

# BISON FILE & SERVE (BFS) USER GUIDE

## eFiling Confidential or Privileged Documents



### Table of Contents

Introduction .....	2
eFiling Confidential or Privileged Documents .....	2
eFiling Confidential or Privileged Documents with DCHD.....	3
eFiling Confidential or Privileged Documents with DIR .....	9
eFiling Confidential or Privileged Documents with IBIA.....	10
eFiling Confidential or Privileged Documents with IBLA .....	14
eFiling Confidential or Privileged Documents with WELSA .....	15

## Introduction

The U.S. Department of the Interior, Office of Hearings and Appeals (OHA) has adopted a web-based application for electronically filing (eFiling) and serving documents with the participating units within OHA: the Office of the Director (DIR), the Departmental Cases Hearings Division (DCHD), the Interior Board of Indian Appeals (IBIA), the Interior Board of Land Appeals (IBLA), and the White Earth Land Settlement Act Hearings Division (WELSA). Named Bison File & Serve (BFS) in honor of the Department's insignia, it allows registered system users to start a new case, file documents with OHA, and receive automated email notifications when documents are added to the case — all by electronic transmission. There is no fee to use this application.

All system users must register before using BFS. Before you can electronically file a new case with OHA or join an existing case using BFS, you must first register to use the system. Please consult the *User Guide for eFiler Registration and Login* before registering. This Guide provides **Non-DOI Users** with step-by-step instructions for eFiling a new case and for joining an existing case with OHA. If you are a **DOI User**, then please see *The DOI User Guide* for information on initiating, transmitting, or joining a case in BFS.

## eFiling Confidential or Privileged Documents

BFS allows eFilers to submit confidential or privileged documents as part of case submission or when filing documents in an existing case. Each OHA unit has different options available for uploading confidential or privileged documents. Please ensure you select the appropriate option(s) when uploading a confidential or privileged document.

**IMPORTANT:** Do not file confidential or privileged documents unless required or unless they are relevant to the case. All BFS users should follow these instructions when they believe they are filing a confidential or privileged document in BFS.

**WARNING:** Files that are not uploaded under the correct confidential or privileged document types will be immediately viewable by other parties to the case upon filing.

Please use the links below to navigate to unit-specific directions for uploading confidential or privileged documents.

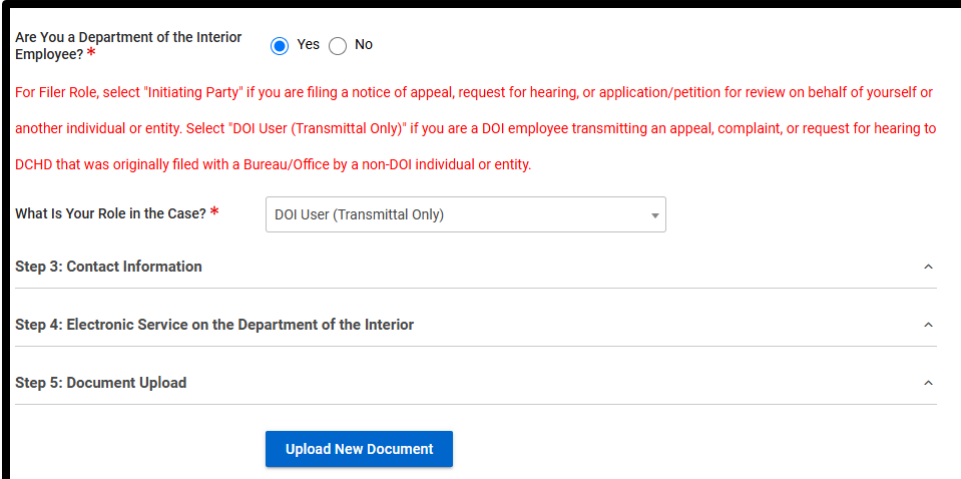
- [eFiling Confidential or Privileged Documents with the Departmental Cases Hearings Division](#)
- [eFiling Confidential or Privileged Documents with the Office of the Director](#)
- [eFiling Confidential or Privileged Documents with the Interior Board of Indian Appeals](#)
- [eFiling Confidential or Privileged Documents with Interior Board of Land Appeals](#)
- [eFiling Confidential or Privileged Documents with White Earth Land Settlement Act Hearings Division](#)

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### eFiling Confidential or Privileged Documents with DCHD

**Case Initiation:** Non-DOI users may not upload confidential or privileged documents through BFS when initiating a case with DCHD. Upon upload, case-initiating documents will be immediately available and viewable by DCHD and other parties who have access to the docket card via BFS.

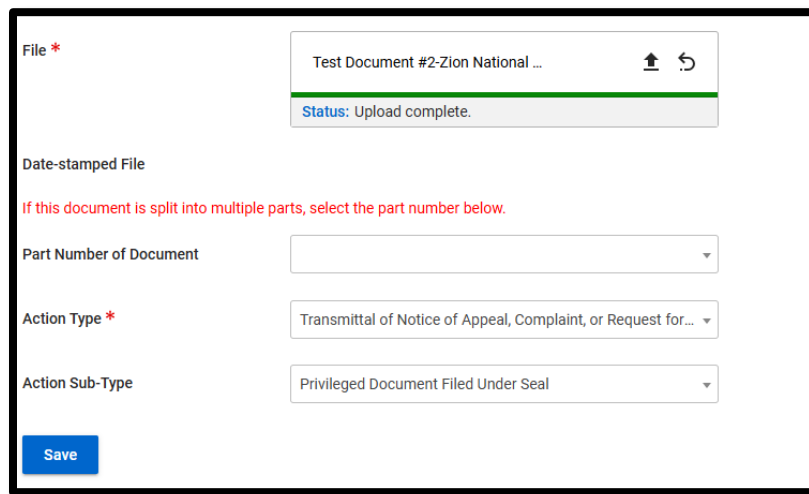
**DOI Transmittals:** A DOI User transmitting a notice of appeal, complaint, or a request for hearing, may submit privileged documents under seal. First, go to Step 5 (Document Upload) of a new case transmission and click “Upload New Document.”



The screenshot shows a web form for uploading documents. At the top, there is a question: "Are You a Department of the Interior Employee? \*" with radio buttons for "Yes" (selected) and "No". Below this is a red instruction: "For Filer Role, select 'Initiating Party' if you are filing a notice of appeal, request for hearing, or application/petition for review on behalf of yourself or another individual or entity. Select 'DOI User (Transmittal Only)' if you are a DOI employee transmitting an appeal, complaint, or request for hearing to DCHD that was originally filed with a Bureau/Office by a non-DOI individual or entity." Below the instruction is a dropdown menu labeled "What Is Your Role in the Case? \*" with "DOI User (Transmittal Only)" selected. At the bottom of the form is a blue button labeled "Upload New Document". On the left side of the form, there are four steps listed with expand/collapse arrows: "Step 3: Contact Information", "Step 4: Electronic Service on the Department of the Interior", and "Step 5: Document Upload".

Next, select **Transmittal of Notice of Appeal, Complaint, or Request for Hearing (DOI Users ONLY)** from the Action Type drop-down list. Then, select **Privileged Document Filed Under**

**Seal** from the Action Sub-Type drop-down list. Select the file you wish to upload and then click “Save.”

A screenshot of a web form for uploading a document. At the top, there is a 'File \*' section with a text input field containing 'Test Document #2-Zion National ...' and a green status bar below it that says 'Status: Upload complete.' Below this is a 'Date-stamped File' section with a red instruction: 'If this document is split into multiple parts, select the part number below.' This is followed by a 'Part Number of Document' dropdown menu. Then, there is an 'Action Type \*' dropdown menu with the selected option 'Transmittal of Notice of Appeal, Complaint, or Request for...'. Below that is an 'Action Sub-Type' dropdown menu with the selected option 'Privileged Document Filed Under Seal'. At the bottom left of the form is a blue 'Save' button.

The documents will not be viewable by other parties and will not be reviewed by OHA without notice to the parties.

#### **Pending cases:**

- **Confidential Documents.** eFilers may submit confidential documents in cases pending before DCHD by following a two-step process.
  - *Step 1: Upload a Motion to Limit Disclosure of Confidential Information.* Confidential documents must be accompanied by a Motion to Limit Disclosure of Confidential Information pursuant to 43 C.F.R. § 4.31. To upload your request, go to the pending case’s information page and click on the “Upload New Document” button. Then, select **Motion** from the Action Type drop-down list and **Limit Disclosure of Confidential Info.** from the Action Sub-Type drop-down list. Select your file and click “Save.” DO NOT include confidential information in your Motion as it will be viewable by other parties.

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Document Upload

The maximum file size for uploads is 75 MB. Documents that exceed 75 MB must be uploaded in parts. File names may not exceed 60 characters per upload. Zip files are not accepted. **The acceptable file formats are .pdf, .doc, or .jpeg.**

**Warning:** If you would like to submit a privileged or confidential document, please ensure you select the appropriate document type from the drop-down list. Documents that are not uploaded under the privileged or confidential document types will be immediately viewable by other parties to the case upon submission.

Upload New Document

Case Documents

[Test Document #4-Arches.pdf \(Docket Action\)](#)

- *Step 2: Upload Confidential Documents.* After you have uploaded your Motion to Limit Disclosure of Confidential Information, click “Upload New Document” again. Select **Motion** from the Action Type drop-down list, **Limit Disclosure of Confidential Info.** from the Action Sub-Type drop-down list, and **Confidential Document** from the Action Sub-Sub Type drop-down list. Upload your file and click “Save.”

File \*

Test document#2-Bryce Canyon.d...

Status: Upload complete.

Date-stamped File

If this document is split into multiple parts, select the part number below.

Part Number of Document

Action Type \*

Motion

Action Sub-Type

Limit Disclosure of Confidential Info.

Action Sub-Sub-Type

Confidential Document

Save

Once you have added all confidential documents to the Document Upload list, click “Submit.” The Motion to Limit Disclosure of Confidential Info. will immediately be added to the Docket Card of the case. The confidential document(s) will not be viewable by other parties or reviewed by DCHD except as provided under 43 C.F.R. § 4.31.

- **Privileged Documents.** eFilers may submit privileged documents in cases pending before DCHD in the following scenarios:
  - *Bureau/Office Decision Record.* When submitting the Bureau/Decision record, any documents containing privileged information should be uploaded separately from the rest of the Bureau/Office Decision record. Failure to do so may result in inadvertent disclosure of the privileged documents.

To upload privileged documents with a Bureau/Office decision record, click “Upload New Document.” Select the **Bureau/Office Decision Record** Action Type, and then select the **Privileged Document Filed Under Seal** Action Sub-Type. Select your file and click “Save.” Verify that the document has been added to the document upload list, then click “Submit.” The privileged document will not be viewable by other parties and will not be reviewed by OHA without notice to the parties. Ensure that the table of contents for the Bureau/Office Decision Record indicates that the record contains privileged documents.

The screenshot shows a web form for uploading a document. At the top, there is a 'File \*' section with a text input field containing 'Test document#2-Bryce Canyon.d...' and icons for upload and refresh. Below this is a green status bar that reads 'Status: Upload complete.' The main form area is titled 'Date-stamped File' and includes a red instruction: 'If this document is split into multiple parts, select the part number below.' There are three dropdown menus: 'Part Number of Document' (empty), 'Action Type \*' (set to 'Bureau/Office Decision Record'), and 'Action Sub-Type' (set to 'Privileged Document Filed Under Seal'). A blue 'Save' button is located at the bottom left of the form.

- *Motion for Protective Order.* When submitting a Motion for Protective Order, DO NOT include documents containing privileged information in your Motion as it will be viewable by other parties. Privileged documents should instead be uploaded separately by clicking on the “Upload New Document” button and selecting the **Motion** Action Type, the **Protective Order** Action Sub-Type, and then the **Privileged Document Filed Under Seal** Action Sub-Sub Type. Select your file and click “Save.” Verify that the document has been added to the document upload list, then click “Submit.” The privileged document will not be viewable by other parties and will not be reviewed by OHA without notice to the parties.

File \*

Test document#2-Bryce Canyon.d...

Status: Upload complete.

Date-stamped File

If this document is split into multiple parts, select the part number below.

Part Number of Document

Action Type \*

Motion

Action Sub-Type

Protective Order

Action Sub-Sub-Type

Privileged Document Filed Under Seal

Save

- *Supporting Documents.* eFilers additionally have the option of submitting supporting documents that are privileged. An eFiler might select this option if, for instance, they are submitting privileged documents to the judge for an in camera review.

To upload privileged supporting documents, click “Upload New Document.” Select the **Supporting Documents** Action Type, and then select the **Privileged Document (Filed Under Seal)** Action Sub-Type. Select your file and click “Save.”

File \*

Test document#2-Bryce Canyon.d...

Status: Upload complete.

Date-stamped File

If this document is split into multiple parts, select the part number below.

Part Number of Document

Action Type \*

Supporting Documents

Action Sub-Type

Privileged Document (Filed Under Seal)

Save

Verify that the document has been added to the document upload list, then click “Submit.” The privileged document will not be viewable by other parties and will not be reviewed by OHA without notice to the parties.

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## eFiling Confidential or Privileged Documents with DIR

**Confidential Documents.** Submitting confidential information with DIR is a two-step process. First, at Step 5 (Document Upload) of a new case submission, click “Upload New Document” and select **Request to Limit Disclosure of Confidential Information** from the Action Type drop-down list. Then select your file and click “Save.”

A **Request to Limit Disclosure** is made pursuant to 43 C.F.R. § 4.31. DO NOT include confidential information in the request for limiting disclosure. The request will be viewable by other parties.

Second, after you have uploaded your Request to Limit Disclosure, click “Upload New Document” again, select **Request to Limit Disclosure of Confidential Information** from the Action Type drop-down list, and then select **Confidential Document** from the Action Sub-Type drop-down list. Upload your file and click “Save.”

Using the **Confidential Document** Sub-Type, you may upload confidential documents. The confidential documents will not be viewable by other parties or reviewed by OHA except as provided under 43 C.F.R. § 4.31. Confidential documents must be accompanied by a Request to Limit Disclosure.

**DOI Transmittals.** Only a DOI User transmitting the administrative record, an appeal, or a request for hearing, may submit privileged administrative record documents. At Step 5 (Document Upload) of a new case submission, click “Upload New Document” and select **Transmittal of Administrative Report, Appeal, or Request for Hearing (DOI Users ONLY)** from the Action Type drop-down list. Then, select **Privileged Document Filed Under Seal** from the Action Sub-Type drop-down list. Select the file you wish to upload and then click “Save.”

The documents will not be viewable by other parties and will not be reviewed by OHA without notice to the parties. The certification of the record and the table of contents should indicate that the record contains privileged documents.

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## eFiling Confidential or Privileged Documents with IBIA

**Confidential Documents Generally.** eFilers may submit confidential documents at case initiation and in pending cases. Submitting confidential information to IBIA is a two-step process.

- *Step 1: Upload Request to Limit Disclosure of Confidential Information pursuant to 43 C.F.R. § 4.31.* Click “Upload New Document” at Step 5 of the case initiation form, or from the case information page in pending cases, and select **Request to Limit Disclosure of Confidential Information** from the Action Type drop-down list. Then select your file and click “Save.” DO NOT include confidential information in the Request to Limit Disclosure. The request will be viewable by other parties.

Step 4: Electronic Service on the Department of the Interior

Please complete service of your case initiating documents electronically on Department of the Interior bureaus/offices by selecting the individuals or offices that you wish to serve. It is not possible to electronically serve your case initiating documents on non-Departmental persons or entities through Bison File & Serve; you must serve your case initiating documents on those persons or entities by other means, as described in the OHA Standing Order(s) on Electronic Transmission (available on the OHA website).

Bureau/Office

Step 5: Document Upload

Case Documents

- *Step 2: Upload Confidential Documents.* After you have added your Request to Limit Disclosure of Confidential Information to the Document Upload list, click “Upload New Document” again, select **Request to Limit Disclosure of Confidential Information** from the Action Type drop-down list, and then select **Confidential Document** from the Action Sub-Type drop-down list. Select your file and click “Save.”

File \*

Status: Upload complete.

Date-stamped File

If this document is split into multiple parts, select the part number below.

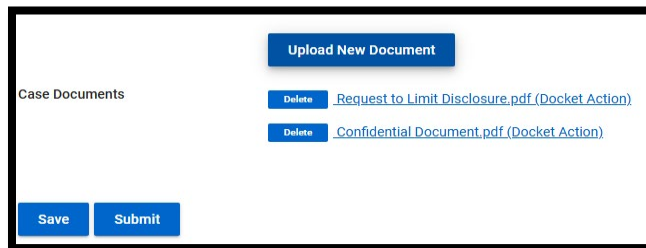
Part Number of Document

You may file a Request to Limit Disclosure of Confidential Information pursuant to 43 C.F.R. § 4.31. Confidential documents that are the subject of a written request for limiting disclosure will not be viewable by other parties or reviewed by OHA except as provided under § 4.31. DO NOT include confidential information in the request for limiting disclosure. The request will be viewable by other parties. After you have uploaded your Request to Limit Disclosure, you may upload confidential documents selecting the Confidential Document action sub-type.

Action Type \*

Action Sub-Type

Once you have added all of your confidential documents to the Document Upload list, click “Submit.” The Request to Limit Disclosure of Confidential Information will immediately be linked to the Docket Card of the case and will be viewable by the parties. If the Request to Limit Disclosure of Confidential Information is submitted at case initiation, it will also be served by e-mail on the DOI parties selected to receive service in Step 4 of case initiation. The confidential document(s) will not be viewable by other parties or reviewed by IBIA except as provided under 43 C.F.R. § 4.31.



The screenshot shows a web interface for document management. At the top right is a blue button labeled "Upload New Document". Below it, on the left, is the text "Case Documents". To the right of this text is a list of two documents. Each document entry consists of a blue "Delete" button followed by a link to the document name. The first document is ".Request to Limit Disclosure.pdf (Docket Action)" and the second is ".Confidential Document.pdf (Docket Action)". At the bottom left of the interface are two blue buttons: "Save" and "Submit".

### **Probate Records and Confidential or privileged Documents in an Administrative Record.**

Probate records submitted through BFS must be uploaded using the Action Type “Agency Record” and Action Sub-Type “Privileged Document Filed Under Seal” to ensure that the record is protected from inadvertent disclosure. When submitting an administrative record, confidential or privileged documents must be uploaded separately from the rest of the record. Failure to do so may result in inadvertent disclosure of the confidential or privileged documents.

- *Privileged Documents.* To upload a probate record or privileged documents with an administrative record, click “Upload New Document,” select the **Agency Record** Action Type, and then select the **Privileged Document Filed Under Seal** Action Sub-Type. Select your file and click “Save.” Verify that the probate record or privileged document has been added to the Document Upload list, then click “Submit.” Probate records will only be viewable through BFS by the IBIA. Any party desiring to view or obtain copies of documents in the probate record must make arrangements with the submitting bureau or office. Privileged document(s) in an administrative record will not be viewable by other parties and will not be reviewed by IBIA without notice to the parties. Ensure that the table of contents for the administrative record indicates that the record contains privileged documents filed under seal.

Action Type \*

Agency Record

Action Sub-Type

Privileged Document Filed Under Seal

Request to Limit Disclosure

Save

- **Confidential Documents.** To upload confidential documents with an administrative record, click “Upload New Document,” select the **Agency Record** Action Type, and then select the **Request to Limit Disclosure** Action Sub-Type. Select your file and click “Save.” DO NOT include confidential information in the Request to Limit Disclosure. The request will be immediately viewable by other parties to the case.

After you have added your Request to Limit Disclosure to the Document Upload list, click “Upload New Document” again, select the **Agency Record** Action Type, the **Request to Limit Disclosure** Action Sub-Type, and then select the **Confidential Document** Action Sub-Sub-Type. Select your file and click “Save.” The confidential document(s) will not be viewable by other parties or reviewed by IBIA except as provided under 43 C.F.R. § 4.31.

**DOI Transmittals.** A DOI user transmitting or referring an appeal to IBIA would follow the same steps for uploading a **Request to Limit Disclosure of Confidential Information** and **Confidential Document** at case initiation as a non-DOI User.

File \*

Request to Limit Disclosure.pdf

Status: Upload complete.

Date-stamped File

If this document is split into multiple parts, select the part number below.

Part Number of Document

Action Type \*

Notice of Appeal

Request to Limit Disclosure of Confidential Information

Transmittal of Appeal or Referral (DOI User)

Save

DOI users may also transmit privileged documents at case initiation by selecting the **Transmittal of Appeal or Referral (DOI User)** Action Type, and then selecting the **Privileged Document Filed Under Seal** Action Sub-Type.

A DOI user may transmit an appeal or upload a referral of a matter by the Secretary or Assistant Secretary.

Action Type \* Transmittal of Appeal or Referral (DOI User) ▼

Action Sub-Type ▲

Save

- Other (e.g., Osage administrative record, etc.)
- Privileged Document Filed Under Seal**
- Underlying Bureau/Office Decision or Order

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## eFiling Confidential or Privileged Documents with IBLA

**Confidential Documents Protected from Disclosure:** Submitting confidential information to IBLA is a two-step process.

First, at Step 5 (Document Upload) of a new case initiation form, or from the case information page in existing cases, click “Upload New Document” and select **Request to Limit Disclosure of Confidential Information** from the Action Type drop-down list. Then select and upload your file and click “Save.” DO NOT include confidential information in the Request because it will be viewable by other parties upon submission.

Second, after you have uploaded your Request to Limit Disclosure, click “Upload New Document” again, upload your confidential document(s), select **Request to Limit Disclosure of Confidential Information** from the Action Type drop-down list, and then select **Confidential Document** from the Action Sub-Type drop-down list. Click “Save.” Once you have separately uploaded the Request and the confidential document(s), click the Submit button.

**Warning:** If you would like to submit a privileged or confidential document, please ensure you select the appropriate document type from the drop-down list. Documents that are not uploaded under the privileged or confidential document types will be immediately viewable by other parties to the case upon submission.

File \*    
Status: Upload complete.

Date-stamped File

If this document is split into multiple parts, select the part number below.

Part Number of Document

Action Type \*

Action Sub-Type

Case Documents

<input type="button" value="Delete"/>	<a href="#">Request to Limit Disclosure.pdf (Docket Action)</a>
<input type="button" value="Delete"/>	<a href="#">Confidential Ex. 1.pdf (Docket Action)</a>

The confidential documents will not be viewable by other parties or reviewed by the Unit except as provided under 43 C.F.R. § 4.31. Confidential documents must be accompanied by a Request to Limit Disclosure.

### **eFiling Confidential or Privileged Documents with WELSA**

There are no specific options to submit confidential or privileged documents when filing documents in an existing case under WELSA. As a result, all documents are immediately viewable upon submission.

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