutory responsibility for the Department's efficient and appropriate compliance with the FOIA and other specific functions set out in 5 U.S.C. § 552(j)(2)-(3).

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B. Deputy Chief FOIA Officer. The Department's Deputy Chief FOIA Officer (DCFO) exercises the authority of the Solicitor to carry out the statutory responsibility and functions of the CFO and:

(1) Serves as the Director of the Departmental Freedom of Information Act Office within the Office of the Solicitor.

(2) Approves all recruitment, selection, and reassignment actions for Bureau FOIA Officers and serves as the reviewing official on the FOIA Officers' annual performance appraisals in collaboration with Bureau leadership.

(3) May assume control over processing any aspect of any FOIA request, as appropriate, including convening and utilizing a FOIA Assistance Coordination Team comprised of the DCFO, a representative of the Office of the Solicitor's Division of General Law (DGL), and additional members requested by the DCFO.

(4) Takes other actions to improve the quality and capacity of FOIA request processing at the Department and facilitate the full and fair administration of the FOIA.

C. Departmental Freedom of Information Act Office. The Departmental Freedom of Information Act Office (DFO) exercises the authority of the DCFO to:

(1) Issue Department policies, procedures, and directives governing FOIA processing and/or related to the functions of the DFO.

(2) Timely review and approve Bureau-level FOIA policies and procedures before they are issued.

(3) Provide guidance and targeted support to the Bureaus to help address FOIA request backlogs and other operational challenges.

(4) Establish FOIA training requirements, timely review and approve Bureau-level training materials, and deliver FOIA training to Department employees.

(5) Oversee, monitor, and audit the Bureaus for compliance with the FOIA, and the Department's FOIA regulations, policies, procedures, and directives.

(6) Conduct periodic assessments of Bureau FOIA operations and make recommendations to Bureau leadership for improving operations, including staffing levels and staff alignment.

(7) Manage the Department's centralized FOIA request tracking, case management, and reporting system ("FOIA Tracking System").

(8) Collaborate with the Office of the Chief Information Officer to select, deploy, and support the technology utilized by the Bureaus to track, process, and manage FOIA requests.

(9) Collaborate with the Office of Human Capital to establish elements to be included in the position descriptions (PD) of FOIA personnel and the Employee Performance Appraisal Plans (EPAP) of the Bureau FOIA Officers.

(10) Prepare and submit the Department's FOIA reports in accordance with 5 U.S.C. § 552(e).

(11) Serve as the Department's FOIA Public Liaison in accordance with 5 U.S.C. § 552(k)-(l).

(12) Manage and coordinate the Department's FOIA litigation activities.

D. Office of the Chief Information Officer. The Office of the Chief Information Officer (OCIO) is responsible for collaborating with the DFO to obtain, deploy, and support the information technology utilized by FOIA Professionals to track, process, and manage FOIA requests and assist as appropriate in the search and collection of documents.

E. Associate Chief Information Officers. Associate Chief Information Officers are responsible for collaborating with the DFO and/or the OCIO to ensure adequate training and support for the information technology utilized by FOIA Professionals within their Bureaus to track, process, and manage FOIA requests.

F. Bureau and Office Heads. Bureau and Office Heads are responsible for:

(1) Delegating to their Bureau FOIA Officer the authority to issue responses to FOIA requests and to redelegate such authority within their chain of command, as appropriate.

(2) Providing sufficient staff and resources to their Bureau FOIA office and other components to meet the demands of processing FOIA requests and minimize backlogs.

(3) Ensuring all Bureau employees timely respond to search, collection, and other requests from the Bureau FOIA office, assigning staff to facilitate that process as necessary.

(4) Ensuring all Bureau employees comply with the DFO's mandatory FOIA training requirements.

(5) Taking appropriate actions to remedy an employee's non-compliance with the FOIA and/or Department authorities governing FOIA-related activities.

(6) Timely updating Bureau manuals and policies to ensure they are consistent with the requirements of this chapter and Departmental policies and submitting those materials to the DFO for approval.

G. Senior Executives. Senior Executives with management authority over their Bureau's FOIA function are responsible for:

(1) Employing and providing management, supervision, and support to a full-time FOIA Officer responsible for and dedicated exclusively to their Bureau's FOIA operations.

(2) Obtaining the approval of the DCFO for all recruitment, selection, and reassignment actions for Bureau FOIA Officers and ensuring the DCFO is the designated reviewing official for the Bureau FOIA Officer's annual performance appraisal.

(3) Establishing and maintaining a direct relationship with their Bureau FOIA Officer that includes regular briefings on the status of their Bureau's FOIA operations.

(4) Requiring the Bureau's FOIA Officer and FOIA Professionals to comply with the Department's FOIA policies and procedures and cooperate fully with directives and requests from the DFO.

H. Division, Regional, and Field Office Attorneys. Division, Regional, and Field Office Attorneys in the Office of the Solicitor are responsible for:

(1) Reviewing for legal sufficiency: proposed withholdings, other than those that have been preapproved by the DFO; grants of expedited processing; denials of fee waivers; discretionary disclosures; and proposed uses of FOIA exclusions.

(2) Providing legal advice to their clients on FOIA matters with guidance from the DFO and/or the DGL, as needed.

(3) Coordinating with the DFO with respect to FOIA litigation activities.

I. FOIA and Privacy Act Appeals Officer. The Department's FOIA and Privacy Act Appeals Officer exercises the authority of the Secretary to administer the Department's FOIA Appeals Program and is responsible for:

(1) Adjudicating and issuing binding final agency decisions in FOIA appeals.

(2) Providing timely, accurate, and complete information to the DFO to meet the Department's reporting obligations under 5 U.S.C. § 552(e).

J. Office of the Inspector General (OIG). The OIG processes FOIA requests, adjudicates FOIA appeals and conducts FOIA litigation pursuant to its own procedures, and its

responsibilities under this chapter are limited to providing timely, accurate, and complete information to the DFO to meet the Department's reporting obligations under 5 U.S.C. § 552(e).

K. Bureau FOIA Officers. Bureau FOIA Officers are the FOIA subject matter experts and decision-making authority for FOIA responses within their Bureau and are responsible for:

- (1) Managing the operations of their Bureau FOIA office.
- (2) Establishing and managing a FOIA Requester Center for their Bureau in accordance with the FOIA, the Department's FOIA regulations, and guidance from the Department of Justice.
- (3) Providing timely, accurate, and complete information to the DFO, including information to meet the Department's reporting obligations under 5 U.S.C. § 552(e).
- (4) Redelegating, in writing, the authority to issue responses to FOIA requests to subordinate positions within their chain of command as well as other Bureau positions, as appropriate, and maintaining a current listing of those positions.
- (5) Coordinating with other Bureau FOIA Officers to process requests that may involve the equities of multiple Bureaus.
- (6) Ensuring that their Bureau FOIA Professionals, subject matter experts, and record custodians have sufficient knowledge and understanding of their roles and responsibilities under the FOIA, the Department's FOIA regulations, policies, procedures, and DFO directives.
- (7) Monitoring the compliance of the FOIA Professionals in their Bureau with the FOIA, the Department's FOIA regulations and policies, ensuring compliance with decisions and directions issued by the FOIA and Privacy Act Appeals Officer, notifying the DFO of compliance violations, and implementing corrective and preventative actions to address compliance violations.
- (8) Maintaining an online FOIA page for their Bureau and ensuring the information presented is accurate, current, and consistent with the FOIA and the Department's FOIA regulations, policies, procedures, and directives.
- (9) Managing use of the FOIA Tracking System for their Bureau, including determining which Bureau employees have access to the system and ensuring their use of the system is in accordance with Department policies, procedures, and directives.
- (10) Collaborating with the DFO to improve FOIA operations throughout the Department and complying with the requests and directives of DFO staff.

L. FOIA Professionals. FOIA Professionals are responsible for processing FOIA requests in accordance with the Department's FOIA regulations, policies, procedures, and directives, including, as appropriate based on their assigned duties:

- (1) Inputting and updating information in the FOIA Tracking System.
- (2) Contemporaneously documenting communications with requesters, record custodians, and subject matter experts.
- (3) Properly applying the FOIA exemptions and utilizing the Department's [Required FOIA Language](#) to respond to requesters, when applicable.
- (4) Conducting and/or overseeing a reasonable search and processing and producing responsive records consistent with the FOIA; the Department's FOIA regulations; and the Department's policies, procedures, and directives.
- (5) Obtaining review and concurrence for proposed withholdings, other than those that have been preapproved by the DFO; grants of expedited processing; denials of fee waivers; discretionary disclosures; proposed uses of FOIA exclusions from Office of the Solicitor attorneys; and, as appropriate, DFO, Bureau FOIA Officer, or program subject matter experts.

M. Record Custodians and Subject Matter Experts. Record Custodians and Subject Matter Experts are responsible for timely and accurately providing records and/or information to the Department's FOIA Professionals.

#### 15.6 **FOIA Merit Award.**

A. The DCFO may occasionally choose to issue a non-monetary FOIA Merit Award (the Award) to recognize Department employees that meet the following criteria:

- (1) Superior accomplishment of regularly assigned duties;
- (2) Exceptional achievement of project goals;
- (3) Noteworthy accomplishments over a sustained period; and/or
- (4) Specific contributions to an organization's mission.

B. The Award must meet the requirements in Personnel Bulletin No: 19-16 until corresponding changes are made to 370 DM 451.5, then the Award must meet the requirements in 370 DM 451.5.

C. Nominations for the Award may be made throughout the year, either when:

- (1) Solicited by the DCFO; or
  - (2) Submitted to the DCFO, in writing, by any person aware of an achievement that may deserve recognition.
- D. Recipients of the Award will be recognized during Sunshine Week celebrations and publications.