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Description of document: **Records giving official guidance sent from the US Department of the Interior (DOI) FOIA Officer to DOI Bureau FOIA Officers for FOIA Implementation during calendar year 2007**

Requested date: 07-January-2008

Released date: 20-February-2008

Posted date: 12-May-2009

Source of document: United States Department of the Interior
Office of the Secretary
MS-116, SIB
1951 Constitution Ave, NW
Washington, DC 20240
Fax: 202/219-2374
E-mail: osfoia@nbc.gov

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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



IN REPLY REFER TO:
7202.4-OS-2008-00170

February 20, 2008

On January 7, 2008, you filed a Freedom of Information Act (FOIA) request, **OS-2008-00170**, stating:

“I request a copy of records such as memos, opinions, letters, correspondence, presentations or emails in the Office of the Chief FOIA Officer of the U.S. Department of the Interior during the time period calendar year 2007 that discuss matters relating to FOIA, and/or its planning, budgeting, or implementation at the agency.”

On January 22, 2008, we acknowledged your request, advised you of your fee category, and informed you that we would need for you to narrow the scope of your request before we could proceed. We also stated that we would address the issue of fees after we agreed to a workable scope.

On January 28, 2008, we received the email which you had sent late on January 26, 2008, reducing the scope to “official guidance sent from the Departmental FOIA Officer to the Bureau FOIA Officers for FOIA Implementation during calendar year 2007.”

On January 30, 2008, we wrote that we considered your revised scope and your promise to pay up to \$35.00 both acceptable for us to proceed, and that we considered your request perfected as of January 28, 2008, when we received notice of your revised scope. We therefore initiated a search for responsive records at that time within the Office of the Departmental FOIA Officer. We also took the 10 workday extension provided for in our regulations at that time due to the need to consult with another component of the agency.

Today we are providing the results of that search. Enclosed are 10 documents, consisting of a total of 64 pages, all as PDF images on one CD ROM disk. The documents are being released in their entirety.

The fees for the processing of this request, before subtracting your entitlements, would have been \$137.00, as follows:

2 ½ hours	Managerial search time	@ \$13.50 per ¼ hour
1	CD ROM disk	@ \$ 2.00 per disk

However, “other-use” requesters are entitled to up to 2 hours of search time before being charged for the processing of their requests. The remaining charge of \$29.00, including the other ½ hour of search time and the CD ROM disk charge, is below the \$30.00 Departmental threshold for charging. Therefore, there is no chargeable fee for the processing of this request.

This concludes our response to your request.

If you have any questions regarding our response to your request, you may contact Linda S. Thomas by phone at 202-208-7294, by fax at 202-219-2374, by email at osfoia@nbc.gov, or by mail at U.S. Department of the Interior, 1951 Constitution Avenue, N.W., MS 116-SIB, Washington, D.C. 20240. Within the Office of the Secretary, we are committed to providing you, our customer, with the highest quality of service possible.

Sincerely,



Sue Ellen Sloca
Office of the Secretary
FOIA Officer

Enclosures

PRIVACY ACT notice: Before you choose to contact us, electronically, there are a few things you should know. The information you submit, including your electronic address, may be seen by various people. We will scan a copy of your request into our electronic OS FOIA administrative/image file. We will key the information that you provide to us into our electronic OS FOIA tracking file. We may share it with other individuals, both within and without the Department, involved in Freedom of Information Act administration. You may be contacted by any of these individuals. In other limited circumstances, including requests from Congress or private individuals, we may be required by law to disclose some of the information you submit. Also, e-mail is not necessarily secure against interception. If your communication is very sensitive, or includes personal information like your bank account, charge card, or social security number, you might want to send it by postal mail, instead.

Alexandra
Mallus/PIR/OS/DOI
03/23/2007 01:42 PM

To Sue Ellen Sloca/NBC/OS/DOI@DOI, WChism@osmre.gov,
dwink@osmre.gov, Diane Cooke/WASO/NPS@NPS, Johnny
Hunt/ARL/R9/FWS/DOI@FWS, Ginny.Morgan@MMS.gov,
Sandra Evans/WDC/OIG/DOI@OIG, Deborah L
Kimball/GIO/USGS/DOI@USGS, csnyder@do.usbr.gov, Jim
Horan/WO/BLM/DOI@BLM
cc Miriam M Lam/PIR/OS/DOI@DOI, Harriet S
Brown/PIR/OS/DOI@DOI, Thomas
McClay/PIR/OS/DOI@DOI, DOI_Bureau_CIOs, Denise
Sheehan/ARL/R9/FWS/DOI@FWS, Dee
Thompson/WDC/OIG/DOI@OIG
bcc Alexandra Mallus/PIR/OS/DOI
Subject Re: Compliance with E-FOIA - Review & Certification of
Bureau/Office FOIA Websites

As discussed at our March 21, 2007, FOIA Officer meeting, on March 8, DOI's Acting CIO received a letter from the National Security Archive (NSA) advising that it had just completed a review of nearly 150 agency websites to assess whether they had implemented the 1996 E-FOIA Amendments. NSA's audit, identified DOI as one of the agencies that can be improved with regard to E-FOIA compliance. Therefore, I am requesting that you review your FOIA website immediately to ensure it is in compliance with E-FOIA, FOIA Executive Order 13392, and the Department's FOIA guidance. Please ensure that:

1) all of the links are working and correctly linked to the relevant information. Please begin this process by going to the DOI FOIA website and following your bureau's links throughout, e.g., check the link to the bureau's organization chart at <http://www.doi.gov/foia/freq.htm>;

2) the information posted to the website is current and accurate, particularly with regard to the list of FOIA Contacts and the information maintained in the bureau's electronic reading room;

3) the list of "frequently requested FOIA documents" is complete and up-to-date. As a reminder, documents that have been requested at least three times under the FOIA are considered "frequently requested documents" (see paragraph 1.8 of Chapter 1) and we are required to make these documents available to the public electronically, preferably via the Internet (5 U.S.C. 552(a)(2)(D)). Also, please check documents that are posted to DOI's list of frequently requested documents and those on the Index of Frequently Requested Documents to ensure the links are correct and not broken; and

4) your bureau/office is posting "affirmative disclosure documents (i.e., final opinions, policy statements, administrative manuals affecting a member of the public, frequently requested FOIA documents, etc.)" to the Web.

Bureaus and offices may choose to make other documents available in the reading room at their discretion. We encourage you to go beyond the legal requirements of E-FOIA and make as much information as legally permissible available through the Web. This should reduce the number of FOIA requests and related processing costs.

In accordance with Chapter 1, paragraph 1.9, of the Departmental FOIA Handbook (383 DM 15), each bureau/office FOIA Officer is responsible for developing and maintaining a FOIA website to ensure compliance with the provisions of the Electronic FOIA Amendments of 1996 (E-FOIA). The Bureau FOIA Officer is responsible for reviewing the information on its FOIA website regularly to ensure that the information is current, of high quality, accurate and customer focused. This includes checking the links to make sure they are valid and working both on the bureau's website and on the Department's FOIA website linking to the bureau's website. In the event there is a change in one of the bureau links that the DOI site links to, the Bureau FOIA Officer is responsible for notifying my office ASAP so that we can correct the link from our end.

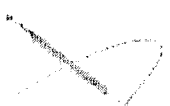
In addition, please ensure that your site conforms to the other Web requirements as delineated in the Departmental Web Standards Handbook (<http://www.myinterior.doi.net/webcouncil/standards.html>). Please contact your Bureau/Office Web Council Representative for more guidance on DOI's published Web Standards.

By COB, Friday, March 30, 2007, I am requesting that bureaus/offices certify to me in writing, either by email or memo, that they have completed the review of their FOIA website and that it is either (1) in full compliance with the requirements of E-FOIA or (2) provide the date by which your site will be in full compliance. Bureau/Office CIOs should sign the certifications if the FOIA program falls under their purview. In the case of the FWS and the OIG, the Assistant Director, Office of Budget, Planning and Human Resources, FWS, and the Deputy General Counsel, OIG, should sign the certifications. Further, if there are changes that need to be made by the Department, e.g. new links from the Department's FOIA website to a bureau website, please include those so we can update DOI's FOIA website.

Feel free to contact me by telephone at (202) 208-5342, or by email at alexandra_mallus@ios.doi.gov if you have any questions. Thanks in advance for your assistance and cooperation--

Alex Mallus
DOI FOIA Officer
Phone: (202) 208-5342
Fax: (202) 208-6867
Email: alexandra_mallus@ios.doi.gov

cc: Colette Clark, SOL-Admin
Tim Murphy, SOL-GL
Laura Cloud, AS/IA



Alexandra
Mallus/PIR/OS/DOI
07/30/2007 03:57 PM

To Sue Ellen Sloca/NBC/OS/DOI@DOI, Leslie Laraway/NBC/OS/DOI@DOI, Diane Cooke/WASO/NPS@NPS, Johnny Hunt/ARL/R9/FWS/DOI@FWS, Teri Jackson/ARL/R9/FWS/DOI@FWS, Ginny Morgan/MMS/DOI@MMS, Deborah L Kimball/GIO/USGS/DOI@USGS, WChism@osmre.gov, sandra_evans@doioig.gov, mildred_washington@doioig.gov, Faith Walden/USPP/NPS@NPS, jnagode@do.usbr.gov, csnyder@do.usbr.gov, Laura F Bell/WO/BLM/DOI@BLM, Barbara J Brown/WO/BLM/DOI@BLM
cc Miriam M Lam/PIR/OS/DOI@DOI, Harriet S Brown/PIR/OS/DOI@DOI
bcc Alexandra Mallus/PIR/OS/DOI
Subject Change in DOI's Search & Review Fees - Effective August 1, 2007

BUREAU/OFFICE FOIA OFFICERS :

In accordance with the Department's FOIA regulations (43 CFR Part 2, Appendix C, (1)), effective August 1, 2007, DOI's FOIA search and review fees will be increased as follows:

Clerical personnel (based on GS-6, Step 5 pay-includes all employees at GS-7 and below)	\$5.35 (per quarter hour or fraction thereof)
Professional personnel (based on GS-11, Step 7 pay-includes all employees at GS-8 thru 12)	\$9.30 (per quarter hour or fraction thereof)
Managerial personnel (based on GS-14, Step 2 pay-includes all employees at GS-13 and above)	\$13.50 (per quarter hour or fraction thereof)

The above fees will be charged for FOIA requests received on or after August 1, 2007. If a FOIA request was received before August 1, 2007, the bureau will charge the requester according to the appropriate fee schedule (see the attached). These new fees will be posted to DOI's FOIA Internet site and incorporated in an OCIO Bulletin. The url for the Internet site will be <http://www.doi.gov/foia/2007fees.pdf>.

As a reminder, the electronic FOIA tracking system (EFTS) is able to calculate fees using multiple fee schedules and it will be updated to reflect the new fees. Therefore, you can either manually calculate the fees and enter them on the Basic Form or use the Fee Tab which will automatically calculate the fees based on the hours of search and review time entered. The EFTS will calculate fees for all requests based on the date of receipt.

Assessing incorrect fees could have serious legal ramifications for DOI. Please ensure that all employees involved in processing FOIA requests, especially your colleagues in the field, are aware of this change. Also, please ensure that the correct fees are posted to the bureau's FOIA home page or a link is provided to DOI's FOIA home page for this purpose. If you have any

questions, feel free to call Miriam Lam at (202) 208-2588 or me at 208-5342.

Alexandra Mallus
DOI FOIA Officer
1849 C St., NW
MS-5312-MIB
Washington, DC 20240
Phone: (202) 208-5342
Fax: (202) 208-6867

cc: Tim Murphy, SOL-GL
Darrell Strayhorn, SOL-Admin
Laura Cloud, AS/IA
Bob Harnage, BIA
LaRima Lane, SOL-Admin (for distribution to Designated FOIA Attorneys)



FOIA Search and Review Fees chart Aug 1 2007.doc

FOIA Search and Review Fees

The following is the Department's fee schedule for FOIA search and review fees. The cost for duplication is \$.13 per standard page. See Interior's FOIA regulations at 43 CFR Part 2, Appendix C, for details.

Fee Schedule for requests rec'd	Clerical GS-6, Step 5*	Professional GS-11, Step 7*	Managerial, GS- 14, Step 2*
On/after 8/1/07	\$5.35	\$9.30	\$13.50
On/after 8/1/06	\$5.20	\$9.05	\$13.15
On/after 8/1/05	\$5.00	\$8.75	\$12.70
10/1/04 – 7/31/05	\$4.85	\$8.45	\$12.25
4/11/03 - 9/30/04	\$4.65	\$8.10	\$11.70
1/12/03 - 4/10/03	\$4.60	\$8.00	\$11.60
11/20/02 - 1/11/03	\$4.45	\$7.75	\$11.25
Before 11/20/02	\$2.30	\$4.65	\$4.65

*Fees charged per quarter hour.

Clerical = All employees at GS-7 and below.

Professional = All employees at GS-8 thru 12.

Managerial = All employees at GS-13 and above.

Alexandra
Mallus/PIR/OS/DOI
09/07/2007 03:23 PM

To Sue Ellen Sloca/NBC/OS/DOI@DOI, Diane
Cooke/WASO/NPS@NPS, Johnny
Hunt/ARL/R9/FWS/DOI@FWS, Teri
Jackson/ARL/R9/FWS/DOI@FWS, Ginny
Morgan/MMS/DOI@MMS, Deborah L
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sandra_evans@doioig.gov,
mildred_washington@doioig.gov, csnyder@do.usbr.gov,
SRUSH@do.usbr.gov, Laura F Bell/WO/BLM/DOI@BLM,
Barbara J Brown/WO/BLM/DOI@BLM
cc Harriet S Brown/PIR/OS/DOI@DOI, Miriam M
Lam/PIR/OS/DOI@DOI, Granada Fouke/and
cooperationARL/R9/FWS/DOI@FWS
bcc Alexandra Mallus/PIR/OS/DOI@DOI
Subject Heads Up! FOIA Annual Report for FY 2007 - Due
November 28, 2007

Bureau/Office FOIA Officers:

The Department will be using the EFTS to generate the FOIA annual report for FY 2007. As a reminder and consistent with the Business Rules and Practices for the EFTS, by **September 30, 2007**, each bureau/office FOIA Officer will need to ensure that any outstanding FOIA requests are "cleaned up." Each bureau/office FOIA Officer should also work with his/her FOIA contacts to ensure that the entries in the EFTS are complete and accurate overall. After working with Miriam to reduce your backlogs, you should all be in pretty good shape. Please pay particular attention to the areas below when preparing your annual report:

1. Bureaus/offices must go into the system and either complete the requests if they are to be counted for the annual report, or close them. If the FOIA office that has received and logged in a FOIA request is not going to respond directly, then the request should be closed (as opposed to completed) so it will not be counted for the annual report. The system will only count the open and completed requests for the annual report.
2. The new EFTS modification requires you to acknowledge the request before you are allowed to complete the request. Remember, you must click on the "Save" button on the Acknowledgment page to complete the action.
3. All mandatory fields must be completed before you can complete a FOIA request in the system--this includes date perfected, date completed, disposition, information related to fees, and status. "Cleaning up" also means ensuring that any FOIA requests received in FY 2007 have been perfected, and entering the perfected date in the appropriate field. If there is a reason why the FOIA has not been perfected, it might be beneficial to annotate the reason in the comments section of the EFTS.
4. Also, please note that "Cleaning up" would also include making sure that fee amounts received for FOIA processing have been entered since the report captures those amounts.
5. In some instances, if you choose "Other" under disposition, the request may never be perfected, e.g., if the requester fails to clarify a request (records not reasonably described) or does not provide written assurance of payment (fee-related reason) when asked to do so. In this case, the "date perfected" will be the "date completed," i.e., the date of the bureau's letter requesting clarification or assurance of payment.
6. In the event that Exemption 3 is used to deny a request, you will need to provide the statute cited to support the withholding and the specific information being withheld. If the bureau hasn't kept track of this information in the EFTS, you will need to review the requests processed by the bureau and retrieve it (see item IV of the annual report). In the event you select "Other" under "Disposition" when completing a request, you will also need to clarify the reason for nondisclosure. As a reminder, the EFTS allows users

to enter (1) the information withheld under Exemption 3, and (2) the information requested under "Other reasons for nondisclosure - "Other-other (specify)," item VB4(i) of the annual report, into the system as they complete their requests. Also, in the event you do not see an approved Exemption 3 statute or "other reason for nondisclosure" listed in the system, please contact Miriam or me so that we can add it to the EFTS drop-down menu. If you are having difficulty using this feature of the system, please contact Miriam so she can assist you.

7. As you are aware from last year's report, in accordance with FOIA Executive Order 13392, we are also required to provide the statistics below. Please note, that per guidance from DOJ, unlike the rest of the annual report which covers FY07 only, the statistics below should cover the period: September 1, 2006 through January 4, 2007. You will need to submit these statistics to me by January 11, 2008.

(a) Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency), i.e., the dates of the oldest and most recent requests that are pending (the EFTS currently captures this information); and

(b) Time range of consultations pending with other agencies, by date of interagency communication (You will need to enter this information manually for FY07. We anticipate having an enhancement which will capture this data for the FY08 annual report.)

8. As a reminder, in accordance with our FOIA Plan, we will be providing management with the backlog reduction figures for each bureau/office since July 2007. Many of you have not been submitting your monthly backlog reports to Miriam, as requested. If you have not submitted a report for August and/or September as yet, please do so by COB, today.

It is imperative that you get your EFTS (FOIA) request files up-to-date by September 30 to have an accurate account of FOIA requests pending at the end of FY07. In case you are not aware of OMB/DOJ's latest requirement, by November 1, 2007, any bureau/office that has a backlog pending at the end of FY07, will have to post on DOI's FOIA web site its backlog-reduction goals for FY08, FY09, and FY10. This includes the number of requests that the bureau/office plans to process each year and an estimate of the number of requests pending at the end of each fiscal year. We will be working with you over the coming weeks to develop these goals, which will be reviewed by Mike Howell, DOI's Chief FOIA Officer.

I plan to generate a preliminary annual report for the Department on October 10. Bureaus/offices should do the same and compare the figures in the electronic version of their reports against their backup data. This way, if there are any errors in the data, they can be corrected before the final report for the bureau and DOI is generated. Bureaus/offices will also need to compare the number of requests pending at the end of FY06 against the number pending at the beginning of FY07. These figures may vary slightly as the "date a FOIA request is received" is the "date perfected" for the purposes of the EFTS, not the date the request hits your desk. As a reminder, FOIA Officers will also need to enter salary data and other costs related to FOIA activities, e.g., litigation costs, on the FOIA Resource screen before submitting their final report this year. This should be done only at the Bureau FOIA Officer level.

In the event that not all of your field offices are using the EFTS, you will need to submit a report covering the data for your entire bureau in addition to the electronic report for those offices that are using the system (see report attached). BIA and SOL will continue to prepare and submit their reports manually as they have in the past. I plan to run the final annual report December 20, 2007. All bureau submissions will be due to OCIO, 1849 C St. NW, Washington DC 20240, MS-5312-MIB no later than Wednesday, November 28, 2007. DOJ has advised that all agency reports must be submitted by the statutory February 1, 2008, due date--there will be no extensions.

As a reminder, GAO is conducting another review of agencies annual FOIA reports and it will be focusing on the FY 2007 annual reports as well as the status of agencies' processing of FOIA requests as reflected in their reports for FY02 through FY06. Each bureau/office FOIA Officer will be held accountable for ensuring that the data for his/her bureau/office is accurate and complete for the FY 2007 annual report. As you know, we will be carefully reviewing your submissions and coordinating with the bureau/office's

CIO if there are any discrepancies.

Annual Report Deadlines :

September 30, 2007 - Each bureau/office FOIA Officer ensures that any outstanding FOIA requests are cleaned up.

December 20, 2007 - OCIO runs final annual report .

November 28, 2007 - All bureau submissions due to OCIO , 1849 C St. NW, Washington DC 20240, MS-5312-MIB.

Thanks in advance for your assistance and cooperation. Feel free to call me if you have any questions--



BureauDataCall.2007.doc

Alex Mallus
DOI FOIA Officer, OCIO
phone: (202) 208-5342

cc: Tim Murphy, SOL-GL
Ed Keable, SOL-Admin
Darrell Strayhorn, SOL-Admin
Laura Cloud, AS/IA
Debbie Clark, AS/IA
Chris Bartlett, SOL-Admin

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2007 Annual Report
October 1, 2006 - September 30, 2007

Bureau/Office _____
Reporting Official _____
Telephone No. _____
Date _____

NOTE: Each bureau/office must complete all items on the report unless annotated otherwise. Enter "0" or "N/A" if there is no data to report. This is especially important with regard to the number of times each exemption is used (see V.B.3.a)

I & II. (To be completed by the Department (OCIO))

III. Definitions of Terms and Acronyms Used in the Report

A. Bureau - specific acronyms or other terms included in each report.
(To be completed by the bureau if appropriate)

B. Basic terms, expressed in common terminology.

1. FOIA/PA request – Freedom of Information Act/Privacy Act request.
A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. **(All requests for access to records, regardless of which law is cited by the requester, are included in this report).**
2. Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

4. Processed Request or Appeal – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. Complex request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. Median number -- the middle, not average number. For example, 3, 7, and 14, the median number is 7.
16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

1. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked. **(Provide the complete title and citation of the statute used by the bureau/office.)**
2. Brief description of type(s) of information withheld under each statute. **(Be specific with regard to the information withheld.)**
3. Statement of whether a court has upheld the use of each statute. If so, then cite example. **(To be completed by SOL only.)**

V. Initial FOIA/PA Access Requests

- This should include all access requests, whether first-party or third-party. Only “perfected” requests should be included. A “perfected request” is a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

A. Numbers of initial requests.

- **Even though a requester may ask for several items, e.g., copies of four audit reports, this still only constitutes one request.**
- **The total of the numbers in lines 1 and 2, minus the number in line 3, should equal the number in line 4.**

1. Number of requests pending as of end of preceding fiscal year _____
2. Number of requests received during current fiscal year _____

3. Number of requests processed during current fiscal year _____

4. Number of requests pending as of end of current fiscal year _____
(Enter this number also in line VII.B.1.)

B. Disposition of initial requests.

- **The total of the numbers in lines 1, 2, 3, and 4 should equal the number in line V.A.3 (number of requests processed).**
- **Please note, each request should be counted just once under V.B. depending on how the majority of the documents were handled. For example, if a request is “partially granted” and a few documents are referred to another agency for response, the request should be counted just once as a “partially granted” request (this applies to the majority of the records).**

1. Number of total grants _____

2. Number of partial grants _____

3. Number of denials _____

- **Even though more than one exemption may be invoked for each denial, it still only constitutes one denial.**
- **A "no record" response does not constitute a denial which would be reported under 3--these should be included under 4a, "No records."**

a. Number of times each FOIA exemption used (counting each exemption once per request)

(1) Exemption 1 _____

(2) Exemption 2 _____

(3) Exemption 3 _____

(4) Exemption 4 _____

(5) Exemption 5 _____

(6) Exemption 6 _____

(7) Exemption 7 (A) _____

(8) Exemption 7 (B) _____

(9) Exemption 7 (C) _____

(10) Exemption 7 (D) _____

(11) Exemption 7 (E) _____

(12) Exemption 7 (F) _____

(13) Exemption 8 _____

(14) Exemption 9 _____

4. Other reasons for nondisclosure (total) _____

• **Include fee waiver denials under item 4d.**

a. no records _____

b. referrals _____

c. request withdrawn _____

d. fee-related reason _____

e. records not reasonably described _____

f. not a proper FOIA request for some other reason _____

g. not an agency record _____

h. duplicate request _____

i. other (specify) _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VI. Appeals of Initial Denials of FOIA/PA Requests **(To be completed by SOL.)**

- This should include all access requests, whether first-party or third-party.

A. Numbers of appeals.

1. Number of appeals received during fiscal year _____

2. Number of appeals processed during fiscal year _____

B. Disposition of appeals.

- **The total of the numbers in lines 1, 2, 3, and 4 should equal the number in line VI.A.2 (number of appeals processed).**
- **Please note, each appeal should be counted just once under VI.B. depending on how the majority of the documents were handled. For example, if a request is “partially reversed” and a few documents are referred to another agency for response, the appeal should be counted just once as a “partially reversed” appeal (this applies to the majority of the records).**

1. Number completely upheld _____

2. Number partially reversed _____

3. Number completely reversed _____

a. Number of times each FOIA exemption used
(counting each exemption once per appeal)

(1) Exemption 1 _____

(2) Exemption 2 _____

(3) Exemption 3 _____

(4) Exemption 4 _____

(5) Exemption 5 _____

(6) Exemption 6 _____

(7) Exemption 7(A) _____

(8) Exemption 7(B) _____

(9) Exemption 7(C) _____

(10) Exemption 7(D) _____

(11) Exemption 7(E) _____

(12) Exemption 7 (F) _____

(13) Exemption 8 _____

(14) Exemption 9 _____

4. Other reasons for nondisclosure (total) _____

- a. no records _____
- b. referrals _____
- c. request withdrawn _____
- d. fee-related reason _____
- e. records not reasonably described _____
- f. not a proper FOIA request for some other reason _____
- g. not an agency record _____
- h. duplicate request _____
- i. other (specify) _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VII. Compliance with Time Limits/Status of Pending Requests

- Bureaus should count days from the time at which a request is “perfected.”
- Bureaus should provide the median number of days under A and B. If the bureau believes that “average time” is a better measure of its performance, it may wish to include that as well.
- **Examples - calculating the median:**
 - 1) Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of

requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.

2) If there were 6 pending cases aged 10, 20, 30, 50, 120, and 200 days from date of perfection to date of completion, the total number of requests completed would be 6 and the median age would be 40 days (the average of the 2 middle numbers).

A. Processing time for requests processed during the year.

- **The total of the numbers in lines 1a and 3a should equal the number reported under line V.A.3 (number of requests processed) if the bureau is not using multi-track processing. If your bureau is not using multi-track processing, only complete Sections 1 and 3.**
- **The total of the numbers in lines 1a, 2a(1), 2b(1), and 3a should equal the number reported under line V.A.3 (number of requests processed) if the bureau is using multi-track processing. If your bureau is using multi-track processing, complete Sections 1 through 3.**

1. Normal Processing

- a. Number of requests processed _____
- b. Median number of days to process _____

2. Multi-track Processing

- a. Simple requests
 - 1. Number of requests processed _____
 - 2. Median number of days to process _____
- b. Complex requests
 - 1. Number of requests processed _____
 - 2. Median number of days to process _____

3. Expedited processing (**All bureaus/offices must complete**)

- a. Number of requests processed _____
- b. Median number of days to process _____

B. Status of pending requests.

1. Number of requests pending as of end of FY 2007 _____
(Enter this number from Line V.A.4.)
2. Median number of days that such requests were
pending as of that date (September 30, 2007) _____
3. Average number of days that such requests were
pending as of that date (**optional**) _____

VIII. Comparisons with Previous Year(s)

Bureaus should state comparisons both in total numbers and in percentage of change.

A. Comparison of numbers of requests received:

	No.	% change over FY 06
FY 07	_____	_____
FY 06	_____	

B. Comparison of numbers of requests processed:

	No.	% change over FY 06
FY 07	_____	_____
FY 06	_____	

C. Comparison of median numbers of days requests were pending at the end of FY:

	No.	% change over FY 06
FY 07	_____	_____
FY 06	_____	

D. Other narrative statements describing bureau efforts to improve timeliness of FOIA responses and making records available to the public (e.g., backlog - reduction efforts, training provided by bureau to its employees [do not list training sponsored by DOJ, ASAP, USDA], etc.):

E. Number of requests for expedited processing received: _____

Number of requests for expedited processing granted: _____

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel _____

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) _____

(For example, if one employee spends 10% of his time on FOIA, another 25%, and a third employee 50%, the total would be .85 work-years.)

3. Total number of personnel (in work-years) _____

(For example, if there are 5 employees who are involved in FOIA/PA matters full time, and 3 employees working on FOIA/PA matters part time (for a total of .85 work-years), the total under line 3 would be 5.85 work-years.)

B. Total Costs (including staff and all resources):

- **The salaries (or portion thereof) of the FOIA Officer/Coordinator(s) and others involved in administering/implementing the FOIA Program, including clerical support (include under 1, 2, and 3, if applicable). For purposes of the report, use the individual's salary (exclude benefits and overhead).**
- **Cost to provide or attend training (include under 1).**
- **Fees which are waived or not recovered, including those instances where the fee is \$30 or under, provided that a record of such fees is maintained as backup information (include under 1).**
- **The cost to develop and maintain the bureau's FOIA home page (include under)**

1. FOIA processing (including appeals)

Staff _____

Other _____

2. Litigation-related activities (estimated)

Staff _____

Other _____

3. Total costs _____

4. Comparison with previous year(s) (including % of change) _____

C. Statement of additional resources needed for FOIA compliance _____

X. Fees

- This includes charges for search, review (commercial-use requesters only), document duplication, and any other direct costs permitted under agency regulations.

A. Total amount of fees collected by agency for processing requests _____

B. Percentage of total costs _____

XI. FOIA Regulations (Including the Fee Schedule)
(To be completed by the Department)

XII. **Report on FOIA Executive Order Implementation (New Requirements Mandated by FOIA Executive Order)**

A thru E. To be Completed by the Department

F. Additional Statistics:

1. Time range of requests pending by date of request--

For example:

- a. Simple: 02/13/2006 – 09/25/2006**
- b. Normal: 03/22/2006 – 05/18/2006**
- c. Complex: 01/11/2006 – 08/19/2006**
- d. Expedited: 04/08/2006 – 07/03/2006**


2. Time range of consultations pending with other agencies, by date of initial interagency communication--

For example:

White House: 3/03/2006 – 7 requests still pending
EPA: 7/05/06 – 1 request still pending

Alexandra
Mallus/PIR/OS/DOI
09/28/2007 11:14 AM

To Sue Ellen Sloca/NBC/OS/DOI@DOI, Diane
Cooke/WASO/NPS@NPS, Johnny
Hunt/ARL/R9/FWS/DOI@FWS, Teri
Jackson/ARL/R9/FWS/DOI@FWS, Ginny
Morgan/MMS/DOI@MMS, Deborah L
Kimball/GIO/USGS/DOI@USGS, WChism@osmre.gov,
sandra_evans@doioig.gov,
mildred_washington@doioig.gov, jnagode@do.usbr.gov.,
csnyder@do.usbr.gov, Laura F Bell/WO/BLM/DOI@BLM,
Granada Fouke/ARL/R9/FWS/DOI@FWS
cc Granada Fouke/ARL/R9/FWS/DOI@FWS, Harriet S
Brown/PIR/OS/DOI@DOI, Miriam M Lam/PIR/OS/DOI@DOI,
Matthew J Costello/PEL/OS/DOI@DOI, Kimberly X
Hintz/HQ/SOL/DOI@SOL
bcc Alexandra Mallus/PIR/OS/DOI
Subject DOI e-mail use for FOIA request

History:  This message has been forwarded.

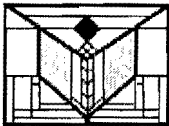
All,

One of the regional offices recently raised the issue as to whether DOI employees could use their Government e-mail system to submit FOIA requests to the Department. Based on the advice of the DOI Ethics Office (see below), Departmental e-mail should not be used by a DOI employee making a FOIA request to the Department as a private individual. We are posting this guidance to the FOIA Intranet site, under Policies, Procedures, and Guidance (<http://www.myinterior.doi.net>) Please pass this along to your folks in the field--thanks.

Alexandra Mallus
DOI FOIA Officer
Office of the Chief Information Officer
1849 C St. NW
MS-5312-MIB
Washington, DC 20240
Phone: 202-208-5342
Fax: 202-208-6867
Email: alexandra_mallus@ios.doi.gov

cc: Laura Cloud, AS/IA
Chris Bartlett, SOL-Admin
Tim Murphy, SOL-GL
Darrell Strayhorn, SOL-Admin

----- Forwarded by Alexandra Mallus/PIR/OS/DOI on 09/28/2007 08:49 AM -----



Matthew J
Costello/PEL/OS/DOI
09/17/2007 02:39 PM

To Alexandra Mallus/PIR/OS/DOI@DOI
cc Kim Hintz/PEL/OS/DOI@DOI
Subject DOI e-mail use for FOIA request

Alex,

Per your discussion with Kim Hintz of my office, this e-mail is to confirm our opinion that Departmental e-mail should not be used by DOI employees making a FOIA request to the Department as a private individual. While the Limited Personal Use Policy allows limited personal use of the Department's e-mail for purely personal matters, we feel that use of the Department's e-mail for a FOIA request as a private citizen to DOI or indeed to any Federal agency, would appear to infer that the FOIA request is being made

by the Department and not the private individual. In much the same way that a DOI employee making a FOIA request should use their own private letterhead and should not include their official position or title, an employee should not use a Federal government issued e-mail account to make a request as a private individual. Please feel free to contact my office if you have any further questions.

Matt

Matthew J. Costello
Ethics Specialist
U.S. Department of the Interior
1849 C ST NW Room 4356
Washington, DC 20240
(202) 208-4110

Alexandra
Mallus/PIR/OS/DOI
11/13/2007 05:20 PM

To Sue Ellen Sloca/NBC/OS/DOI@DOI, Laura F
Bell/WO/BLM/DOI@BLM, Barbara J
Brown/WO/BLM/DOI@BLM, Diane
Cooke/WASO/NPS@NPS, Johnny
Hunt/ARL/R9/FWS/DOI@FWS, Teri
Jackson/ARL/R9/FWS/DOI@FWS, Ginny
Morgan/MMS/DOI@MMS, Deborah L
Kimball/GIO/USGS/DOI@USGS, WChism@osmre.gov,
sandra_evans@doioig.gov,
mildred_washington@doioig.gov, jnagode@do.usbr.gov,
csnyder@do.usbr.gov
cc Granada Fouke/ARL/R9/FWS/DOI@FWS, Melissa
Allen/PIR/OS/DOI@DOI, Harriet S Brown/PIR/OS/DOI@DOI
bcc Alexandra Mallus/PIR/OS/DOI
Subject Fw: OCIO DIRECTIVE 2007-007: Freedom of Information
Act Annual Report for FY07 with attachment DUE: 11/30/07

All,

The OCIO Directive regarding preparation of the FY07 annual report is attached for your review and action. The report is due to OCIO **November 30, 2007**. With the exception of Section XII, item F, nothing has changed from last year or the instructions in the email I sent to you on Sept. 7, 2007. As always, feel free to contact me if you have any questions.

Alexandra Mallus
DOI FOIA Officer
Office of the Chief Information Officer
1849 C St. NW
MS-5312-MIB
Washington, DC 20240
Phone: 202-208-5342
Fax: 202-208-6867
Email: alexandra_mallus@ios.doi.gov

cc: Laura Cloud, AS/IA
Christina Bartlett, SOL-Admin
----- Forwarded by Alexandra Mallus/PIR/OS/DOI on 11/13/2007 05:08 PM -----

Jenese McCown/PIR/OS/DOI
11/09/2007 05:12 PM

To DOI_Bureau_Heads
cc DOI_Bureau_CIOs, DOI_Deputy_CIOs
Subject OCIO DIRECTIVE 2007-007: Freedom of Information Act
Annual Report for FY07 with attachment DUE: 11/30/07

Please see attached.



FOIA Annual Report for FY07.pdf FOIA Annual Report for FY07 Attachment.pdf



Jenese McCown
Office of the Chief Information Officer
Department Of the Interior, Rm 5311
1849 "C" St. NW
Washington DC 20240
(202) 208-5425



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

NOV 6 9 2007



OCIO DIRECTIVE 2007- 007

To: Heads of Bureaus and Offices

From: Michael J. Howell
Chief Information Officer
Chief FOIA Officer

Subject: Freedom of Information Act (FOIA) Annual Report for Fiscal Year 2007

Background:

Under FOIA 5 U.S.C. 552 (e), the Department of the Interior (DOI) is required to submit a FOIA annual report to the Attorney General by February 1, 2008. The Office of the Chief Information Officer (OCIO) is responsible for preparing the report based on input obtained from the bureaus and offices. The Department will be using the Electronic FOIA Tracking System (EFTS), where possible, to generate the FOIA annual report for FY 2007.

Purpose:

This directive sets forth the requirements that bureaus and offices must comply with in submitting data for the Department's FOIA Annual Report for FY 2007.

Scope:

The report covers all FOIA activities for FY 2007, and includes all access requests, i.e., Privacy Act (first-party) and FOIA requests.

Time Frame:

Complete reports for FY 2007 (October 1, 2006, through September 30, 2007) by November 30, 2007. The Department of Justice (DOJ) has advised that the FY 2007 annual report must be completed by the statute's firm February 1 deadline--no extensions will be granted.

Policy:

All Bureau/Office FOIA Officers must complete and submit one consolidated report for their bureau/office covering FOIA activities for FY 2007 (October 1, 2006, through September 30, 2007) to the OCIO, Departmental FOIA Officer; 1849 C Street, NW; Washington, DC; 20240; MS 5312-M1B. Those Bureau/Office FOIA Officers with Internet access must complete the electronic report in the EFTS for FY 2007 and submit a hard copy to the OCIO. For those Bureau/Office FOIA Officers who have field offices within the bureau that are not using the EFTS, the bureau will need to submit a supplementary report covering the data that is not in the EFTS in addition to the

consolidated report that incorporates all of the information (see attached questionnaire – this will be used for submitting supplementary and consolidated reports). Supplementary reports should be submitted using the Microsoft Word format, both electronically to alexandra_mallus@ios.doi.gov and in hard copy. Reports Control Symbol, CON-74-013, is assigned to this report.

Consistent with FOIA Executive Order 13392, "Improving Agency Disclosure of Information," and DOJ's October 16, 2007, supplemental guidance for preparing and submitting the FY07 FOIA annual reports, bureaus/offices will need to provide the following statistical information under Section XII, item F:

1. Ten Oldest Pending FOIA Requests

Using the template provided below, each bureau/office will need to list in the appropriate column labeled by year, its ten oldest pending requests as of January 1, 2008. Each request should be listed by the date it was received. (An illustrative example is provided in the template.)

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	July 25	Oct. 7	May 1 Sept. 7	Apr 10	Jan. 1 Dec. 12	Feb. 10 Mar. 8	Dec. 21	

Please note that this is a new requirement for FY07 and it supersedes the statistics originally requested in the Departmental FOIA Officer's September 7, 2007, email to the Bureau/Office FOIA Officers regarding Section XII, Item F, of the FY07 FOIA annual report. DOJ has advised that we do not have to provide the time range of requests pending by date of request and the time range of consultations with other agencies.

Each Bureau/Office FOIA Officer is responsible for assuring that their data is accurate, consistent, and complete before submitting a report to the Departmental FOIA Officer. Bureaus/Offices will assure that their reports are submitted on time so that the Department can meet the February 1 due date to the Attorney General.

Contact:

Questions regarding this directive should be directed to the Departmental FOIA Officer, Ms. Alex Mallus, at (202) 208-5342 or via e-mail at Alexandra_Mallus@ios.doi.gov, or Ms. Melissa Allen at (202) 208-3939 or via e-mail at Melissa_Allen@ios.doi.gov. Please assure that this directive is disseminated promptly to all employees involved with processing FOIA requests.

Attachment

cc: Bureau/Office Chief Information Officers
 Bureau/Office Freedom of Information Act Officers
 Tim Murphy, Assistant Solicitor, SOL-GL

bcc: D. Strayhorn, SOL-Admin
E.Keable, SOL-Admin
H.Brown, OCIO/IMD
A. Mallus, OCIO/IMD
M. Lam, OCIO/IMD
M. Allen, OCIO/IMD

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2007 Annual Report
October 1, 2006 - September 30, 2007

Bureau/Office _____
Reporting Official _____
Telephone No. _____
Date _____

NOTE: Each bureau/office must complete all items on the report unless annotated otherwise. Enter "0" or "N/A" if there is no data to report. This is especially important with regard to the number of times each exemption is used (see V.B.3.a)

I & II. (To be completed by the Department (OCIO))

III. Definitions of Terms and Acronyms Used in the Report

A. Bureau - specific acronyms or other terms included in each report.

(To be completed by the bureau if appropriate)

B. Basic terms, expressed in common terminology.

1. FOIA/PA request – Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. **(All requests for access to records, regardless of which law is cited by the requester, are included in this report).**
2. Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

4. Processed Request or Appeal – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. Complex request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. Median number -- the middle. not average number. For example, 3, 7, and 14. the median number is 7.
16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14. the average number is 8.

IV. Exemption 3 Statutes

1. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked. **(Provide the complete title and citation of the statute used by the bureau/office.)**
2. Brief description of type(s) of information withheld under each statute. **(Be specific with regard to the information withheld.)**
3. Statement of whether a court has upheld the use of each statute. If so, then cite example. **(To be completed by SOL only.)**

V. Initial FOIA/PA Access Requests

- This should include all access requests, whether first-party or third-party. Only "perfected" requests should be included. A "perfected request" is a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

A. Numbers of initial requests.

- **Even though a requester may ask for several items, e.g., copies of four audit reports, this still only constitutes one request.**
- **The total of the numbers in lines 1 and 2, minus the number in line 3, should equal the number in line 4.**

1. Number of requests pending as of end of preceding fiscal year _____

2. Number of requests received during current fiscal year _____

3. Number of requests processed during current fiscal year _____

4. Number of requests pending as of end of current fiscal year _____
(Enter this number also in line VII.B.1.)

B. Disposition of initial requests.

- The total of the numbers in lines 1, 2, 3, and 4 should equal the number in line V.A.3 (number of requests processed).
- Please note, each request should be counted just once under V.B. depending on how the majority of the documents were handled. For example, if a request is "partially granted" and a few documents are referred to another agency for response, the request should be counted just once as a "partially granted" request (this applies to the majority of the records).

1. Number of total grants _____

2. Number of partial grants _____

3. Number of denials _____

- Even though more than one exemption may be invoked for each denial, it still only constitutes one denial.
- A "no record" response does not constitute a denial which would be reported under 3--these should be included under 4a, "No records."

a. Number of times each FOIA exemption used (counting each exemption once per request)

(1) Exemption 1 _____

(2) Exemption 2 _____

(3) Exemption 3 _____

(4) Exemption 4 _____

(5) Exemption 5 _____

(6) Exemption 6 _____

- (7) Exemption 7 (A) _____
- (8) Exemption 7 (B) _____
- (9) Exemption 7 (C) _____
- (10) Exemption 7 (D) _____
- (11) Exemption 7 (E) _____
- (12) Exemption 7 (F) _____
- (13) Exemption 8 _____
- (14) Exemption 9 _____

4. Other reasons for nondisclosure (total) _____

- **Include fee waiver denials under item 4d.**

- a. no records _____
- b. referrals _____
- c. request withdrawn _____
- d. fee-related reason _____
- e. records not reasonably described _____
- f. not a proper FOIA request for some other reason _____
- g. not an agency record _____
- h. duplicate request _____
- i. other (specify) _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VI. Appeals of Initial Denials of FOIA/PA Requests (To be completed by SOL.)

- This should include all access requests, whether first-party or third-party.

A. Numbers of appeals.

1. Number of appeals received during fiscal year _____

2. Number of appeals processed during fiscal year _____

B. Disposition of appeals.

- The total of the numbers in lines 1, 2, 3, and 4 should equal the number in line VI.A.2 (number of appeals processed).
- Please note, each appeal should be counted just once under VI.B. depending on how the majority of the documents were handled. For example, if a request is “partially reversed” and a few documents are referred to another agency for response, the appeal should be counted just once as a “partially reversed” appeal (this applies to the majority of the records).

1. Number completely upheld _____

2. Number partially reversed _____

3. Number completely reversed _____

a. Number of times each FOIA exemption used (counting each exemption once per appeal)

(1) Exemption 1 _____

(2) Exemption 2 _____

(3) Exemption 3 _____

(4) Exemption 4 _____

(5) Exemption 5 _____

(6) Exemption 6 _____

(7) Exemption 7(A) _____

(8) Exemption 7(B) _____

(9) Exemption 7(C) _____

(10) Exemption 7(D) _____

(11) Exemption 7(E) _____

(12) Exemption 7 (F) _____

(13) Exemption 8 _____

(14) Exemption 9 _____

4. Other reasons for nondisclosure (total) _____

a. no records _____

b. referrals _____

c. request withdrawn _____

d. fee-related reason _____

e. records not reasonably described _____

f. not a proper FOIA request for some other reason _____

g. not an agency record _____

h. duplicate request _____

i. other (specify) _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VII. Compliance with Time Limits/Status of Pending Requests

- Bureaus should count days from the time at which a request is "perfected."
- Bureaus should provide the median number of days under A and B. If the bureau believes that "average time" is a better measure of its performance, it may wish to include that as well.
- **Examples - calculating the median:**
 - 1) Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of

requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.

2) If there were 6 pending cases aged 10, 20, 30, 50, 120, and 200 days from date of perfection to date of completion, the total number of requests completed would be 6 and the median age would be 40 days (the average of the 2 middle numbers).

A. Processing time for requests processed during the year.

- The total of the numbers in lines 1a and 3a should equal the number reported under line V.A.3 (number of requests processed) if the bureau is not using multi-track processing. If your bureau is not using multi-track processing, only complete Sections 1 and 3.
- The total of the numbers in lines 1a, 2a(1), 2b(1), and 3a should equal the number reported under line V.A.3 (number of requests processed) if the bureau is using multi-track processing. If your bureau is using multi-track processing, complete Sections 1 through 3.

1. Normal Processing

- a. Number of requests processed _____
- b. Median number of days to process _____

2. Multi-track Processing

- a. Simple requests
 - 1. Number of requests processed _____
 - 2. Median number of days to process _____
- b. Complex requests
 - 1. Number of requests processed _____
 - 2. Median number of days to process _____

3. Expedited processing (All bureaus/offices must complete)

- a. Number of requests processed _____
- b. Median number of days to process _____

B. Status of pending requests.

1. Number of requests pending as of end of FY 2007 _____
(Enter this number from Line V.A.4.)
2. Median number of days that such requests were pending as of that date (September 30, 2007) _____
3. Average number of days that such requests were pending as of that date (optional) _____

VIII. Comparisons with Previous Year(s)

Bureaus should state comparisons both in total numbers and in percentage of change.

A. Comparison of numbers of requests received:

	No.	% change over FY 06
FY 07	_____	_____
FY 06	_____	

B. Comparison of numbers of requests processed:

	No.	% change over FY 06
FY 07	_____	_____
FY 06	_____	

C. Comparison of median numbers of days requests were pending at the end of FY:

	No.	% change over FY 06
FY 07	_____	_____
FY 06	_____	

D. Other narrative statements describing bureau efforts to improve timeliness of FOIA responses and making records available to the public (e.g., backlog - reduction efforts, training provided by bureau to its employees [do not list training sponsored by DOJ, ASAP, USDA], etc.):

E. Number of requests for expedited processing received: _____

Number of requests for expedited processing granted: _____

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel _____

2. Number of personnel with part-time or
occasional FOIA duties (in total work-years) _____

(For example, if one employee spends 10% of his time on FOIA,
another 25%, and a third employee 50%, the total would be
.85 work-years.)

3. Total number of personnel (in work-years) _____

(For example, if there are 5 employees who are involved in FOIA/PA
matters full time, and 3 employees working on FOIA/PA matters part
time (for a total of .85 work-years), the total under line 3 would be 5.85
work-years.)

B. Total Costs (including staff and all resources):

- The salaries (or portion thereof) of the FOIA Officer/Coordinator(s) and others involved in administering/implementing the FOIA Program, including clerical support (include under 1, 2, and 3, if applicable). For purposes of the report, use the individual's salary (exclude benefits and overhead).
- Cost to provide or attend training (include under 1).
- Fees which are waived or not recovered, including those instances where the fee is \$30 or under, provided that a record of such fees is maintained as backup information (include under 1).
- The cost to develop and maintain the bureau's FOIA home page (include under)

1. FOIA processing (including appeals)

Staff _____

Other _____

2. Litigation-related activities (estimated)

Staff _____

Other _____

3. Total costs _____

4. Comparison with previous year(s) (including % of change) _____

C. Statement of additional resources needed for FOIA compliance _____

X. Fees

- This includes charges for search, review (commercial-use requesters only), document duplication, and any other direct costs permitted under agency regulations.

A. Total amount of fees collected by agency for processing requests _____

B. Percentage of total costs _____

XI. FOIA Regulations (Including the Fee Schedule)
(To be completed by the Department)

XII. Report on FOIA Executive Order Implementation (New Requirements Mandated by FOIA Executive Order)

A thru E. (To be Completed by the Department)

F. Additional Statistics

1. Ten Oldest Pending FOIA Requests:

Using the template provided below, list in the appropriate column labeled by year, the bureau/office's ten oldest pending requests as of January 1, 2008. Each request should be listed by the date it was received (i.e., perfected). (An illustrative example is provided in the template.)

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	July 25	Oct. 7	May 1 Sept. 7	Apr 10	Jan. 1 Dec. 12	Feb. 10 Mar. 8	Dec. 21	

Alexandra
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12/13/2007 11:38 AM

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Subject FOIA Signature Authority and Workload Guidance

The DOI FOIA Improvement Plan, mandated by Executive Order 13392, "Improving Agency Disclosure of Information," provides a roadmap for improving administration of the FOIA within the Department. The Plan identifies seven major improvement areas, including improving customer service, backlog reduction, and streamlining FOIA processing. A review of the approval/signature authority process and the development of workload guidance were both included as action items in DOI's FOIA Improvement Plan.

Attached are the DOI FOIA Office's recommendations and information regarding streamlining the approval process for FOIA requests and workload guidance (Version 1.0). Please ensure that this memo is disseminated promptly to all employees involved with processing FOIA requests. This guidance will also be posted to DOI's FOIA Intranet site at <http://www.myinterior.doi.net/ocio/imd/foia.html>.

If you have any questions and/or comments concerning the attached guidance please contact Alexandra Mallus, the Departmental FOIA Officer, by telephone at (202) 208-5342, or by email at alexandra_mallus@ios.doi.gov. We will consider your comments and incorporate them as appropriate in the next version of this document. Thanks for your assistance--



FOIA Workload_Signature Authority Guidance 12_13_07 rev.doc

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FOIA Signature Authority

Background

Prior to their revision in 2002, DOI's FOIA regulations (43 CFR Section 2.16) specified who was authorized to decide FOIA requests in headquarters and field installations. The post-revision absence of specification on authorization left signature authority to the discretion of individual bureaus/offices. A review of DOI's FOIA operations following the issuance of EO 13392, "Improving Agency Disclosure of Information," indicated that the approval process for FOIA responses or signature authority is an area that tends to delay processing and consequently contributes to FOIA backlogs. A further review of the approval process indicated that the approving authority is not consistent across the bureaus/offices.

Recommendations

Based on the responses to a November 2006 data call the Department's FOIA Office sent to Bureau/Office FOIA Officers, all of the bureaus/offices indicated satisfaction with the current levels of signature authority. A few bureaus/offices recommended changes that could be made within their respective organizations to streamline the FOIA process. The DOI FOIA Office's recommendations, based on input from the bureaus/offices, are provided below:

- We recommend that the bureaus/offices continue to control signature authority for their respective bureau/office. The bureaus/offices overall have indicated that the approval process for FOIA responses is for the most part efficient and satisfactory. Each bureau/office is familiar with the organizational structure and hierarchy within its individual bureau/office. Further, this is consistent with the policy in the Departmental FOIA Handbook (383 DM 15, Chapter 2, paragraph 2.4).
- FOIA knowledge and experience are important factors in determining who should make decisions on initial FOIA requests. FOIA bureaus/offices should consider the following:
 - Only those individuals who have received FOIA training and have prior FOIA experience should have the authority to decide requests. Bureaus/Offices must ensure that the individuals responsible for making FOIA determinations have the necessary expertise to exercise sound judgment.
 - Managers/Supervisors should not be authorized to sign FOIA determinations on behalf of their bureau/office unless they have a working knowledge of the FOIA, exemptions, etc.

- Bureau/Office FOIA Officers who are given the authority to make FOIA determinations on behalf of their respective organization must ensure that they keep their managers and all officials--including the DOI FOIA Officer--apprised of sensitive and/or controversial requests, as appropriate.
- Chapter 2, paragraph 2.4, of the Departmental FOIA Handbook requires each bureau/office to designate in writing those officials who are authorized to make final decisions on FOIA requests for the bureau/office. The Handbook also states that bureaus will ensure that the individuals responsible for making FOIA determinations have the expertise necessary to exercise sound judgment. The DOI FOIA Office will examine the need to develop written delegations of authority and determine the extent to which bureaus/offices have adequate delegations designating those individuals who are authorized to make final decisions on FOIA requests for the bureau/office. Bureaus/offices will be directed to review these delegations biennially (at a minimum) to ensure they are still appropriate for the respective bureau/office.

The Office of the Solicitor and FOIA Backlog

Under certain circumstances, bureaus/offices must consult with the Office of the Solicitor (SOL) before responding to a FOIA request. The FOIA Handbook (383 DM 15 §3.8) provides that the responsible bureau/office official must consult with the designated FOIA attorney prior to: (1) withholding a requested record; (2) releasing a requested record that is exempt from disclosure (a discretionary release); (3) denying a fee waiver; or (4) denying a request for expedited processing. Bureaus/offices have indicated that SOL is a key component of the process. Hence, any changes to streamline or facilitate the process involving SOL review should also enhance and facilitate the overall process.

The DOI FOIA Office and the Division of General Law, SOL-GL, (Branch of General Legal Services) are in the process of developing a checklist that can assist Bureau/Office FOIA Officers and processors in submitting the information and documents necessary for SOL review. Ensuring that the required documentation is included when FOIA responses are initially submitted to SOL for legal review and sunaming will assist SOL in providing more timely legal reviews of FOIA packages. This should streamline processing of FOIA requests, resulting in more timely responses to requesters, thereby minimizing FOIA request backlogs and improving customer service.

FOIA Workload Guidance

The FOIA Improvement Plan, developed in June 2006 by the Department in response to EO 13392, included drafting workload guidance for supervisors of FOIA Officers/Processors for staffing purposes.

The reasonable number of FOIA requests that a single FOIA Officer/Processor can handle in a year is dependent upon several factors: (1) what type of processing, i.e. simple, normal, complex, the FOIA request(s) requires; (2) the number of documents responsive to the request(s); (3) whether or not the responsive documents require redaction; and (4) whether the FOIA processor needs to consult with the Solicitor's Office (SOL).

The Office of the Secretary FOIA Officer conducted a FOIA workload survey in August 2006 with the following assumptions:

- The workload is not uniform;
- The person handling the request(s) is required to receive and log the requests, analyze and acknowledge them, interact with the requester, etc.; and
- For every 100 FOIA requests received, approximately
 - 25 requests are simple (may be handled relatively quickly or referred elsewhere);
 - 50 requests are moderately complex (may require a time extension and result in 100-250+ pages of responsive documents--a small portion of which may require redaction); and
 - 25 requests are very complex (e.g., involve fee waiver request issues, time extensions, and will result in a sizable number of documents which generally involve extensive redactions).

The results of the workload survey were:

“How Many FOIA Requests Can a FOIA Processor Process Annually?”						
No. of Survey Respondents	1	3	1	4	1	2
No. of FOIA Requests each FOIA Officer/Processor Can Process Annually	15-20	50	70-80	100*	125	200

(For example, 4 respondents indicated they could each process 100 requests annually.)

Based on the responses by the bureaus/offices (see chart above), it is reasonable to assume that a single FOIA processor (one full-time FOIA processor, assigned to process FOIA requests, without other substantive program responsibilities or collateral duties) can process 100 FOIA requests annually, provided that the workload is not of the “mainly complex” variety. Several bureaus/offices provided comments to accompany their FOIA survey responses. Those comments are fairly consistent with the results of a previous Department survey and are generally discussed below.

FOIA as a Collateral Duty

Several bureaus/offices expressed concerns that the workload survey assumes that FOIA personnel do not perform other duties such as implementing the Privacy Act and Records Management programs within their respective bureaus/offices, which includes developing policies and procedures, and providing technical assistance and training. Those concerns are commensurate with the April 2006 data call survey findings of the DOI FOIA Implementation Team. In the area of Human Resources, the April 2006 survey results indicated that 79% of the FOIA personnel who responded to the survey performed FOIA as a collateral duty.

FOIA Staff Experience Differential and Turnover Rate

Several responses indicated that FOIA staff experience, knowledge of pertinent issues and program areas, bureau/office contacts, and the location of the responsive documents directly impacts FOIA processing and the number of requests FOIA staff can process annually. The fact that almost all of DOI’s FOIA personnel perform FOIA as a collateral duty also has a significant impact on the program. The Department will be issuing guidance in accordance with its FOIA Improvement Plan (see http://www.doi.gov/foia/exec_order.html) to address such personnel issues.

FOIA staff turnover can yield a significant impact on experience levels. The results of the 2006 survey indicated that there was a high turnover of FOIA staff (over 60%) in the last five years. The combined issue of performing FOIA as a collateral duty and the high turnover rate creates concerns as to why the rate of turnover is high and whether training needs to be conducted more often. Based on DOI’s analysis and OCIO’s discussions with FOIA staff, well-trained and knowledgeable FOIA personnel will transition out of the FOIA program when FOIA remains a collateral duty with no promotion potential. DOI is in the process of developing consistent personnel standards for all FOIA personnel (i.e., core competencies, grade levels, career ladders, position descriptions, and performance criteria) to ensure they have the skills and knowledge to carry out their FOIA duties effectively. When DOI issues the FOIA personnel standards, the Department will recommend that before assigning the FOIA as a collateral duty to an employee, managers take into consideration the other duties the individual is performing and the workload involved.

FOIA Backlog

There are several factors that contribute to the FOIA backlog. These factors include: the fact that FOIA is a collateral duty in most bureaus/offices; the highly decentralized organizational structure of the Department and some bureaus; the high turnover rate of FOIA personnel; the corresponding lack of experienced FOIA personnel to process the requests; the vast array of requesters; and the varying number of complex and sensitive requests bureaus/offices receive regarding agency mission information (i.e., natural disasters and environmental issues).

As reflected in DOI's FOIA Improvement Plan, adequate staffing, resources, and training of FOIA personnel are long-term, continual issues faced by the Department. There is a recognized need to properly staff and train FOIA personnel to achieve a more citizen-centric, customer friendly program. DOI continues to provide assistance to bureaus by reviewing the reasons for backlogs, providing a streamlined process to complete and eliminate cases that are pending approval, posting additional documents to Internet sites, and ensuring multi-track processing is used to eliminate delays in the requests that may be processed more readily.

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12/14/2007 01:44 PM

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bcc Alexandra Mallus/PIR/OS/DOI
Subject Guidance for Submitting FOIA Packages to SOL for Legal
Review

As you are aware, under certain circumstances, bureaus/offices must consult with the Office of the Solicitor (SOL) before responding to a FOIA request. Since bureaus/offices must respond to FOIA requests within twenty (20) workdays, or 30 workdays if an extension has been taken, it is important that FOIA Officers and processors are aware of the information and documents that should be included in FOIA packages submitted to SOL for legal review.

In accordance with the Department's FOIA Improvement Plan, the Office of the Chief Information Officer, DOI FOIA Office, and SOL, Division of General Law, Branch of General Legal Services, have developed the attached checklist that can assist bureau/office FOIA Officers and processors in submitting the information and documents necessary for SOL review. The checklist is intended to be a template. We encourage you to contact the attorney who will be reviewing the FOIA package to determine whether the information included on the checklist meets his/her needs. Depending on the particular circumstances, it is possible that modifications will need to be made regarding the information submitted to SOL for review. Ensuring that the required documentation is included when FOIA responses are initially submitted to SOL for surnaming will assist SOL in providing more timely legal reviews of FOIA packages. This should help streamline FOIA processing, resulting in more timely responses to requesters, thereby minimizing FOIA request backlogs and improving customer service. Therefore, please ensure that the applicable checklist items are included in any FOIA packages you submit to SOL for review.

We are requesting that you distribute the attached checklist (Version 1.0) to all individuals within your bureau/office involved in processing FOIA requests. The checklist will be posted to DOI's FOIA Intranet site at www.myinterior.doi.net and incorporated in DOI's FOIA Handbook. If you have any questions/comments regarding the checklist, please contact me by phone at (202) 208-5342 or by email at Alexandra_mallus@ios.doi.gov. We will consider your comments and incorporate them as appropriate in the next version of this document. Thanks for your assistance--



SOL Checklist 12_14_07.doc

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Darrell Strayhorn, SOL-Admin
Designated FOIA Attorneys

CHECKLIST - INFORMATION AND DOCUMENTS TO BE INCLUDED
WITH FOIA REQUESTS FOR LEGAL REVIEW BY
THE SOLICITOR'S OFFICE

- FOIA Coordinator name, telephone and fax numbers
- FOIA Requester name and subject matter of request
- Date FOIA request received by bureau/office
- Date FOIA response is due (20 workdays from date perfected)
- Copy of FOIA request attached
- Reason for request for legal review:
 - Denial of records
 - Discretionary release
 - Fee waiver denial
 - Denial of expedited processing
 - Other
- A proof-read and spell-checked draft response letter that includes the following:
 - A clear and concise description of the specific exemption(s) under which information is being withheld or redacted;
 - A short, but detailed explanation of why the particular exemption(s) cited is applicable in this specific situation;
 - If a discretionary release, an explanation why the release is being made in the particular situation;
 - If a fee waiver, an explanation why the fee waiver is being denied, providing sufficient detail for the requester to understand the reason for the denial; or
 - If expedited processing is being denied, an explanation as to why it is being denied.

- Attach copies of the documents with proposed redactions clearly indicated. Include an unredacted copy when needed to allow the reviewer to see the content of what is being withheld. Identify whether any documents are to be released as a discretionary release. If the volume of documents is large, contact the reviewing attorney to discuss whether alternative arrangements for review are appropriate.
- Verify cites to cases, statutes, or regulations to ensure proper citation. Double-check all redactions to ensure accuracy and consistency (e.g., if a social security number is redacted on page 4, it should also be redacted on pages 10 and 27; or if some material is redacted in an email string, that same material should be identically redacted each place it appears).
- Requests for legal review may also include other materials or information that may be relevant.

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12/20/2007 03:37 PM

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Subject New FOIA Handbook Chapter - FOIA Compliance

The DOI FOIA Improvement Plan, mandated by Executive Order 13392, "Improving Agency Disclosure of Information," provides a roadmap for improving administration of the FOIA within the Department. The Plan identifies seven major improvement areas, including improving Departmental communication and consistency. One of the tasks under this goal is to develop new FOIA compliance procedures to be incorporated in the DOI FOIA Handbook (383 DM 15).

Attached is Version 1.0 of Chapter 8, Compliance Procedures, which we have developed consistent with DOI's Improvement Plan. This Chapter is a compilation of existing DOI FOIA policies and procedures and will be posted to DOI's FOIA Intranet site at <http://www.myinterior.doi.net/ocio/foia/policies.html>.

If you have any questions and/or comments concerning the new Handbook Chapter, please contact Alexandra Mallus, the Departmental FOIA Officer, by telephone at (202) 208-5342, or by email at alexandra_mallus@ios.doi.gov. We will consider your comments and incorporate them as appropriate in the next version of this document. Thanks for your assistance--



Chapter 8 Compliance 12-20-07 Version 1.doc

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Darrell Strayhorn, SOL-Admin

Designated FOIA Attorneys

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

Effective Date:

Chapter 8: Compliance Procedures

Originating Office: Office of the Chief Information Officer

8.1 General.

A. The Chief Information Officer, also designated as the Chief FOIA Officer, is delegated authority for administering the Freedom of Information Act (5 U.S.C. 552) (FOIA) and related laws in the Department, and ensuring that bureaus comply with the FOIA, Executive Order (EO) 13392, Improving Agency Disclosure of Information, and all DOI policies and procedures accordingly. The CFO is also responsible for the development and implementation of compliance procedures.

B. The Departmental FOIA Officer, located in the Information Management Division (IMD), OCIO, has overall responsibility for developing and administering the DOI FOIA Program. This includes developing regulations, guidelines, procedures, and standards for the Department's FOIA program; providing program oversight and technical assistance and training to employees to ensure compliance with the Act; and preparing the Department's annual report to the Department of Justice (DOJ) and Congress.

C. All bureaus must comply with the FOIA and related laws and Executive orders and DOI's policies, procedures, and guidance regarding implementation of the FOIA in DOI, including DOI's FOIA regulations (43 CFR Part 2), the Departmental FOIA Handbook (383 DM 15), guidance issued by the DOI FOIA Office, the Office of the Solicitor, DOJ, and OMB.

D. General Departmental and bureau responsibilities are provided in the DOI FOIA Handbook, Chapter 1, paragraph 1.6. Additional bureau responsibilities are provided in Chapter 2, paragraph 2.3 of this Handbook.

8.2 Web Compliance. In accordance with Chapter 1, paragraph 1.9, of this Handbook, each Bureau FOIA Officer is responsible for developing and maintaining a FOIA website in compliance with E-FOIA. The bureau's website will comply with the

mandates affecting web publishing in DOI, e.g., web privacy policy, Section 508 of the Rehabilitation Act (29 U.S.C. 794d) as amended, and OCIO Bulletin 2001-06. See paragraphs 1.7 through 1.9 of Chapter 1 of this Handbook for additional information regarding FOIA website compliance.

8.3 Electronic FOIA Tracking System (EFTS).

A. All bureaus with Internet access are required to use the electronic FOIA tracking system (EFTS) to track and manage their FOIA and Privacy Act requests. 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.

B. All users of the EFTS will comply with the requirements of the FOIA, Privacy Act, Federal Records Act, Federal Information Security Management Act (FISMA), DOI's policies and procedures implementing these laws, and the EFTS Business Rules and Guidelines. The EFTS is covered by three DOI Privacy Act systems of records notices: DOI-71, Electronic FOIA Tracking System and FOIA Case Files; DOI-69, FOIA Appeals; and DOI-57, Privacy Act Files. Each FOIA Officer must complete a training class on the EFTS before using the system. All FOIA personnel will be required to complete a training class on how to use the system before being given a user name and password. Ultimately, the Bureau FOIA Officer will be responsible for ensuring users within the respective Bureaus/Offices have received the appropriate training on the system before issuing a password.

C. Bureau FOIA Officers will review the list of users for their respective bureau on a monthly basis. They will forward the user list, both active and deactivated, that contains the user name and IP number to the Departmental FOIA Office no later than the 5th calendar day of every month. (This list is generated in the EFTS.) If an EFTS User leaves the Bureau, the Bureau FOIA Officer must ensure his/her access to the EFTS is terminated immediately. Bureau FOIA Officers will notify the Departmental EFTS Project Manager when an individual's access to the system has been terminated so that the System Security Manager can in turn be notified to remove his/her IP address from the access control list and firewall. Under no circumstances is anyone to give access to the EFTS to any FOIA personnel without providing the Departmental EFTS Project Manager with an updated access list. User access to the system will be reviewed when appropriate and guidance re-issued when necessary. As a reminder, this system is designed to assist DOI's FOIA Officers and other FOIA personnel in tracking and managing their FOIA/Privacy Act requests more efficiently. Masks have been set and permission levels established to ensure that only those employees with a "need to know"

have access to the data covered by the Privacy Act. Only designated FOIA personnel and technical support personnel with static IP addresses are authorized to have access to the EFTS.

D. See Chapter 2, paragraphs 2.1 through 2.3 and 2.7, of this Handbook for further guidance regarding use of the EFTS.

8.4 Annual Report to Congress.

A. In accordance with 5 U.S.C. 552 (e), on or before February 1 of each year, the Department of the Interior (DOI) is required to submit to the Office of Information and Privacy, DOJ, a report covering the agency's FOIA activities for the preceding fiscal year (see the DOI FOIA Handbook, Chapter 7, paragraph 7.1 for additional information).

B. The DOI FOIA Office is responsible for preparing the Department's annual report based on input provided by the bureaus.

C. Bureaus are required to submit a report of their FOIA activities to the DOI FOIA Office by November 30 each year. Each Bureau FOIA Officer is responsible for ensuring that the bureau's data is accurate, consistent, and complete before submitting their report to the DOI FOIA Office. The Bureau will also ensure that its report is submitted on time so that the Department can meet the February 1 due date to the Attorney General.

8.5 Backlogs.

A. A primary focus of FOIA Executive Order (EO) 13392, Improving Agency Disclosure of Information, is the reduction and/or elimination of agency backlogs in an effort to improve customer service. Bureau FOIA Officers are responsible for monitoring their FOIA backlogs and providing monthly reports to the DOI FOIA Office regarding any outstanding requests. Monthly reports are due to the DOI FOIA Office on the 10th of every month. A perfected FOIA request that has not been responded to within 20 workdays, or 30 workdays if an extension has been taken, is considered "backlog."

B. Consistent with EO 13392, bureaus will make every effort to meet the backlog reduction goals for FY08, FY09 and FY10, which were reported to OMB in November 2007, as well as those in DOI's FOIA Improvement Plan as amended (March 2007). (See DOI's FOIA web site at http://www.doi.gov/foia/exec_order.html.)

8.6 Training.

A. To ensure that FOIA training material complies with the FOIA and DOI's FOIA policy and procedures, bureaus/offices must submit all FOIA training materials, manuals, and guidance that will be used for FOIA training within the Department to the DOI FOIA Office, OCIO, for certification and clearance. All FOIA training materials must be submitted to the DOI FOIA Office at least two months prior to the date of the training. Further, Bureau/Office FOIA Officers should work with the Office of the Solicitor to complete legal reviews of all training materials. (See OCIO Directive 2007-002, Department of the Interior Freedom of Information Act (FOIA) Training Clearance – FOIA Improvement Guidance #1, for additional information (dated January 3, 2007).

B. In accordance with Chapter 1, paragraph 1.6B(7) of this Handbook, Heads of Bureaus are responsible for ensuring that the Bureau provides training to ensure that personnel within each organization that handles FOIA requests are familiar with the Act and able to respond to requests in accordance with DOI's FOIA regulations and the procedures in this Handbook. Bureaus should conduct training for their FOIA personnel annually and the training should be designed for their specific duty level.

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05/08/2007 11:46 AM

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bcc Alexandra Mallus/PIR/OS/DOI
Subject FOIA Annual Report FY 06 Template attached

All,

Attached is the template you should complete in order to post your FY 06 FOIA annual report to the Web. Before you post your report to the Web, please call me so we can discuss the specifics. Please try to get the reports up by Friday, May 25. Thanks.



BureauDataCall Public Version FY 06.doc

alex

cc: Laura Cloud, AS/BIA
LaRima Lane, SOL-Admin

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2006 Annual Report
October 1, 2005 - September 30, 2006

Bureau/Office _____
Reporting Official _____
Telephone No. _____
Date _____

- I. Basic Information Regarding Report **(To be completed by the Department)**
- II. How to Make a FOIA Request **(To be completed by the Department)**
- III. Definitions of Terms and Acronyms Used in the Report
 - A. Bureau - specific acronyms or other terms included in each report.
 - B. Basic terms, expressed in common terminology.
 1. FOIA/PA request – Freedom of Information Act/Privacy Act request.
A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests.
 2. Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.
 3. Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
 4. Processed Request or Appeal – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
 5. Multi-track processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks.

Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).

6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. Complex request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

15. Median number -- the middle, not average number. For example, 3, 7, and 14, the median number is 7.

16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

1. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked.
2. Brief description of type(s) of information withheld under each statute.
3. Statement of whether a court has upheld the use of each statute. If so, then cite example.

V. Initial FOIA/PA Access Requests

- This should include all access requests, whether first-party or third-party. Only “perfected” requests should be included. A “perfected request” is a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

A. Numbers of initial requests.

1. Number of requests pending as of end of preceding fiscal year _____
2. Number of requests received during current fiscal year _____
3. Number of requests processed during current fiscal year _____
4. Number of requests pending as of end of current fiscal year _____

B. Disposition of initial requests.

1. Number of total grants _____
2. Number of partial grants _____

3. Number of denials _____

a. Number of times each FOIA exemption used

(1) Exemption 1 _____

(2) Exemption 2 _____

(3) Exemption 3 _____

(4) Exemption 4 _____

(5) Exemption 5 _____

(6) Exemption 6 _____

(7) Exemption 7 (A) _____

(8) Exemption 7 (B) _____

(9) Exemption 7 (C) _____

(10) Exemption 7 (D) _____

(11) Exemption 7 (E) _____

(12) Exemption 7 (F) _____

(13) Exemption 8 _____

(14) Exemption 9 _____

4. Other reasons for nondisclosure (total) _____

a. no records _____

b. referrals _____

c. request withdrawn _____

d. fee-related reason _____

e. records not reasonably described _____

- f. not a proper FOIA request for some other reason _____
- g. not an agency record _____
- h. duplicate request _____
- i. other (specify) _____

VI. Appeals of Initial Denials of FOIA/PA Requests **(To be completed by SOL.)**

VII. Compliance with Time Limits/Status of Pending Requests

A. Processing time for requests processed during the year.

1. Normal Processing

a. Number of requests processed _____

b. Median number of days to process _____

2. Multi-track Processing

a. Simple requests

1. Number of requests processed _____

2. Median number of days to process _____

b. Complex requests

1. Number of requests processed _____

2. Median number of days to process _____

3. Expedited processing

a. Number of requests processed _____

b. Median number of days to process _____

B. Status of pending requests.

1. Number of requests pending as of end of FY 2006
(Enter this number from Line V.A.4.) _____

2. Median number of days that such requests were _____

pending as of that date (September 30, 2006) _____

3. Average number of days that such requests were pending as of that date (optional) _____

VIII. Comparisons with Previous Year(s)

Bureaus should state comparisons both in total numbers and in percentage of change.

A. Comparison of numbers of requests received:

	No.	% change over FY 05
FY 06	_____	_____
FY 05	_____	

B. Comparison of numbers of requests processed:

	No.	% change over FY 05
FY 06	_____	_____
FY 05	_____	

C. Comparison of median numbers of days requests were pending at the end of FY:

	No.	% change over FY 05
FY 06	_____	_____
FY 05	_____	

D. Other narrative statements describing bureau efforts to improve timeliness of FOIA responses and making records available to the public (e.g., backlog - reduction efforts, training provided by bureau to its employees [do not list training sponsored by DOJ, ASAP, USDA], etc.):

E. Number of requests for expedited processing received: _____

Number of requests for expedited processing granted: _____

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel _____

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) _____

3. Total number of personnel (in work-years) _____

B. Total Costs (including staff and all resources):

1. FOIA processing (including appeals) _____

2. Litigation-related activities _____

3. Total costs _____

4. Comparison with previous year(s) (including % of change) _____

C. Statement of additional resources needed for FOIA compliance _____

X. Fees

A. Total amount of fees collected by agency for processing requests

B. Percentage of total costs _____

XI. FOIA Regulations (Including the Fee Schedule)
(To be completed by the Department)

XII. Report on FOIA Executive Order Implementation (New Requirements Mandated by FOIA Executive Order)

A thru E. To be Completed by the Department

F. Additional Statistics:


1. Time range of requests pending by date of request:

2. Time range of consultations pending with other agencies, by date of initial interagency communication:

Alexandra
Mallus/PIR/OS/DOI
09/25/2007 05:04 PM

To Sue Ellen Sloca/NBC/OS/DOI@DOI, Laura F
Bell/WO/BLM/DOI@BLM, Barbara J
Brown/WO/BLM/DOI@BLM, Diane
Cooke/WASO/NPS@NPS, Johnny
Hunt/ARL/R9/FWS/DOI@FWS, Teri
Jackson/ARL/R9/FWS/DOI@FWS, Ginny
Morgan/MMS/DOI@MMS, Deborah L
Kimball/GIO/USGS/DOI@USGS, WChism@osmre.gov,
sandra_evans@doioig.gov,
mildred_washington@doioig.gov, jnagode@do.usbr.gov,
csnyder@do.usbr.gov
cc Granada Fouke/ARL/R9/FWS/DOI@FWS, Harriet S
Brown/PIR/OS/DOI@DOI, Miriam M Lam/PIR/OS/DOI@DOI,
Melissa Allen/NBC/OS/DOI@DOI
bcc Alexandra Mallus/PIR/OS/DOI

Subject Due October 10, 2007 - FOIA Backlog Reduction Goals

History:  This message has been forwarded.

All,

As discussed at the Sept. 20, 2007, FOIA Officer meeting, the Attorney General's June 1, 2007 report to the President, imposes new requirements on agencies related to FOIA backlog reduction. By Nov. 1, 2007, each agency that has a backlog of FOIA requests/appeals at the end of FY07 will have to formally establish, and post on its website, backlog reduction goals for the agency for FY08, FY09, and FY10. The goals should be expressed in both (1) the numbers of requests/appeals that the agency plans to process during each fiscal year and (2) the number of requests/appeals that the agency estimates will be pending at the end of each fiscal year.

In response to some of the questions you raised concerning this new requirement and whether DOJ was really talking about "pending requests" or "backlogged requests" per (2), above, I contacted OIP/DOJ on Sept. 24, for further clarification. DOJ advised that additional guidance had been provided via the FOIA Post (see <http://www.usdoj.gov/oip/foiapost/2007foiapost9.htm>). In accordance with DOJ's guidance, any agency that has a request or appeal pending beyond the statutory time period as of the end of FY07 is required to establish and publish these backlog reduction goals. DOJ also included a template for agencies to use in posting these goals to the Web.

You will find the template under Section III of DOJ's guidance. Please complete the template provided by DOJ for your respective bureau/office (one consolidated report per bureau/office please!) and submit to me or the DOI FOIA Team by COB, Wednesday, October 10, 2007. We all realize that it's difficult to develop projected estimates for three years out, however, do the best that you can. Remember that the number of pending requests at the beginning of FY08 is the same number of requests that are pending at the end of FY07. This same number should appear on your annual report for FY07.

Based on past experience, we suggest that you be more conservative in providing your backlog estimates. Consider the fact that you may have staff turnovers or receive an influx of requests, have to deal with appeals, your additional workload outside of FOIA, etc. In all likelihood, we will have to provide follow-up reports to DOJ and OMB concerning this exercise, so we encourage you not to commit to something that is unrealistic.

Feel free to call me if you have further questions or if think it would be helpful to meet again next week--

Alex Mallus
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Email: alexandra_mallus@ios.doi.gov

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cc: Laura Cloud, AS/IA
Christine Bartlett, SOL-Admin
Ed Keable, SOL-Admin
Darrell Strayhorn, SOL-Admin