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Description of document:	Central Intelligence Agency (CIA) FOIA processing manual/handbook, 2010*
Requested date:	24-December-2010
Released date:	02-June-2014
Posted date:	14-July-2014
Source of document:	Information and Privacy Coordinator Central Intelligence Agency Washington, DC 20505 Fax: (703) 613-3007
*Note:	Most pages undated or dated at time of printing
Note:	See following page for breakdown of included records

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Central Intelligence Agency



Washington, D.C. 20505

2 June 2014

Reference: F-2011-00574

This is a final response to your 24 December 2010 Freedom of Information Act (FOIA) request for "a copy of the CIA FOIA processing manual/handbook." As you will recall, in our 19 January 2011 letter, we informed you that we were already processing a request for this information in connection with an earlier FOIA request received prior to yours. We cross-referenced your request to the earlier one in order to send you any records that were found to be releasable.

The earlier case was recently concluded. Enclosed at Tab A are copies of four documents, consisting of nine pages, that were released in their entirety. Enclosed at Tab B are 17 documents, consisting of 149 pages, that we determined were releasable in segregable form with deletions made on the basis of FOIA exemptions (b)(1), (b)(3), (b)(5), and/or (b)(6). An explanation of exemptions is also enclosed at Tab B. Additional material was determined to be currently and properly classified and must be withheld in its entirety on the basis of FOIA exemptions (b)(1), (b)(3), and/or (b)(5). Exemption (b)(3) pertains to information exempt from disclosure by statute. The relevant statutes are Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 403g, as amended, and Section 102A(i)(1) of the National Security Act of 1947, as amended.

Because the above referenced request was the subject of a pending litigation in federal court, in accordance with Agency regulations as set forth at Section 1900.42 of Title 32 of the Code of Federal Regulations, you are not entitled to appeal this determination administratively.

Sincerely,

ichele Keelos

Michele Meeks Information and Privacy Coordinator

Enclosures

Materials Released by CIA on June 2, 2014: CIA FOIA processing manual/handbook 158 pages total

TAB A - materials released unredacted

Summary of FOIA Fee Rules Scoping Requests Checklists Scoping Referral Requests Checklist Table of Contents for FOIA Manual (not titled)

## TAB B - redacted materials

Privacy Act Branch Orientation Privacy Act Internal Business Procedure Grant Codes CADRE Search Policy/Checklist Internal PIPD Policies FOIA Tasking Template Who to Task CADRE Search Checklist Terms and Definitions PIPD New Employee checklist Training Plan for New FOIA Employees **Quality Assurance Tips** Wait For it!!! Tasking Overview Scoping -Analyzing New Requests Referral and Coordination Workshop FOIA Litigation The Wrath of QA FOIA Case Logs

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TAB A

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## SUMMARY OF FOIA FEE RULES

Freedom of Information Act (FOIA) requesters may have to pay fees covering some or all of the costs of processing their requests. Agency regulations define "fees" as the direct costs the Agency may charge a requester in accordance with the requirements of the FOIA. The FOIA establishes three types of fees: reproduction, search, and review costs. A requester's fee category will determine the fees the Agency may assess that requester. Agency regulations define four fee categories of FOIA requesters.

## FEE CATEGORY

Determination of the requester's fee category [by PIPD] is based on the information provided by the requester and the reasonable inferences that may be drawn from the identity and activities of the requester.

### Commercial

1. Disclosure sought is primarily in the commercial interest of the requester, and

2. Which furthers such commercial, trade, income or profit interests.

Fees: Copy, Search, and Review Costs

### Representative of the News Media

1. Individual actively gathering news for an entity that is organized and operated to publish and broadcast news (as defined below) to the <u>American</u> public, and

2. Pursuant to their news dissemination function and not their commercial interests.

News means information that-

- Concerns current events,
- Would be of current interest to the general public,
- · Would enhance the public understanding of the operations or activities of the
- U.S. Government, and
- Is in fact disseminated to a significant element of the public at minimal cost.

Note: includes freelance journalists who can demonstrate a solid basis (publication contract or prior publication record) for expecting publication

Fees: Copy Costs Only - Beyond the First 100 Pages

## **Non-Commercial Educational or Scientific Institution**

 (a) Accredited U.S. educational institution at any academic level or institution engaged in research concerning the social, biological, or physical sciences, or
 (b) An instructor or researcher or member of such institutions; and

- 2. Information will be-
  - Used in a specific scholarly or analytical work,
  - Contribute to the advancement of public knowledge, and

• Disseminated to the general public.

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### Fees: Copy Costs Only - Beyond First 100 Pages

## "All Other"

- 1. Any requester who does not fall within the other three categories
- 2. Examples include, but are not limited to:
  - People seeking information for personal use;
  - Public interest groups; and
  - Nonprofit organizations are examples of requesters who fall into the third group

Fees: Copy and Search Costs - Beyond the First 100 Pages and the First 2 hours of Search Time

#### **TYPES OF FEES**

#### **Reproduction Costs**

· Generation of a copy of a requested record in a form appropriate for release

#### Search Costs

• All time expended in looking for and retrieving material that <u>may</u> be responsive to a request utilizing available paper and electronic indices and finding aids

#### **Review Costs**

All time expended in-

Examining a record to determine whether any portion must be withheld pursuant to law, and

Effecting any required deletions.

• Excludes personnel hours expended in resolving general legal or policy issues.

• Review charges only include costs incurred during the <u>initial</u> examination of a document.

## FEE WAIVER

If the requester has requested a fee waiver, the Agency [PIPD] will determine whether the Agency will grant the waiver. Generally, key elements in qualifying for a fee waiver are the relationship of the information to the public understanding of the operations or activities of government and the ability of the requester to convey that information to other interested members of the public. A requester is not eligible for a fee waiver solely because of indigence. A requester may request a fee waiver at any time before the release of documents or the completion of a case, provided that, if processing has been initiated, the requester has agreed to be responsible for costs in the event of an adverse decision.

### **Determination Required to Grant Fee Waiver**

Agency regulations require fee waivers to be granted upon a determination that-

1. As a matter of administrative discretion, the interest of the U.S. Government would be served, or

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- 2. It is in the public interest because the disclosure-
  - Is likely to contribute significantly to the public understanding of the
  - operations or activities of the federal government, and
  - Is not primarily in the commercial interest of the requester.

## Factors to Consider in Making Public Interest Determination

1. <u>Subject of Request</u>: Whether the subject of the request concerns the operations or activities of the federal government; and, if so,

2. <u>Effects of Disclosure on Public Understanding</u>: Whether the disclosure of the requested documents—

• Is likely to contribute to an understanding of federal government operations or activities; and, if so,

• Will contribute to public understanding of federal government operations or activities; and, if so,

• Is likely to contribute <u>significantly</u> to public understanding of federal government operations and activities; and

Requester's Commercial Interest:

Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so,

• Whether the disclosure is <u>primarily</u> in the commercial interest of the requester.

### NO FEES CHARGED

• No fees will be charged if the fee is equal to or greater than \$10.00.

• No fees will be charged for requesters seeking records about themselves under the FOIA.

### FEE ESTIMATES

• The requester must provide a specific fee commitment whenever the Agency estimates that fees will exceed \$100.00.

• If the requester has requested a fee estimate, the Agency-

Generally will provide an accurate estimate within 20 days of the request, and

Will not accrue or charge fees in excess of the estimate without the specific permission of the requester.

### **ADVANCE DEPOSIT**

The Agency may require an advance deposit of up to 100 percent of the estimated fees when-

1. (a) Fees may exceed \$250.00, and

(b) Requester has no history of payment, or

2. For fees of any amount, there is evidence that the requester may not pay the fees.

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Training Schedule for New Employees in the FOIA Branch

## First Week:

1) Take CADRE training (when available)
 --Become VERY familiar with system

2) Sign up for first available Fundamentals of the FOIA course (try to take within first month)

3) Review all pertinent FOIA regulations and policies

--32CFR√ --FOIA Guide√ --DOJ website √

4) Review some closed FOIA cases:

--Review thoroughly

--Practice searching by developing tactics and search strategies

--Compare with how case was originally processed

## Month 1-3

Practice scoping and searching

a) Will be assigned NEW initial and ref/coord cases to scope and research --Develop search strategies

--Conduct preliminary searches in CADRE and on the Internet (if applicable) using the FOIA search guidelines

--Compare search results with similar cases (how did we respond?)

--Compile all search results and put into case folder

b) Practice making initial determinations:

--Are there previous releases?

--Can we do a pre-Glomar?

-- Is the search to burdensome, vague, etc.?

--Can we accept?

c) Review FOIA boilerplate language templates

--Practice applying appropriate language

--Write your recommendations on a sheet of paper and clip to top of case folder --Return cases to your assigned trainer. At this stage, you will not continue processing cases that need to be tasked out, rather, the cases will be reassigned to experienced case managers. Before the cases are reassigned, you will receive feedback on your research and recommendations from your trainer.

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## Month 4 & 5

At this stage, you will start keeping your cases and task them out to the components.

- 1) Continue to practice scoping and research
  - --Make initial case determinations
  - --Determine who needs to be tasked
  - --Determine whether external coordinations (OGC) are required
- 2) If no tasks required:
  - --Begin drafting response letters using boilerplate language
- 3) If accepting an initial case:
   --Begin drafting acceptance letters

## Upon return of tasks

- 1) Begin reviewing tasking responses and finaling cases
  - --Verify document accuracy
  - --Verify that additional taskings are/are not required
  - --Burn documents
  - --Draft correspondence using correct boilerplate language
  - --Prepare final package for QA

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# **Scoping Requests Checklist**

Step	#
Determine the requestor	
We do not accept the following:	
Requests from representatives of foreign governments	
Foreign language requests	
Requests making threats (turn over to ASO)	
Read/review the case thoroughly to understand what exactly is being	
requested	
If having difficulty, break down the request into parts.	
Seek help if having trouble	
Questions to ask yourself in order to understand the context of a	
request:	
What type of requestor is it (e.g., news media)	
Is it a frequent requestor?	
Have similar requests been submitted?	
Is the requestor prone to appeal/litigate?	
Determine the validity of the request before determining the suitable	
action in response to it.	
Conduct searches using the FOIA Search Checklist	
Search CADRE to see if there are any previous requests for the	;
same or similar subject. What was given to another requestor	
may satisfy another.	
If there are no previous requests, determine whether or not we	
can search for the records being requested without requiring	
more information from the requestor	
DO NOT Task the following:	
3 <sup>rd</sup> party referrals (initial requests must come directly to us and	
not through another government agency)	
Requests are:	
Too broad	
Vague	
Asking questions	
Requiring research	
Publicly available documents	
Pre-CIA documents (refer to OSS requests to NARA)	
Cases/documents that are piggybacked to another case	

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# Scoping Referral Requests Checklist

Step	#			
Prepare the entire package before scanning by:				
Verify receipt of requestor correspondence				
Verify receipt of referring agency memorandum				
<ul> <li>Verifying receipt of documents cited in referral memorandum, or forms</li> </ul>				
<ul> <li>Identifying and separating each document for preparation to scanning.</li> </ul>				
Prepare documents before scanning by categorizing what gets scanned separately into the case as follows:	+			
<ul> <li>Correspondence, includes referral memorandum, requestor</li> </ul>				
letter, referral forms, queries, lotus notes, background				
information, etc. to be scanned into the All Documents				
folder				
Fill out a CADRE SCANNING REQUEST for all				
correspondence and work. Take the package, with ALL the				
staples removed, to the CMST in the registry				
Complete batch scan request in CADRE and attack all				
DOCUMENTS. Take the package, sans case folder, to				
Scanning center.				
Prepare documents after scanning by:	+			
Selecting documents in the ALL DOCUMENTS folder and				
change release names from NON to NOT APP.	1			

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TAB B

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# (U) Privacy Act Branch Orientation

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# From CIA

(U) The Privacy Act Branch (PAB) responds to public requests for information about individuals, as mandated by the Privacy Act. As a case manager for the PAB, you will be involved start to finish with Privacy Act requests, as well as Third Party FOIA Requests, from the initialization of the case to the final letter being sent out. You will work closely with the DS/IROs to help review and redact documents for release. An overview of the Privacy Act Internal Business Procedure, helps to outline what the basic steps in the process are.



# **Unique to PAB**

Unlike most of the case managers in PIPD, PAB case managers also review and redact documents. We work closely with the DS/IRO shop, and while we do task them on some cases, for most requests we do the document reviews and redactions ourselves. The bulk of the caseload is requests from individuals for information on themselves, which falls under the Privacy Act. Most of the tips and information on this page is geared towards the processing of PA cases, but can be applied to the Third Party FOIA (requests from individuals for information on other US persons).

(b)(3)

# Hints and Helpful Tips

National Security Act

- (U//FOUO)
- (U//FOUO) Any document which is releasable, either in part or in full, under the Privacy ACT has a limited dissemination. Be sure to put either RIPLIM or RIFLIM, as appropriate, on that document when you are preparing it in CADRE.

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- (U) A coordination is when another government agency's document with CIA information or equities is sent to us for review. We respond back to the other agency.
- (U) A **referral** is when a CIA-originated document is found or held by another government agency in their files. We typically respond back to the original requester.
- (U) Since Privacy Act cases at the Agency are processed under both the FOIA and the Privacy, exemptions from both statutes can and should be applied when relevant. Here is a crosswalk of exemptions:

(b)(1) ---> (k)(1) (b)(3) ---> (j)(1) (b)(7D) ---> (k)(5)

- (U) You will be writing a lot of form letters pay close attention to spacing, font, and case-specific information (addresses, dates, etc).
- It's helpful to keep a document with commonly used paragraphs, other government addresses, copies of signatures and of the CIA seal so that you can easily modify copy it into letters from letter generator. Using the Clipboard in MSWord is especially helpful for this.
- Below is a list of addresses for several other government agency's FOIA/PA offices:

(Army) Commander USA Intelligence and Security Command Freedom of Information and Privacy Office 4552 Pike Road Fort Meade, MD 20755-5995

Office of Personnel Management - FISD ATTN: FOI-PA Post Office Box 618 1137 Branchton Road Boyers, PA 16018-0618

Chief, FOIA/PA Office Office of Information Policy, Suite 6248 National	(b)(6)
Security Agency Ft. George G. Meade, MD 20755-6248	

Information Access and Release Center (FOIA) National Reconnaissance Office 14675 Lee Road Chantilly, VA 20151-1715

CIA Act (b)(3)(b)(6)(b)(6) Chief Records/Information Dissemination Section Records Management (FBI) Division 170 Marcel Drive Winchester, VA 22602-4843 (b)(3)(b)(3)CIA Mr. John F. Hackett Director, Information Management Office Office of the Director of National Act Intelligence Washington, DC 20511 (b)(3)CIA Defense Intelligence Agency DIAC, DAN-1A (FOIA) Building 6000 Washington, DC 20340-5100 Act APPROVED FOR RELEASE DATE: 28-Feb-2014 3/25/2010 7:06 AM 2 of 6 Approved for Release: 2014/04/09

# Examples

# Letters

(U//AUO) The letter generator tool in CADRE has several generic template letters. However, there are many instances when different language is needed, either in addition to or instead of the templates. Previously, response letters were saved in the sharedrive, within the

You can either skim the contents of that folder for a good example, or here is list of cases which should provide you with good examples. Also, there are several binders with examples of correspondence found in the PAB office. Keep in mind that there may not always be a pre-existing example, depending on the specific case. However, these should provide a sufficient template to allow you to be able to craft an appropriate response.

# Documents

(U) Typical cases where responsive documents are located will have a fairly limited variety of documents, usually standard HR, OMS, and Security forms. Keep an eye out for duplicates, and remember that unless otherwise indicated in the acceptance letter, only CIA-originated documents should be treated for release. Below is a list of cases which provide good examples of redacted documents and their accompanying exemptions.

- Former employee
- Applicant -
- Army Coordination -
- OPM Coordination -

(U//AHOO) Here is a list of documents which, if they exist should be included in an Official Personnel File (not all are found in every OPF):

## **Agency Forms**

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- 45 Performance Appraisal Reports (PARS)
- 259B Request for Medical Evaluation (EOD only)
- 444E Supplemental Personal History Statement
- 444K Personal History Supplement Intention to Marry
- 444N Qualifications Update
- 536 Military Status Questionnaire
- 560 Pay Change Notification
- 1076 Notice of Official Disability Claim file
- 1150 Notification of Personnel Action

1451A Overseas Service Report.

1273 Certification of Language Proficiency

National Security Act CIA Act (b)(3)

3610 Applicant Information Sheet No. 1

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CIA Act



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	<sup>31</sup> h Orientation - CIA Appl	oved for Release: 2014/04/09	(b)(3)
			(b)(3)
• •	PHS - Personal History Statemer	nt	cia
Stan	dard Government Forms		
	DD214 Report of Separation fro	m Active Duty	
	SF50 Notification of Personnel	•	
	SF61 Appointment Affidavits		
	SF61B Declaration of Appointed		
	SF75 Request of Preliminary En		
	SF127 Request for Official Pers		
	SF144 Statement of Prior Federa		
	SF171 Application for Federal E		
		etiree's Service in Non-wartime Campaigns and Expedi	tions
	SF1150 Record of Leave Data		
	SF1152 Designation of Beneficia		
	SF2808 Designation of Benefici	•	
	SF2809 Health Benefits Registra	ation Form	
	SF2810 Federal Employee's Not	ice of Change in Health Benefits	
· · · ·	SF2817 Life Insurance Election	- FEGLI	
·	SF2823 Designation of Beneficia	ary - FEGLI	
	SF3102 Designation of Benefici	•	
	SF3103 Register of Separations	•	
	SF3109 ERS/FERS Special Elec		
Misc	ellaneous Documents		
_	Original Academic Transmista		
	Original Academic Transcripts		(b)(3
	Acknowledgement Memorandu		(~)(
		ail between Government Agencies)	
	Biographic Profile		CIA
	<ul> <li>Certification of Separating Emp</li> </ul>		Act
	<ul> <li>Contracts, Contract Extensions,</li> </ul>		
	<ul> <li>Disclaimer of Language Proficie</li> </ul>	ency	
	Dual Compensation Report - Mi	litary	
	Employee Service Transcript		
	External Training Records (NO	Certificates)	
1	Marriage to Alien		
	Memoranda Pertaining to Perso	nnel Actions	
	Microfiche of other Governmen		
	<ul> <li>Pre-Appointed Certification of State</li> </ul>		
	<ul> <li>Retirement Coverage Memo with</li> </ul>	-	
		w Social Security Amendments of 1983	
	<ul> <li>Verification of Contract/Military</li> </ul>	•	
1	<ul> <li>MOU-Memoranda of Understar</li> </ul>	umg	
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(b)(3) (b)(5)

# Use of Exemptions (b)(2) and (b)(5)

(U//AILO) PAB and the DS/IROs met shortly after President Obama and Attorney General Holder issued their memoranda on openness transparency and disclosure in early 2009 to discuss the appropriate way to incorporate these new guidelines in the use of FOIA exemptions (b)(2) and (b)(5). Documents which were formerly Denied in

Full (DIF) on the basis of low (b)(2) are now processed. Many times the FOIA (b)(3) exemption and Privacy Act (j)(1) exemption can still be used to withhold information that was previously removed under (b)(2), but it is not typically used to DIF a document. Exemption (b)(5) can still be used, but only judiciously. It's not commonly applied in Privacy Act cases, so this is less of a concern.

(b)(5)

(b)(5)

# Releasable names of Office of Security branches or boards

(U//AILO) All Security names below group level should be redacted, with the following exceptions:

(b)(3)

- Adjudications Board (AB)
- Appeals Staff (AS)
- Personnel Assessment Center (PAC) [now defunct]
- Personnel Evaluation Board (PEB)
- Special Activities Staff (SAS), formerly Office of Personnel/SAS

# **PIPD** resources

National Security Act

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PIPD Case Manager Acronym Resource	(b)(3)
Retrieved from	(b)(3
Category: PIPD Business Practices	cia
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CIA Act

(U) Privacy Act Internal Business Procedure

## UNCLASSIFIED//APUO

# From CIA

(U) This is a set of guidelines for processing a Privacy Act (PA) case. As business procedure evolves, changes can be made that can easily be referenced by case managers. New employees will find this helpful as a training tool. Italics indicate steps within CADRE.



# (U//AUO) Case Opening and Initial Review

These initial steps are typically done by the admin assistant.

- Read incoming letter from requester.
- Do a profile history on the requester to see if there were any previous requests. If yes, do a search to determine what occurred in earlier requests. Print out a copy of the history for the requester folder.
  - If there was a previous search done, we will offer to do only an updated search. If, however, the earlier search is too old and there are no records in CADRE, we usually do a complete search.

1. The case is opened in CADRE and placed in the Initial Review folder.

# **Requester** Correspondence

At this point, the case is given to the Case Manager, who reads in the incoming correspondence to determine if all biographical information is present and what action should next be taken.

2. Case is moved to Case Analysis

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CIA Act

(b)(3)

(b)(3)

(U) If requester failed to supply all necessary biographic information an SPR (Suspending Pending Response) letter is sent out. The requester has 45 days to respond to the SPR.

3. Case is moved to Requester Pending

# **Quick Checks**

 (U//AIDQ) When all required biographic information is supplied and the request is duly signed under penalty of perjury or notarized,

4. Add letter using Letter Generator, then forward to Case QA. It will be proofread in Case QA than forwarded through Senior Review to Mail Release.

then an acceptance letter is mailed to the requester, and the case is then tasked out to the applicable components and/or directorates.

# **Case Tasking and Review**

Assuming all required biographical is present, and an acceptance letter written, the case is ready to be tasked.

5. The case should be in Generate Tasking, as this is the point where taskings are created.

 DS component offices are either tasked via email or are searched directly by the PAB admin assistant. NCS is tasked within CADRE. At this point, other directorates are generally not tasked, unless there is a strong indication that there may be records located in their holdings.

6. Once search results are returned, the documents are scanned into CADRE and case is moved to Review Responses.

• Documents are merged, if necessary.

2 of 4

(U//FOUQ) The vast majority of responsive documents in Privacy Act requests come from the DS, specifically from HR - typically Official Personal Files (OPF), Security - (b)(3) background investigations, and OMS. Once these documents are received in PAB, they are reviewed and redacted by PAB case managers. DS/IROs are consulted if there are complex issues.

- Security documents are redacted by hand before being returned to PAB, those redactions are then done within CADRE by the DS/IRO admin.
- If other directorate equities are located, documents are tasked for review to those directorates

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(b)(3)

National

(b)(3)

C05520182<sub>11</sub> Business Procedure - CIA

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(b)(3)

 Depending on scope of equities and which directorate, tasking may be informal and in person and noted in the comments of the case, otherwise a tasking is created within CADRE. (b)(3)

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# **Coordinations and Referrals from Other Government Agencies**

(U) When a request is sent over from another agency, it follows a somewhat abbreviated process, due to the fact that there is no need for a search and it is likely that most of the review of the documents be performed by the PAB case managers without being tasked out to another directorate.

(U) Case managers receive the case with all the correspondence and documents scanned into the case and push it through to either Generate Tasking or Review Responses (work can be done in either). They then review the documents and if other directorates equities are located, the document(s) are then tasked out for review. Otherwise, the documents are treated, the response letter(s) are written and the case is prepared for final.

National Security Act (b)(3)

# **Privacy Act Glomar**

(U//FOUO) A Privacy Act Glomar allows the CIA to neither confirm nor deny any covert affiliations individuals may have with the Agency. Typically, for former employees, a split Glomar acceptance letter is sent stating that any part of a request regarding a covert relationship that individual may have had with the Agency will be denied pursuant to FOIA (b)(1) and (b)(3)but that we will search for any records which may concern an open affiliation. (Exact wording is found in example docs listed, although this type of acceptance letter is not currently being used.) See also Glomar Policy.

# **Finalizing** Cases

3 of 4

- After documents are merged and otherwise redacted, ensure that redactions are correct and consistent. Cross through any classification markings, and stamp as ready for approval.
- Compose final response.
- 7. Case is pushed through to Product Generation. After documents are burned, retrieve in Burn QC.
  - Approve documents if they are correct, if not fail documents and send back to Issue Resolution reprocessing them as necessary.
  - Print all burned, releasable documents and prepare them for mailing (insert tabs, exemption enclosure, etc).
- 8. Forward to Case QA and give file to C/PAB for final review.

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# **Example** Correspondence

Although CADRE has templates for basic correspondence, there are many variations and other types of letters which PAB issues. Below is a list of example letters that are not currently found in the CADRE templates, referenced by the case number they can be found in. Most of these are found within the (b)(3)sharedrive folder, but all can be accessed in CADRE.

## **Common Privacy Act Letters**

Type of Letter
ACC - attorney
CAN - previously answered
SPR - specific documents
SPR - citizenship status
SPR - signature
SPR - naturalization # and date
SPR - POB & cit statement
SPR - POB
NRL - updated search (no acceptance)
NRL - no acceptance
NRL - additional info provided, no acceptance
NRL - additional info provided - attorney
Dual FOIA/PA language
OGA Coord/Ref with Tab language

# Links

4 of 4

Executive Order 12958 Freedom of Information Act (FOIA) Privacy Act (PA) Publications Review Board (PRB) Public Information Programs Division (PIPD)

Retrieved from Category: PIPD Business Practices

# UNCLASSIFIED//ANO

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	Ov	erall Case Grant Code Used on	Distribut	tion Page	
Grant Code 1	Grant Code 2	Grant Code 3		Overall Grant Code	
GIF	GIF			GIF	5° • • • • •
DIF	DIF		-	DIF	
GIP	GIP		=	GIP	
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GIP	DIF		=	GIP	
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## **CADRE Search Policy/Checklist**

### Search Policy:

- For basic searches, you must search on ALL original, in work, and burned documents.
- Narrow down your search by limiting BOTH release decision and distribution (limit by RIP and **RIF and PUB).**
- EACH case needs to include hyper-snap images of EACH search conducted as outlined by the . search checklist. DO NOT just include a copy of this checklist. All cases that do not have evidence of searches will be returned for re-work.
- For obscure topics, at a minimum, searches should be done on case subject and document title.
- For ALL OTHER searches, follow the checklist below.
- Double check all spellings when conducting searches.
- Make notations on the search hit-list that you actually checked the documents for responsiveness/non-responsiveness (e.g. NR, etc.)

## Search Guidelines:

- 1. Before starting a search develop a search strategy.
- 2. Conduct an initial search, look at results, determine what is relevant/non-relevant, and refine the search. It is best to start broadly and narrow down as you go.
- 3. Assume there are typos and misspellings in keywords, titles, etc. Search on multiple and variations of keywords, names, etc.
- 4. As you peruse the request (both initial and refs/coords) for the second time, write down keywords. Write these words and other notes (e.g. fee waiver requests, etc.) on your worksheet.
- 5. Look at ALL results and verify them. Make notes on your requester report for each decision.
- 6. Search ALL attachments in a document.
- Search associated cases when you get hits on documents.
   If unsure about a topic, also search on dates.
- 9. Make wildcards a routine part of a search.
- 10. Use documents in similar cases to try and find other cases.
- 11. Go through all documents as necessary. You can eliminate documents by subject and release codes.
- 12. Check for EO and Privacy cases as well.
- 13. Note who was tasked in previous requests on the same or similar subjects.
- 14. Note all release decisions
- 15. When searching a name, consider me nrst and last name as separate entities. Do a broader search (e.g. last name) to begin with. National Security Act

#### Questions to consider when searching:

- 1. Are there other documents on the subject, or the same documents, in non-related cases?
- 2. Is there a previous case that exactly matches the new request?
- 3. Is there a previous request with the same subject?
- 4. Look at dates of previous searches. Is there anything likely to appear after those dates? (If it is a big topic, i.e. Bay of Pigs, why start a new search.)

### **Initial Requests:**

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- 1. Select Original, in Process, and Burn
- 2. Search Requester History and Fees

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- 3. Run Case History search
- 4. Run Case Subject search

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- 5. Run Case Keyword search
- 6. Run Document Title search
- 7. Run Document Keyword search
- 8. Run Internet search (when appropriate)
- 9. Run Full-text search (when appropriate)
- 10. Print out all search results (except for information on frequent requesters) and put into the hardcopy file.

## **Refs/Coords:**

- 1. Select Original, in Process, and Burn
- 2. Search Requester History and Fees
- 3. Run Case Subject search
  - Look at the request itself first and documents second.
- 4. Run Case External ID search (when appropriate-when more than one referral on the same topic)
- 5. Run Document Title search
- 6. Run Document Keyword search
- 7. Run Document Publication Date search
- 8. Run a Full-text search (when appropriate)

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9. Print out all search results (except for information on frequent requesters) and put into the hardcopy file.

#### **Requester Report:**

- 1. Run Requester Report(s) on Document Keyword/Title
- 2. Print out all reports.

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2.1 Background	l information for Requests for Information d Satellite Reconnaissance Programs sessment	(b)
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<ul> <li>4 Appeals</li> <li>4.1 Appeals Tas</li> <li>4.2 Appealing t</li> </ul>	for Handling Referrals	C A
<ul><li>5 Links</li><li>6 References</li></ul>		
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In October 1996, the CIA signed a Memorandum of Agreement with the newly-formed National Imagery (b)(3) and Mapping Agency (NIMA) that turned over the majority of the records of the former National Photographic Interpretation Center (NPIC) and the former Office of Imagery Analysis (OIA) to NIMA. NIMA has since been renamed the National Imagery and Geospatial Intelligence Agency (NGA). With few exceptions, all imagery, imagery-derived information, and imagery analysis tradecraft information fall under NGA's purview. Some NPIC and OIA records were retained by CIA; these include budget and other administrative information, personnel records, imagery support to operations files and the ground photo collection. Please continue to task requests for this information to the DS&T/IRO. Please note that

National Security Act (b)(3)

Information related to satellite research, development, technical specifications and capabilities, and (b operations and management fails under the purview of the National Reconnaissance Office (NRO) and should be referred to them for review. NRO will protect any sensitive Office of Development and Engineering (OD&E) equities (except for administrative and personnel information) during the course of their review. OD&E administrative and personnel records should continue to be sent to the DS&T IRO for review.

A great deal of information related to the U-2 and A-12 aircraft reconnaissance programs has already been released. Previously unacknowledged information should continue to be referred to the DS&T/IRO; however, U-2 activities post October 1974 should be referred to USAF, and information limited to foreign basing and other liaison information related to these programs should be referred to the State Department for a release determination.

On 22 February 1995, President Clinton signed Executive Order 12951, which entitled release of imagery acquired by space-based National Intelligence Reconnaissance Space Systems. This order provides for the declassification and transfer of imagery from the Corona, Argon, and Lanyard space-based national intelligence reconnaissance systems to the National Archives and Records Administration (NARA) with a copy to the United States Geological Survey (USGS) within 18 months of the signing of that Order.

The CIA History Staff published an unclassified paper on CORONA on 16 August 1960 (3 copies reside on the bookshelf in PIPD) that is available to the public thru NTIS & Library of Congress.<sup>[2]</sup>

#### **Damage Assessment**

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A review is considered a damage assessment when a classified record is pulled from an open file in which it was overlooked during records processing. When unclassified copies are found in an open file of a classified record that is located elsewhere, the classified record is reviewed, but the review is not considered a damage assessment.



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### Third-Agency Rule

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The following is an NSC memo describing the "third-agency" rule.

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"The 'third-agency' rule requires an addressee agency to obtain the permission of the originating agency before transmitting documents or information to a third party, including other agencies, the Congress, the courts, and the public. Therefore, when processing a request for documents involving information originating at the NSC, you should forward such documents for NSC review prior to release. Our policy remains to release such documents and information wherever possible, but our obligation to protect certain categories of information necessitates review prior to release. This obligation extends to both classified and unclassified documents, since the latter may contain policy-deliberative of other exempt or privileged information".<sup>[6]</sup>

### Correspondence

### **NSC Policy for Handling Referrals**

From the NSC perspective, an individual copy of an NSC record that resides within the holdings of another government agency is under the control of that agency. Therefore, that agency should obtain NSC concurrence on the review of the NSC record. Once that review is complete, the NSC will return the redacted items with a cover letter to the agency surfacing the record. Then it is that agency's responsibility to reply to the requester.<sup>[7]</sup>

### Appeals

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When a request is denied in full or in part, or no records responsive to the request are located, a requester (b)(3) is normally granted the right to appeal the decision to the Agency Release Panel. Appeals are not considered valid if they meet any of the following criteria:

- More than 45 days have passed since the date of the final response letter.
- The requester was not granted appeal rights because of an operational files exemption.
- The subject was appealed within the last 2 years.
- The requester has unpaid fees.

#### **Appeals Tasking**

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If an appeal is determined to be valid, it must always be tasked for either a new search or a new review. At the initial level, a case manager often sends an email to an IRO to ask for approval to send the requester a Glomar response.

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At appeal, however, the directorate that issued the Glomar at the initial level must be tasked to either withdraw or uphold the initial Glomar.

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Tasking at the appeal level requires an examination of the initial response from each directorate that was tasked, and determining the most efficient way to re-task them.

#### Some examples:

If the requester is appealing the redactions in one or more documents, it is essential to assess each individual document to determine who to task at appeal. If multiple directorates issued a Release-in-Part (RIP) decision at initial, all must be re-tasked. If one directorate issued a RIP but one issued a Deny-in-Full (DIF) for the same document, only the directorate that issued the DIF should be re-tasked (unless they reverse their decision at appeal). If a particular directorate issued a Release-in-Full (RIF) response for a particular document, there is no need to re-task that directorate at appeal.

#### Appealing the Adequacy of Search

If no documents were located at the initial level and the requester appeals, all directorates that were initially tasked (and possibly additional directorates) must be tasked to perform a new search. Additional directorates might be tasked for a search if an IRO, the C/IRRG, or the Agency Release Panel recommends it.

### Links

Public Information Programs Division (PIPD) Executive Order 12958 Freedom of Information Act (FOIA) Privacy Act (PA) Publications Review Board (PRB)

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Ref	erences			(b)(3
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2.		to	and	Title:
3.	10/22/2007			
4.		<b></b>		
5.				
6.	Memorandum from     Security Council Documents", 04/18		ounterparts'. Subject:	Release of National
7.	↑ Record of Telecom between	and	(NSC). Subject	"NSC Return of CIA
	Referred Executive Order Case," 10	/02/2006		
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#### FOIA Tasking Template

#### Instructions:

--Fill out template while in WORD. Make sure ALL fields are filled in.

--Even if a field is negative (e.g. no material located) put in NO or NONE.

--Simply put an "X" in the "No New Releases" box. If there are new releases, please identify them.

--If it is a litigation, indicate whether ours or OGA, as well as any special instructions (e.g. deadlines). Follow-up with a note if deadlines are involved. --Include your secure number on the contact line.

-- Include your secure number on the contact in

--Copy completed template into CADRE.

--Use the first template for searches; the second for document reviews. DO NOT include both templates into the field, as it may cause confusion upstairs. We may not be able to get the template input into CADRE, for the foreseeable future anyway. In the meantime, use as two separate templates.

--If you are unable to see the entire template in the tasking field in order to hypersnap the image, print a copy of the tasking in WORD and include in the file, as well as hyper-snapping the image that is in CADRE.

-- DO NOT copy any of these instructions into CADRE!

#### Search

Please conduct a search on the following:

We have made a reasonable effort to make a preliminary search for previously released material responsive to this request and our results are below. Nonetheless, the integrity of the Agency's search process and reliability of the results depends upon independent replication. Your office should not rely on our preliminary results but should consider it only a starting point for your own search to verify or expand upon what we have found. Your efforts will help ensure that the Agency complies with its legal obligation to undertake reasonable searches for responsive records.

Systems searched: Material Located: Fee Type [Directorates need to provide a list of all fees incurred.]: Additional Comments:

Previous Releases (repeat categories as necessary for each):

Case Number: CADRE Ref ID: Document ID: Release Decision: Date Released: Similar or Identical Doc;

New Releases [Y/N]:

Other Special Instructions:

If you have any questions, please contact:

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#### LN Pre-Acceptance Guidance Template

[Insert snapshot of Direct Request!]

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#### **Additional Request Comments**

Include any other significant details about the request in this field (e.g. frequent requester, historian, famous defector, significant relatives, immigration case, citizenship status when appropriate, etc.).

	QUERY	
Systems searched:		7
<ul> <li>CADRE</li> <li>Internet</li> <li>Requester Report</li> <li>MORI</li> </ul>		
Search Terms Used:	·	
	RESULTS	-
<ul> <li>Hits</li> <li>No Hits</li> <li>No CIA-Originated Materials</li> <li>FBIS Materials Only</li> </ul>		
Numbers/Releases Include Direct requests to CIA and refs/coords	Release Decision:	
		(b)(3 lational
<ul> <li>Include document numbers</li> <li>Differentiate between documents with many details &amp; documents</li> <li>that merely mention a topic but add no details.</li> </ul>	Mere Mention S Who previously tasked: Release Decision: Release Authority:	Security Act (b)( National Security Act

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#### **Document Review**

Please review the following documents referred/coordinated by [Organization Name] for CIA equities:

[amount] [agency name] document(s) [amount] CIA document(s) Special Handling (RD): Litigation: Expedited processing (also send LN):

We have made a reasonable effort to make a preliminary search for previously released material responsive to this request and our results are below. Nonetheless, the integrity of the Agency's search process and reliability of the results depends upon independent replication. Your office should not rely on our preliminary results but should consider it only a starting point for your own search to verify or expand upon what we have found. Your efforts will help ensure that the Agency complies with its legal obligation to undertake reasonable searches for responsive records.

Previous Releases (repeat categories as necessary for each):

Case Number: CADRE Ref ID: Document ID: Release Decision: Date Released: Similar or Identical Doc:

New Releases [Y/N]:

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Other Special Instructions:

If you have any questions, please contact:

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#### Approved for Release: 2014/04/09

### Who to Task

Subject	Directorate to Task
Arms Control	
Assassinations (event)	
Biographies	
Chemical/Biological Warfare (CBW)	
Contracts	
Covert Action	
CSI (Center for the Study of Intelligence)	
DCIDs	
Detainees	
Domestic Issues (usually not under the purview of the CIA)	No tasking required
Events	
FRUS (Foreign Relations of the United States	
JAEIC (Joint Atomic Energy Intelligence Commission)	
Liaison with other Intelligence Services	
MHCHAOS	No tasking required
MKULTRA	No tasking required
NID (National Intelligence Daily)	
NIE (National Intelligence Estimates)	
Nuclear Proliferation	-
Operations	-
Oral Histories	
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Rendition		
Signals Intelligence		CIA Act
Senior CIA Officials, Information on		
SE1B (Senior Executive Intelligence Briefs)		(1)(0)
SNIE (Special National Intelligence Estimates)		(b)(3) CIA Act
StarGate	No tasking required	National Security
Studies in Intelligence		Act
Terrorist Organizations and Activities	-	
U.S. Citizens (third party requests)		
UFO	No tasking required	T' · · ·
Weapons of Mass Destruction (WMD)	-	

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#### **CADRE Search Checklist**

#### Search Tips:

- 1. Before starting a search develop a search strategy.
- 2. Conduct an initial search, look at results, determine what is relevant/non-relevant, and refine the search. It is best to start broadly and narrow down as you go.
- 3. Assume there are typos and misspellings in keywords, titles, etc. Search on multiple and variations of keywords, names, etc.
- 4. As you peruse the request (both initial and refs/coords) for the second time, write down keywords. Write these words and other notes (e.g. fee waiver requests, etc.) on your worksheet.
- 5. Look at ALL results and verify them. Make notes on your requester report for each decision.
- 6. Search ALL attachments in a document.
- 7. Search associated cases when you get hits on documents.
- 8. If unsure about a topic, also search on dates.
- 9. Make wildcards a routine part of a search.
- 10. Use documents in similar cases to try and find other cases.
- 11. Go through all documents as necessary. You can eliminate documents by subject and release codes.
- 12. Check for EO and Privacy cases as well.
- 13. Note who was tasked in previous requests on the same or similar subjects.
- 14. Note all release decisions and any instances of non-attribution.
- 15. When searching a name, consider the first and last name as separate entities. Do a broader search (e.g. last name) to begin with.

#### Questions to consider when searching:

- 1. Are there other documents on the subject, or the same documents, in non-related cases?
- 2. Is there a previous case that exactly matches the new request?
- 3. Is there a previous request with the same subject?
- 4. Look at dates of previous searches. Is there anything likely to appear after those dates? (If it is a big topic, i.e. Bay of Pigs, why start a new search.)

#### **Initial Requests:**

- 1. Search Requester History and Fees
- 2. Run Case History search
- 3. Run Case Subject search
- 4. Run Case Keyword search
- 5. Run Document Title search
- 6. Run Document Keyword search
- 7. Run Internet search (when appropriate)
- 8. Run Full-text search (when appropriate)
- 9. Print out all search results (except for information on frequent requesters) and put into the hardcopy file.

#### Refs/Coords:

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- 1. Search Requester History and Fees
- 2. Run Case Subject search
  - Look at the request itself first and documents second.

3. Run case External ID search (when appropriate-when more than one referral on the same topic)

- 4. Run Document Title search
- 5. Run Document Keyword search
- 6. Run Document Publication Date search
- 7. Run a Full-text search (when appropriate)
- 8. Print out all search results (except for information on frequent requesters) and put into the hardcopy file.

Requester Report:				
<ol> <li>Run Requester Report(s) on Document Keyword/Title</li> <li>Print out all reports.</li> </ol>	APPROVED FOR RELEASE∟ DATE: 28-Feb-2014			
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### TERMS & DEFINITIONS

<u>Burn</u> - The process in which Cadre permanently makes redactions a part of a document. The FOIA case manager initiates this process, after thorough coordination with all directorates.

<u>Frozen</u> - This is the process in which Cadre locks directorate's redactions so that it can no longer be changed.

OGA - Other Government Agency. Examples are: State, NSC, Army, DOJ, etc.

<u>Response/Reply</u> - The written memo/answer from a directorate to tasking that has been sent out.

<u>ACL</u> - Access Control List. Used to grant directorates and other Cadre users access to specific documents.

<u>Tasking</u>- A request by the case managers to have one or all of the CIA directorates either search for information or review documents.

Open Tasking- A tasking in Cadre that does not have a response already posted to it.

<u>Redaction</u> - The process requiring a valid legal exemption code in which classified information is removed by electronic means, using a line, rectangle, or polygon.

<u>Directorate Decision</u> -An <u>overall</u> decision that the directorate granted in response to a tasking. This decision is reflected in Cadre on the tasking screen and on the hard case file. The directorate will normally list all exemptions used in their memo.

GIF - <u>all</u> documents reviewed, are released in full.

- GIP- If some documents reviewed are released in full and others are released in part.
- GIP If some documents reviewed are denied in full and others are released in part.
- DIF all documents reviewed are denied in full.

<u>Document Released Decisions</u> – The decision as determined by the directorate on the releasability of the equities contained in an individual document.

(a) NOTAPP- Not applicable. Usually assigned to correspondence, directorate reply memos, work folder information, or any information that the case manager doesn't want searchable in Cadre.

(b) RIFPUB- Release in Full public, potentially shared to the general public, and FOIA website.

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- (c) RIFLIM Release in Full, limited dissemination.
- (d) RIFLIMND Release in Full, limited, no public dissemination.
- (e) RIPPUB- Release in Part Public, potentially shared to the general public, and FOIA website.
- (f) RIPLIM Release in Part, limited dissemination.
- (g) RIPLIMND Release in Part public, limited, no dissemination.
- (h) REFER Refer document to another agency.
- (i) COORD Coordinate document with another directorate or agency.
- (j) DIF Denied in Full (not released to anyone).
- (k) GLOMAR The decision to neither confirm nor deny the existence or nonexistence of records. This term is used along with DIF. When the case type = FOIA, must use exemptions (b)(1), and (b)(3) unless otherwise specified. When the case type = PA, must use exemptions (b)(1), (b)(3), (j)(1), and (k)(1), unless otherwise specified.

<u>Case Grant Code</u> – This is the <u>overall</u>, combined release decision of the documents and the directorate's actions.

GIF- all of the documents, responsive to the request, are declassified in full.

GIP- all or any number of the documents, responsive to the request, are partially declassified.

DIF - all of the responsive documents are denied (too sensitive to declassify).

NRA - all of the responsive documents that are found

NRL – after all levels (case manager and directorate) of searching have been exhausted, and no documents have been found.

REFER - all responsive documents originated with another agency.

#### **Case Types**

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F= FOIA (Freedom of information Act Request)

P= Privacy Act Request

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EO= Executive Order Request (mandatory declassification case)

EB= Executive Branch (this is a speed mandatory declassification case)

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FR= Foreign Relations of the U.S.

#### **Case Action Types**

<u>Searches</u> = This type of request comes from the typical requester. They are asking for documents pertaining to a particular subject, period of time or person.

 $\underline{Coordination} = Documents$  that contain equities belonging to more than one CIA directorate, or a document that originated with the CIA, but has equities belonging to another OGA.

<u>**Referral**</u> = Documents that were found by one CIA directorate, but were written by or have equities of another directorate. Additionally, documents can be found by a directorate, but were originated by another OGA (we just happen to be distribution).

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#### PIPD New Employee Checklist

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	Welcome to CIO/IMS/IRRG/PIPD!		
	In English that's: CIO: Chief Information Officer		
	IMS: Information Management Services		
	IRRG: Information Review and Release Group		
	PIPD: Public Information Programs Division		
	What follows is a list of things to help you get settled in during your first few weeks with IMS. Ask any of the PIPD staff members for help if you need it!		
	Forms and Websites Verify your accesses to the following (your orientation team rep will send you a list of links to the various websites/databases		(b)(3)
			(0)(0)
	<u>V</u> Update your Locator information with your office phone numbers, etc. (from CIALink, click "Locator Update")		CIA Act
	Complete your IMS Check In/Out Sheet           Visit and bookmark the IMS website		
	<ul> <li>Visit and bookmark the IMS website</li> <li>Verify your access to the IMS internal website (click on login at the very bottom of the</li> </ul>		
	IMS external website)		
	✓ If you do not already have an Agency Internet Network (AIN) account see your supervisor		
	Visit and bookmark the Information Management Institute (IMI) course schedule and review upcoming courses of interest to you (training plan included in your orientation		
	package) Verify your access to the IRRG/PIPD Share drive		CIA Act
	If you are having problems setting up your voice mail, call for help or visit the		
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L	Verify your accesses to the following (your orientation team rep will send you a list of links to		(b)(3)
	the various websites/databases		(b)(3)
			( <b>0</b> )( <b>0</b> )
	FOIA Internal Business Procedures	CIA Act	
	PIPD Policies		(1.) (0.)
	General FOIA		(b)(3) (b)(3)
	IMS Orientation Team		(b)(3)
			(0)(0)
	PIPD		CIA Act
	Intellipedia		
	Databases		
	Verify your accesses to the following (your orientation team rep will send you a list of links to		
	the various websites/databases/		(b)(3)
	PIPD Calendar		CIA
	CIO ENROLL (training database)		Act
	Agency Release Panel Database		

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have made a share to be a set of the

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Introductions	
	(b)(3)
	cia
—	
IRO officers/staff (DIR, DI, DS, DS&T, NCS)	
Meetings Schedule meetings with: (b)(3) CIA Act	
C/PIPD (b	)(3)
Your supervisor Joe Lambert, D/IMS,	Act
(b)(	3)
	5)
Meetings (attendance required) PIPD Staff weekly meeting, Thursdays, 0830	(b)(3)
FOIA Case Managers' bi-monthly meeting, Wednesdays, 10:00-11:00 (room	
	cia
Training and IMS Applications	
Vault training for with orientation team member or supervisor	(b)(3)
Register for IMS Orientation through ENROLL	(D)(C) CIA
Take Information Management CBT (see link on IMS website)	
Ask your Orientation Team rep to show you where to find	
Agency Scanning Center where documents are introduced into CADRE	(b)(3)
Registry for classified/unclassified fax machines, mail, etc.	cia
Classified Trash Room for disposal of filled burn bags, classified waste     PIPD file room to retrieve case folders	
PIPD supply cabinet (]	
Fitness Center treadmills, stationary cycles, Stairmaster, weight machines,	
locker rooms, etc.	
Nurse's station ; For emergency call (s)	
Break-room (if you are a coffee drinker and desire to join the coffee fund, please see	
Cafeteria	
(conference rooms for FOIA Branch case manager and PIPD staff	
meetings)	

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#### **Training Plan for New FOIA Employees**

#### General IMS

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IMS Orientation (See the IMS website for scheduled dates.)

#### FOIA Specific

#### CADRE - Registered

This course introduces case managers to the functions they will use to manage cases in CADRE. Students will learn how to review and create case correspondence, perform basic case research, assign case cross-references, assign keywords, create and manage taskings, manage fees, and conduct quality control.

Additional CADRE courses will be offered in the future.

#### FOIA for Attorneys and Access Professionals (DOJ course in DC)

This basic training program is designed for attorneys, paralegals, and information officers with limited previous experience under the FOIA who are now or soon will be working extensively with the Act. Workshops on FOIA exemptions emphasize the criteria for making information-disclosure determinations, and procedural issues are addressed as well. FOIA case managers should focus on the B1 and B3 workshops.

#### Fees and Fee Waivers Under the FOIA

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This workshop focuses on the provisions of the Freedom of Information Act governing fees and fee waivers. This workshop will explore the statutory fee categories for different types of requesters, the types of fees agencies may charge requesters in the various fee categories, the uniform fee schedule and guidelines prescribed by the Office of Management and Budget, the standards for fee waivers, and the CIA's implementation of these requirements.

#### Fundamentals of the FOIA

This course provides students with an overview of the fundamental requirements of the Freedom of Information Act. The course examines the judicially-enforceable right to access federal agency records provided by the statute, the nine exemptions and three exclusions available to federal agencies to protect information from disclosure, procedural issues associated with the processing of requests, and litigation considerations involving the statute. The course explores topics of special interest to the CIA, such as the Glomar response, the operational files exemption, and the CIA-specific statutes that protect CIA information from disclosure.

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#### Information Review and Release Related

#### Fundamentals of the Privacy Act

This course provides students with an overview of the "code of fair information practices" established by the Privacy Act of 1974. This course explores how the fundamental requirements of the Privacy Act attempt to balance the Government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from the Government's collection, maintenance, and dissemination of personal information about them.

#### **Communication Related Courses**

#### **Briefing Techniques**

The best way to develop the skills needed to give an effective presentation is through actual experience. This course focuses on developing fundamental briefing skills. It helps students gain competence in analyzing an audience; selecting and organizing content; preparing and using a variety of visual aids, including PowerPoint; dealing with stress; displaying self confidence; and responding to challenges. So the students can critique themselves, all briefings are videotaped. The course is provided by CIAU.

#### Effective Feedback Skills for Non-Supervisors

An important part of a CIO and officer's job is to contribute to an overall productive work environment. Historically, training in the area of effective feedback skills has been limited to the supervisor. Because the success of a performance feedback discussion is based on two-way dialogue, it's appropriate for employees to receive training in how to respond to feedback in effective and respectful ways. This training can be valuable to both parties in the development of clear performance expectations.

#### **Listening Skills**

This course presents proven techniques for effective listening in a technical environment. Active listening in today's fast-paced, technical world demands the discipline to pay attention, the persistence to get to the real message, and the willingness to hear the meaning. Participants will learn what to listen for, what to look for through nonverbal cues, what to overlook, and how to ask questions to get to the real issue in technical discussions. The Return on investment for effective listening is great. The results you will see include better relationships, more opportunity, increased productivity, fewer mistakes, and greater success. *(Although aimed at a technical audience, this may be valuable for all.)* 

#### **Customer Service Workshop**

This course is designed to help sharpen ones Customer Service skills. Enhance our understanding of who the "Customer" is; Assess the challenges facing Directorate of Support in meeting customer requirements; Develop specific listening skills; Develop skills in handling difficult customer situations; Develop Techniques for giving and receiving customer-focus RELEASE DATE: feedback.

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#### Writing Clear and Concise Memos and Reports (formerly Essentials of Writing)

This course is designed to help students develop strategies for composing, organizing, and editing documents that vary in length from the short business letter to the analysis of a complex business problem. Following a brief review of grammar, syntax, and style, the course emphasizes the principles of unity, emphasis, and coherence--necessary components of the wellwritten document. The course demonstrates techniques for the effective use of supporting detail in works designed to anticipate and meet specific readers' needs.

#### Negotiate to Succeed

In this course you will learn the "WIN-WIN" philosophy of negotiation, including identifying negotiating styles and recognizing tactics in negotiation. You will also cover how to successfully resolve conflict, while standing firm and create better outcomes from your negotiations. Instructor: (b)(6)

#### **General Courses**

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#### Seven Habits of Highly Effective People

This workshop is based on Stephen R. Covey's best seller, Seven Habits of Highly Effective People, a holistic, integrated, principle-centered approach for solving personal and professional problems and living life more effectively. This workshop integrates penetrating insights and pointed anecdotes with a step-by-step program to employ the seven habits and allows for the opportunity to discuss powerful principles that help participants live more effective lives, both personally and professionally. Through self-reflection, individuals journey from the "private victory" of knowing where one is headed and following through to the "public victory" of developing trust with others. The knowledge gleaned from this course enables participants to maximize their personal and interpersonal development. All participants will receive a Franklin Covey Seven Habits planning system. This workshop is provided by the Leadership Development Department of CIA University's Leadership Academy.

### An Overview of Critical Counterintelligence Issues $\checkmark$ (b)(6)

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#### **How Full in Your Bucket?**

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This course is based on the book by the same name. In this brief but significant book, the authors, a grandfather-grandson team, explore how using psychology in everyday interactions can dramatically change our lives. The authors suggest that we all have a bucket within us that needs to be filled with experiences, such as recognition or praise. When we are negative toward others, we use a dipper to remove from their buckets and diminish their positive outlook. When we treat others in a positive manner, we fill not only their buckets but ours as well. The authors illustrate how this principle is used in business and management, marriage and other personal relationships.

#### CI and the Internet

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This seminar is geared towards employees who have some knowledge and experience on the Security Act Internet. Discussion topics include counterintelligence dangers from careless use of the Internet, and Agency policies.

#### **Conflict Management**

This course will help you identify how to predict a problem situation before it develops and will present techniques for defusing emotional reactions that do arise. You will also find out how your personality drives your emotional responses and define tips for remaining cool and collected in even the most volatile situations.

#### **Critical Thinking Workshop**

Critical thinking involves evaluating how you think and then choosing a path of investigation that helps you find the best possible answers. You practice critical thinking when you carefully and deliberately evaluate your own thought processes used to reach a conclusion. Non-critical thinking often leads to the wrong conclusions, going off in the wrong direction, and disagreements due to misinformation. Learn to develop the best solutions to problems, recognize your own biases to guide self-improvement, identify key issues, and give sound arguments to create buy-in for your ideas.

#### **Getting More Done in Less Time**

This powerful one-day seminar will show you how you can easily handle even the most impossible priorities and demands. Among other things, you will learn how to use an innovative priority plan that assures you'll get the important things done on time, every time. You'll master a simple "worksheet" formula that guarantees good results in any situation. You will discover realistic, effective methods to defeat procrastination and learn how to deal with changing deadlines smoothly and easily.

#### **Interpersonal Survival Skills**

The purpose of this one day course is to provide officers with the tools to improve work relationships and gain insight into the most important aspects of their jobs. Workshop activities provide opportunities for officers to identify and understand their "Emotional Intelligence", learn how to proactively respond to various situations in their own workplace, develop a persona APPROVED FOR growth and success plan and develop the skills required to communicate effectively in a no RELEASE DATE: 28-Feb-2014

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#### Leadership Courses

#### Leading for Creative Results

This two-day workshop is primarily designed to give officers enhanced skills for getting others to perform. It is a framework that blends essential skills in traditional fields of leadership and negotiation that promote joint problem solving to reach results. Effective professionals and managers must be flexible to know where to rely on formal lines of authority and when to informally lead a group to results. The workshop will teach techniques that will motivate staff to reach results and create effective working relationships with senior staff.

## Situational Self Leadership - Scheduled

More than ever, organizations—including the CIA—are depending on individual contributors who take the initiative to go beyond problem spotting to problem solving. Situational Self-Leadership helps participants develop the skills they need to succeed in this new world of greater personal responsibility and leadership. The workshop will give officers a model, tools, and strategies for gaining more satisfaction from their jobs. Participants will find their notions of leadership challenged, have an opportunity to examine their motivation, confidence, knowledge, and skills, and be encouraged to assume greater responsibility for development toward peak performance.

#### Leadership Communications

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Transformational leadership requires the leader to create a vision and then articulate that vision. To effectively create the vision, the leader must listen fully to the needs and values of the constituents. And to effectively articulate that vision the leader must design written and oral discourse that inspires the transformation. Thus, the transformational leader makes use of strategic listening and speaking skills in communicating successfully.

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## **QUALITY ASSURANCE TIPS**

## • INITIALS

- LANGUAGE AND TEMPLATES -
- ACCEPTANCE LETTERS
- UPFRONT GLOMARS
- PARTIAL GLOMARS AT END OF CASE

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## **Standard Acceptance Language**

The CIA Information Act, 50 U.S.C. § 431, as amended, exempts CIA operational files from the search, review, publication, and disclosure requirements of the FOIA. To the extent your request seeks information that is subject to the FOIA, we accept your request and will process it in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act. Unless you object, we will limit our search to CIA-originated records existing through the date of this acceptance letter.

# Use most of the time....only two exceptions.

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# **Modified Acceptance Language**

The CIA Information Act, 50 U.S.C. § 431, as amended, exempts CIA operational files from the search, review, publication, and disclosure requirements of the FOIA. To the extent your request seeks information that is subject to the FOIA, we accept your request and will process it in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act. We will search for records existing through the date of this acceptance letter.

# Use this version when:

1. Requester is seeking a known CIA document.

2. Requester objects to limiting to CIA originated.

# **Dual PA/FOIA Request**

We have assigned your request the reference number above. Please use this number when corresponding with us so that we can identify it easily. With regard to Items xxitem numbersxx, that portion of your request for records on yourself falls under the purview of the Privacy Act and has been addressed via separate correspondence under xxPrivacy REFNOxx.

# **Change to the following for Third Party Request (FOIA handled by PA Branch)**

We have assigned your request the reference number above. Please use this number when corresponding with us so that we can identify it easily. With regard to Items xxitem numbersxx, that portion of your request for records on XXX has been addressed via separate correspondence under xxF REFNOxx.



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# **Searches (Overly Broad)**

The CIA, whose primary mission is the collection and analysis of foreign intelligence, has a vast amount of records in a variety of offices and files that are indexed and therefore retrievable under the name of a specific country or region of the world or under a broad subject of public interest. An overly broad search would locate a vast quantity of records, much of which would be extraneous, mentioning the subject of the request only in passing, thus being of little or no value to you. Further, the review of such records would impose an excessive and unreasonable burden on the Agency, and pursuant to relevant precedent, we must decline to process such requests.

# **Geographical location**

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# Searches (Vague, Burdensome)

Your FOIA request cannot be accepted in its current form, because it would require the Agency to perform an unreasonably burdensome search. The FOIA requires requesters to "reasonably describe" the information they seek so that professional employees familiar with the subject matter can locate responsive information with a reasonable amount of effort. Because of the breadth and lack of specificity of your request, and the way in which our records systems are configured, the Agency cannot conduct a reasonable search for information responsive to your request. We encourage you to refine the scope of your request (such as including a time frame for, and narrower, more specific descriptions of, the information you seek) to enable us to conduct a reasonable search for responsive information.

# Most topics fit best using this language. Remember to take out time frame if requester has provided one.

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#### **Previous Release and Ops file**

We conducted a search of our database of previously released records that contains copies of documents released over the years to thousands of other FOIA requesters. Searches of this database, consisting of over 500,000 pages, can be accomplished very expeditiously (since no review is required) and at little or no charge. We located the enclosed [# of DOCs] documents which we believe to be responsive to your request. Please be advised that these documents were released as part of another release program.

With regard to any other information concerning the subject of your request, please be advised that if any information responsive to your request, should it exist, would be located in operational files. The CIA Information Act, 50 U.S.C. § 431, as amended, exempts CIA operational files from the search, review, publication, and disclosure requirements of the Freedom of Information Act.

Verify documents were released from another program, if not delete sentence or edit to accurately reflect situation.



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## Searches Overly Broad with Previously released material

The CIA's primary mission is collecting and analyzing foreign intelligence. The Agency has a vast amount of records in a variety of offices and files indexed and, therefore, retrievable under the name of a specific country or region of the world or under a broad subject of public interest. An overly broad search would locate many records mentioning the subject of the request only in passing. These extraneous and non-responsive records would be of no value to you. Reviewing them would be an excessive and unreasonable burden. Federal courts permit agencies to refuse to process such requests.

In an effort to assist you, however, we searched our system of previously released documents and located the enclosed records consisting of xxnnnxx pages. We found these records as a result of previous requests for information concerning various subjects.

If the information enclosed is not sufficient and you wish to pursue your request further, we ask you to specify particular subjects and provide a time frame for your interest. If you have a short deadline, it would be beneficial if you would limit your request to finished intelligence since this would be more likely to result in the greatest release of information to you, providing that any releasable information exists.

Verify documents were released from another program, if not delete sentence or edit to accurately reflect situation.

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## Examples of using previous request to fulfill your current request. Must tell requester we have searched.

#### 1. Same Subject, providing documents

In response to an earlier request on the same subject, searches have been conducted in our records systems. Accordingly, we searched our database of previously released records and located the enclosed XX documents, totaling XXX pages, which we believe to be responsive to your request. Please be advised that some of these documents were released as part of another release program. We have provided the best copies available. Since you are entitled to the first 100 pages free of charge, the total cost to you is \$XX.XX for copies at the rate of ten cents per page. Please send a check or money order in this amount payable to the Treasurer of the United States citing reference number F-2009-XXXXX to ensure proper credit to your account.



#### 2. Same Subject, providing requester report

We conducted an earlier search on behalf of another requester for records on the same subject as yours. Accordingly, we searched our database of previously released records that contains copies of documents released over the years to thousands of other FOIA requesters. Enclosed is a listing of documents available on XXXX. If you would like to order documents from this list, please clearly mark those you want and return the entire listing to us. Document copies will be provided at a cost of ten cents (US\$.10) per page less the first 100 pages to which you are entitled free. Please do not send payment in advance as the page counts are not always accurate. We will bill you at the time we provide the documents you choose. At that time, we will ask you to make your check payable to the Treasurer of the United States.

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#### 3. Subject is similar, providing documents

We have previously conducted searches on behalf of earlier requesters for records relating to the topic [similar subject] of your request. Therefore, we searched our database of previously released records and located the enclosed XX documents, totaling XXX pages, which we believe to be responsive to your request. Please be advised that some of these documents were released as part of another release program. We have provided the best copies available. Since you are entitled to the first 100 pages free of charge, the total cost to you is \$XX.XX for copies at the rate of ten cents per page. Please send a check or money order in this amount payable to the Treasurer of the United States citing reference number F-2009-XXXXX to ensure proper credit to your account.

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#### 3. Same Subject, NRL

We conducted an earlier search on behalf of another requester for information on the same subject. No responsive records were located. Although our searches were thorough and diligent, and it is highly unlikely that repeating those searches would change the result, you nevertheless have the legal right to appeal the finding of no records responsive to your request. Should you choose to do so, you may address your appeal to the Agency Release Panel, in my care, within 45 days from the date of this letter. Please include the basis of your appeal.

## \*Must give appeal rights with a DIF determination as well.

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#### **FEES – SPR – Need Commitment**

For your information, the FOIA authorizes federal agencies to collect fees for records services. You will note on the enclosed fee schedule that we charge search fees, including computer time where indices are computerized, and copying costs for releasable documents. Search fees are assessable, and you will be charged, even if our search results are negative or if we determine that no information is releasable under the FOIA.

[Insert any additional fee-related paragraphs here, before the final paragraph below.]

Before we can begin processing your request, we must receive your commitment to pay all fees incurred under the conditions stated above. We will hold your request in abeyance for 45 days from the date of this letter pending your response.

If a requester mentions fees in their letter, change "For your information," to "As you are aware,"

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## Always verify the accuracy of the information in the templates as it relates to your particular scenario. Such as:

### Singular or plural

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## **Example:** Not a proper FOIA request, however popular topic/frequently requested

For your information, the FOIA does not authorize or require federal agencies to answer questions on behalf of requesters. However, in an effort to provide some assistance to you, we have searched our database of previously released records that contains copies of documents released over the years to thousands of other FOIA requesters. Enclosed is a listing of records on XXXX. If, after reviewing this list, you decide you want copies of documents, please mark those items you want and return the listing to us. Document copies will be provided at a cost of ten cents per page, less the first 100 pages to which you are entitled free. Please do not send payment in advance as the page counts are not always accurate. We will bill you at the time we provide you with the documents you choose.

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#### **Final - releasing documents/document**

We completed a thorough search for records responsive to your request and located material which can be released in segregable form with deletions made on the basis of FOIA exemptions xxxxx. Additional material was determined to be currently and properly classified and must be withheld in its entirety on the basis of FOIA exemptions xxxxx. An explanation of exemptions is enclosed. You may appeal my decision to the Agency Release Panel, in my care, within 45 days from the date of this letter. Please include the basis of your appeal.

We completed a thorough search for records responsive to your request. One document can be released in segregable form with deletions made on the basis of FOIA exemptions xxxxx. Additional material was determined to be currently and properly classified and must be withheld in its entirety on the basis of FOIA exemptions xxxxx. An explanation of exemptions is enclosed. You may appeal my decision to the Agency Release Panel, in my care, within 45 days from the date of this letter. Please include the basis of your appeal.

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#### Tidbits

Do not need a fee commit for "news media" or "educational" fee category.

Do not SPR and ACC in the same letter.

Do not place requester in a fee category when providing previously released documents.

Do not need to quote time frame of search if we are not accepting.

Do not Glomar until final letter. (Cases involving more than 1 item.)



### • REFERRALS AND COORDINATIONS FROM OTHER GOVERNMENT AGENCIES, NARA, AND PRESIDENTIAL LIBRARIES

- TEMPLATES
- REVIEW OF FINAL LETTER LANGUAGE



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### **OPENING PARAGRAPH ON General** Correspondence Language (opening paragraph)

- Sample Final letter on referral
- Sample Final letter on a coordination
- Sample Final letters involving a referral and a coordination
- NARA
- Two letters
- **LIBRARIES**
- PARAGRAPH THREE FOR NARA

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National Security

Act

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- UNCLASSIFIED
- FULL-TEXT COPIES
- GRANT CODES VS RELEASE DECISIONS
   ON DOCUMENTS
- GIF/GIP/DIF LANGUAGE

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- TEMPLATES AND EXAMPLES
- COPIES OF LETTERS TO OTHER AGENCIES
- FINALS CHECKLIST HANDOUT

### INITIAL FINALS:

- What does the requester want? What did we agree to?
- Does the final letter clearly state documents to be released in full, released in part, denied in full, referred to another government agency (when appropriate) or a partial glomar included (from component on acceptance letter)?



Are the denier(s) and exemptions used stated at the end of the letter? Any previously released documents?

#### **Processing Cases with a NRA/NRL/DIF Grant** Code

The QA review process for these cases is similar to the one stated above. The main difference is that there aren't any documents going out to the requester. However, there may be documents going to another other government agency or previously released documents that were retrieved. In the case of a Referral be sure to



## inform the OGA to respond directly to the requester.

## • **REFERRALS AND COORDINATIONS**

• Ensure that the original letter and set of documents is intact as received from the other agency. It helps QA to solve a lot of problems upfront. Verify documents in file against those scanned in. We have found instances where pages were not scanned.

- General Correspondence Language (opening paragraph)
- Final letter on referral
- Final letter on a coordination
- Final letters involving a referral and a coordination
- NARA

- LIBRARIES
- PARAGRAPH THREE FOR NARA



National Security Act

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- GRANT CODES VS RELEASE DECISIONS ON DOCUMENTS
- **GIF/GIP/DIF LANGUAGE**
- TEMPLATES AND EXAMPLES
- FINALS CHECKLIST HANDOUT

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#### NOW YOU'RE AN EXPERT AND YOUR CASE IS <u>PERFECT</u>!!!!

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## WAIT FOR IT!!!

## **Tasking Overview**

by

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## Agenda

## Tasking Basics What We Don't Task Tasking Resources Tasking Reminders "War Stories" Q & A

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## **Tasking Basics**

FOIA PROCESS— • Scoping • Researching • Tasking • Finalizing	<ul> <li>TASKING TEMPLATE—Internal</li> <li>Search or Review</li> <li>Describe your research findings</li> <li>Be concise</li> <li>Include detailed reasons for any retasking(s)</li> </ul>		
<ul> <li>TASKING TEMPLATE—External</li> <li>Include pertinent information about the case (number, docs, etc.)</li> <li>Suggest expediency for returning determinations if necessary</li> </ul>	<ul> <li>TASKING RESOURCES—</li> <li>Wiki (work in progress)</li> <li>Reviewer's handbook</li> <li>Fellow case managers</li> </ul>		
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## What We Don't Task

- Foreign government documents
- Foreign language documents
- Bios of senior foreign officials
- Glomars

(b)(3) CIA Act UNCLASSIFIED//AIQO

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NOTE: You can find a reviewers' Handbook

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## - Tasking Reminders

- Use the templates
- Use guidance for "special cases"
  - Nazi war crimes
  - High value detainees
  - Piggybacking
- Provide contact information
- Move docs into tasking
- Forward case to "Review Responses"

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## War Stories

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- anational Files
- Operational Files
- Biographies

- Golden Oldies
  - Department of the Army Detachment
  - Office of Coordinator and Advisor
  - OSS records The OSS Web Site







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## SCOPING – ANALYZING NEW REQUESTS

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## WHO IS REQUESTING WHAT?

- REPRESENTATIVE OF FOREIGN GOVERNMENT
- FOREIGN LANGUAGE REQUEST
- THREATENING REQUESTER

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## INFORMATION SUBJECT TO FOIA

- EXECUTIVE BRANCH AND FEDERAL GOVERNMENT
- AGENCY RECORDS

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- PERSONAL (EMPLOYEE) RECORDS
- CONGRESSIONAL RECORDS

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## UNDERSTAND THE 'CONTEXT'

## • INITIAL QUESTIONS

- TYPE OF REQUESTER?
- FREQUENT REQUESTER?
- SIMILAR REQUESTS?

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- REQUESTER PRONE TO APPEAL/LITIGATION?
- FEE CATEGORY ASSIGNMENT CONSISTENT?
- WHAT SHOULD YOU EXPECT?


## DO NOT TASK

#### • ADMINISTRATIVE

- Incorrectly addressed?
- Referral?
- SUBJECT

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- Too General/Broad?
- Vague?
- Involves Research?
- Asks Questions?
- Seeking publicly available documents?
- Pre-CIA?
- Piggyback?



## SEARCHABILITY ISSUES

- IS THE SUBJECT UNFAMILIAR?
- NEED TO RE-SCOPE?

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- SEEKING CLASSIFIED/UNCLASSIFIED RECORDS?
- RELEVANT TO CIA MISSION?
- DUAL FOIA/PRIVACY ACT?



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## QUICK RESPONSE REQUESTS

- GIF
- SPR

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- Citizenship status; DOB; POB; Proof of Death
- SSN Internet Search
  - RootsWeb.com; SSN index
- OPERATIONAL FILES
- REFER
- DIF
  - Glomar



## INITIAL SEARCH HOW FAR WILL THIS CASE GO?

#### • SIMILAR CASES?

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- Previously released documents
  - Compare documents
  - Within 2 years No Mandatory Re-Review
  - In-work documents (Piggy-back)



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## **RECOGNIZING SENSITIVE CASES**

- WHAT CONSTITUTES A SENSITIVE CASE?
- HOW TO IDENTIFY SENSITIVE CASES?
- PROCESSING DIFFERENCES?



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#### Referral and Coordination Workshop

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## Objectives

- Referral and Coordination
- Typical workflow
- Initial processing
- Quick Note
- Document preparation

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Objectives

Case Research

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- Document Research
- Permanent Resident Alien status related to referrals – handled by Privacy Branch
- Preparing a scan request
- Changing Metadata



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#### **Referral and Coordination**

- Pursuant to subsection 3.6 of Executive Order 12958, as amended.
  Documents responsive to a request found in the custody of another agency containing other agencies information, or originated by another agency, <u>must refer or coordinate</u> to the agency owning the equities for processing. This is known as the "third party" agency rule.
- A typical referral or coordination has single or multiple documents referred for review.
- A referral has <u>CIA documents</u> referred for direct response to the requester.

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## Referral and Coordination

- A coordination has <u>CIA information</u> in documents not originated by CIA and sent for consultation and response back to referring agency.
- Most cases, we receive a combined (referral/coordination) set of documents in one case. We respond to the requester and back to the referring agency.

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## Typical Workflow

- Receipt of referral in Registry
- Registry creates new case
- Registry scans initial request into new case
- Case assigned to case manager
- Case manager does defined research against case subject history and document release history
- Prepare scan request

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## Typical Workflow

Generate tasking

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- Documents reviewed by IROs
- Case manager monitors for return responses
- Response returned by IRO
- Accept or reject IRO response
- Additional taskings on IRO recommendations



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#### Typical Workflow

- Ready for final careful, read and print all comments
- Merge redactions and clean-up documents
- Sanitize metadata if necessary
- Product Generation send to burning
- Product QA pass or fail documents, ready for release
- Fail Issue Resolution, fix issues repeat burning
- Identify new releases
- Prepare final letter for conclusion
- Respond to requester or back to OGA, and sometimes both

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### **Initial Processing**

Reassign case

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- Correspondence date stamped
- Correspondence scanned in case
- Memo or letter addressed to the CIA/IPC
- •Original request letter received
- Ensure case ID, requester name, case subject, and external ID in Cadre matches label



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## Initial Processing

- Verify receipt of all documents referred
- Case type is FOIA

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- Status is open initial (OPENI)
- Action is Referral/Coord, not Search
- Case manager assigned correctly
- Verify check box litigation or appeal if appropriate





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### **Initial Processing**

- Verify Requester Profile history: address,fees,frequency
- Verify case subject accurate change to make it more appropriate for future searches
- Verify External agency
- Verify External ID

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Change fee information – no fees



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### Quick notes

- Referrals received where requester owes fees; under regulation 1900.11 requests received from members of the public who owe outstanding fees for services at this agency or other agencies <u>will not be accepted</u> and all action shall be terminated. This is handled on a case by case basis.
- <u>Referrals</u> <u>Always conduct searches on case subject</u> to identify if we received identical or similar request on topic referred.
- Verify any

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on subject referred.



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#### Quick notes

- Other referrals on the same topic.
- Direct request, third-party documents located, referred for direct response. Case closed. A year later, same documents returned to us for review of CIA information. If case is closed, open new case, copy original documents in new case, reference old ease. Identify this information in your tasking to directorate that located the previous document.

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### **Document Preparation**

- Prepare each document for scanning
- Separate CIA documents if attached to other agency documents
- Scan sections of cables as one.
- Partial document only required to review what was referred to us
- Doc with missing pages make note in tasking
- Separate attachments when embedded as one large document



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## **Document Preparation**

- Attachments previously released.
- Locate, review, and treat document the same.
- More difficult to locate if embedded in larger document.
- Determine equities for each document to be tasked

#### Useful tasking tools

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- FOIA reference guide by topics (appendix J).
- guidelines on Publications and Organizations
- Google and Intelink
- Agency Release panel link
- Reviewers handbook



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#### Case research

#### ALWAYS USE WILDCARDS

- Search requester profile history and fees
- Conduct searches on requester last name, first name (all cases) and when subject is on a person of interest
- Conduct searches on case subject look for previous request on same topic, or similar topics. How did we treat previous cases.
- Assume variations, misspellings, so search broad on the case subject, search multiple keywords

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 Conduct search on case external ID for frequent referrals related to same subject – review can be treated with consisten<sub>SUZE</sub>

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#### Case research



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#### Document research

#### <u>ALWAYS USE WILDCARDS</u>

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- Conduct research to determine if documents referred have already been treated
- Cadre searches against all release programs
- Conduct multiple searches using different variations (full-text, keywords, title, pub date)
- Search pub dates in between the actual date (1/1/2001) to (1/4/2001) to locate a document dated 1/2/2001
- Search doc title and pub date to narrow search
- Search full-text and pub date to narrow search
- Search Title or Full-text by itself
- Never rely on one single search, always try multiple searches



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#### Document research

- Search CADRE ID or MORI ID numbers
- Search inside associated cases
- If documents have attachments, search each attachment separately to see if previous release
- Document all results

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- Make notes on all hit lists to help identify your results for QA
- Under 2 year rule if you locate direct hit (exact duplicate), copy original from CADRE into new case. Release previous version at time of final.
- Over 2 year rule, copy original and task for re-review
- Find version of document, task for review, but reference document treated.

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## Permanent Residential Alien status related to referrals – now handled by Privacy branch

- Documents referred for review on a person of interest
- Need citizenship status of requester
- Person with PRA status has the same rights as a US citizen
- What is required?

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- Alien register number, Date of PRA status, Date of expiration, Sworn statement, privacy waiver signed and notarized authorizing release to third party or person coming in for the information on behalf of them
- If unsure of citizenship status, assume foreign national status
- If documents referred fall outside of PRA status, open as a FOIA,
- If documents are within PRA status, open as a Privacy case



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#### Preparing a scan request

- Go into Primary case and select scanning request icon
- Select new scan
- Select number of documents (keep in batches of 20)
- Select originating agency (categorize by agency)
- Select save button

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- Batch number assigned
- Number of documents displayed and status is N for new
- Select forward button
- Status changes to P for process
- Print scan request form
- Attach form to documents, walk over to scanning department
- When returned, select all documents and change from new to Inwork status
- The documents move from action to All documents folder in primary screen



#### Changing Metadata

- Locate and right click on document
- Open document index to review document metadata
- Verify Pub date

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- Verify document title
- Verify classification
- Verify Control number
- Verify keywords if necessary
- Verify Copyright or Illegible checked if necessary
- Verify <u>Originating agency</u> properly selected on metadata



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#### Generate Tasking

- Go to primary case, move to generate taskings workflow
- Click on Task and select task entry
- Fill out task entry form
- Task type review

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- Fill in defined tasking language in MS Word template
- Select appropriate IRO to task and select + to add them to list
- Click and drag documents from case into tasking form
- Click on forward icon to save and forward the task into the IRO tasking workflow
- Forward case to Review Response workflow



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#### Routine Piggyback

- Referring agency receives separate FOIA requests on the same subject
- Referring agency only refers one set of documents for initial review
- Referring agency sends one memorandum identifying two requesters for response on same referral
- Referring agency sends each original request letter to show two separate requesters on same subject
- Registry opens two separate FOIA cases
- Registry scans referring memorandum letter into both cases
- Registry scans each original request into specific case

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### Routine Piggyback

- Conduct defined case and document research on case subject and document release history
- Cross reference (Piggyback) child case to parent case that will be tasked
- Child case is moved to review response in Cadre workflow, it is not tasked
- Child case file remains with parent case file to keep files together for final response
- File by parent case for locating file
- Prepare main case task and file for eventual response



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#### Review Response

- Monitor notifications for completed task
- Click on task manager icon
- Select appropriate directorate in task doc list where status displays completed
- Select Task Information tab and review returned response
- Select Accept or Reject icon
- Print tasking response, including all comments
- If complete, move case workflow to Ready for Final
- If additional taskings, prepare internal coordination

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#### Internal Coordination

- Click on Task and select task entry
- Fill out task entry form

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- Task type Referral internal
- Fill in defined tasking language in MS Word template
- Select appropriate IRO to task and select + to add them to list
- Click and drag documents from case into tasking form
- Click on forward icon to save and forward the task into the IRO tasking workflow
- Case remains in Review Response workflow



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### PRESIDENTIAL LIBRARIES

- Assign limited release status (RIFLIM; RIPLIM)
- No approval for release stamp on CIA documents in FOIA program
- Scan all documents received or copy exact duplicates from hitlist
- Piggyback case and release previous version if reviewed under two years ago
- Piggyback case if you find copy currently tasked and reference that case
- If reviewed more than two years ago, task document and reference the old release citing case number and DocID with status of previous case.
- Not originated by CIA, IRO recommends additional external coordinations, we respond back to the Library and reference additional recommendations
- If CIA-originated, IRO recommends external coordination, we must coordinate the documents before responding to the Library.
- Follow Library instructions for NSC waiver rules. Do the documents need to be referred to NSC per NSC guidance?

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### NARA

- Use approve for release stamp on all CIA originated documents
- Use PUBLIC (PUB) release status on all CIA-originated documents (RIPPUB) in FOIA program
- Repeat same steps in processing

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# FOIA LITIGATION

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### PRIMARY REASONS FOR LITIGATION

- Adequacy of the search
- Challenging the denied information, ether full denials or the redacted information
- No Response

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Expedited Processing

### FOIA LITIGATION

- Statute of limitation is six years on FOIA requests so a requester has six years to file a lawsuit.
- Before filing suit, a FOIA requester must have "exhausted" his or her administrative remedies.
- The FOIA requires agencies to respond to a proper FOIA request within 20 working days. If the Agency does not respond to a proper request within this statutory time limit, a requester may file suit without first filing an administrative appeal with the Agency. (Early Litigation)
- If the Agency does not process the appeal within 26 yorking days, the requester's administrative remedies are deemed to have been exhausted and the requester is free to file suit in court.





### INITIAL REVIEW

- COMPLAINT RECEIVED
  - From OGC or received directly by us.
  - The Complaint is a document that sets forth the facts

and issues of the case, as the EOIA requester vie is them.

#### CASE MANAGER ASSIGNED

Usually the CM who processed the case or C/FO/\_ Branch will assign a CM

#### REVIEW COMPLAINT

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- Determine which cases are involved in the litigation. Get files or if necessary, have them ordered from AARC.
- REVIEW CASES TO FAMILIARIZE YOURSELF WITH THEM.
  - -Look for other open cases/on the same topic.
  - Look to see whether documents have been released on the subject in other cases.
  - Verify the processing was done adequate and appeal, if applicable processing was done

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### NOTIFY OGC/LD

- FIND OUT WHICH OGC ATTORNEY IS ASSIGNED TO THE CASE
  - Send a note to OGC, Chief/Litigation or Deputy Chief/Litigation.
  - cc CIO/Legal on any relevant notes to OGC.

#### SEND COPY OF ADMIN RECORD TO OGC

- Correspondence (without distribution page)
- Lotus Notes discussing the case
- Tasking Responses

- Copies of documents if any provided to the requester (if OGC wants them)
- AFTER OGC REVIEWS THE ADMIN RECORD
  - Discuss with the OGC attorney any pertinent information i.e. taskings, deadlines, actions.
  - If case is still in process, OGC may ask us to get a time estimate from the components for completion of the processing of the case.

### **OPEN AMERICA**

- When a FOIA requester files suit before the Agency has completed its processing of the FOIA request, the Agency ment request a "stay of proceedings" in order to complete the proceeding of the request.
- The FOIA permits the court to provide this "stay of proceedings" when "exceptional circumstances" exist, the Agency has been exercising "due diligence" in responding to the FOIA request, and the requester does not have an "exceptional need or urgency." This type of "stay of proceedings" is often referred to as an "Open America" stay, named for the case Open America v. V atergate Special Prosecution Force.

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If the court grants the stay, the Agency will have the actilitional time it needs to complete the administrative processing of the request. If the requester can show a compelling need or urgency for having his request processed out of turn, the court may deny the Agency's request for an Open America stay.

### TASK AS REQUIRED

#### NEW TASKINGS ARE NOT ALWAYS REQUIRED

- If component has already been tasked, but has not responded, there is no need to task again, but let the component know it is now in litigation.

#### IF CREATING NEW TASKINGS

- Highlight in your tasking that it is a litigation prior
- Tell component to keep track of search terms and systems searched.
- Tell them which OGC attorney is assigned to the case.
- Inform them of deadlines and any other relevant information.



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### TASKING RESPONSES

- Make sure component response is complete and accurate.
- Ask component to clarify their response if necessary.
- Check for internal or external coordinations/referrals.
- Task all internal referrals/coordinations promptly and if there are external coordinations, notify OGC.
- Wait for all components to respond before forwarding the external referrals/coordinations.





### PROCESS DOCUMENTS

- The processing is the same as in regular FOIA cases.
- If there are external coordinations, prepare and send external coordinations to OGAs. Inform OGC. Let the OGAs know the case is in litigation and tell them of any deadlines. Provide supporting documents (i.e. request letter, court order).
- If there are external referrals, they will probably be sent to the OGA at the time of the Final Response.
- If there are no external coordinations, prepare documents for Final Response.
- Merge all components redactions. Review documents for consistent redactions, neat redactions, exemptions, etc.
- Check for exemptions on the front page of the documents.
- Put approved for release stamps on the documents, if CIA clocuments.
- Burn the do(@ ARents.

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### FINAL DOCUMENT COORDINATION WITH OGC

 OGC will usually want to review the documents. Coordinate with them to see if they want tinted, redacted, or something else.

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- OGC may ask some questions that will require talking to the components that reviewed the docs e.g. why was something redacted, is this really a b5? etc.
- They may want you to tell the components to re-review and see if they can release more or segregate the information instead of denying in full.
- They may ask the components to justify their withholdi

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### FINAL RESPONSE SENT TO REQUESTER

- Prepare final letter in consultation with OGC/LD and O/Legal.
- OGC will determine when the final response should be sent.

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- Sometimes the response is sent coincidentally with a seclaration or motion for summary judgment.
- Double check the requester's address if significant arount of time has passed. (Check recent correspondence, ask GGC).
- Occasionally you will be facing a deadline and you will need to take the response to the post office.

### PREPARING DECLARATION AND/OR VAUGHN INDEX

- A declaration is a written statement of the facts of a case.
- OGC writes the declaration and then coordinates with PIPD to check the facts in the declaration.
- Consists of two parts Biographical information on the individual signing it and a synopsis of the case.
- Usually signed by the Information and Privacy Coordicator, or an IRO depending on which facts the declaration pertains to.



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### VAUGHN INDEX

- A Vaughn index is an itemized index of each document. It describes the specific FOIA exemption(s) upon which the Agenc / is relying to withhold each document or portion thereof and the jub trication for the nondisclosure.
- If there are no documents, a Vaughn index is not needed. Even if documents are involved, a Vaughn index is not always required. OGC will advise if a Vaughn index is necessary. In most litigations involving documents, a Vaughn index is required.

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- The index will provide information in sufficient detail to permit the requesting party to argue effectively against the claimed exemptions and for the court to assess the applicability of the claimed exemptions.
- OGC creates the Vaughn index with input from the Case Marrager and IROs.

#### TRULOCK VAUGHN INDEX

FOIA/PA Request No .:

Document Number:	J	
Date of Document:	07/XX/2000	
Document Type:	Report	
Chestillostion:	Secret	
From/To:	Withheid	
Subject:	Withheid	
Document Pages:	2	



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#### Privacy Act Exemptions:



\* \*

**Disposition**:



**Document Description:** This two-page report is a summary of particular Agency activities. It includes information pertaining to intelligence methods and it is withheid in full to protect such methods from disclosure. Furthermore, the document includes information on CIA internal organizational data and employee names. Disclosure of this information would also reveal information ourrently and property classified at the SECHET level. This document is denied in its entirety because no meaningful information can be segregated for release.

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Case Number: 1:00CV02234 Judge's Initials: EGS

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### COURT DECISION

- DOJ represents the Agency in court and OGC will coordinate with the Assistant U.S. Attorney (AUSA).
- The FOIA does not provide a requester with a right to a jury trial.
- Most FOIA lawsuits are decided through "Summary Judgment" based on the written submissions of the parties.

- Summary Judgment is a procedural device available for prompt and expeditious disposition of a FOIA case without a trial whenever there are no factual issues for the court to resolve.
- Judges are likely to grant Summary Judgment in favor of an agency when the agency demonstrates that it has fully discharged its obligations under the FOIA.

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## WHAT HAPPENS IF WE LOSE

- The court may order the production of agency records found to be improperly withheld.
- The court may order new searches/reviews.
- The court may award attorneys' fees or litigation costs.

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### WHAT HAPPENS IF WE WIN

### **POP OPEN THE CHAMPAGNE!**

### IT'S PARTY TIME!

(ENOUGH PARTYING, NOW GO DO A FINAL!)



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### CASE CLOSURE

Await notification from OGC.

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- We usually keep cases open until we receive a final court decision (except in OGA referrals).
- REASONS WE KEEP CASES OPEN
  - Sometimes the judge will order us to do more work re-review documents or more searches.
  - We may still need to do a Vaughn.

  - The requester may file an appeal of the court ruling.
    The Agency may also file an appeal in the case of an adverse decision.
- We don't usually keep cases open waiting for an appeal unless OGC anticipates an appeal.

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## HELPFUL HINTS

- If the case is a large case with a lot of correspondence, then during your initial review, preparing a chronology of the events in the case might help.
- Get everything scanned, including notes, court docs FRs, etc.
- Keep FOIA management informed of the progress of the case and especially, deadlines.
- Don't approve the burned documents until OGC looks at them in / case you have to do more work on the documents.
- Recheck CADRE for previous releases if significant time has passed.





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## HELPFUL HINTS

- If there are a lot of documents, spreadsheets can be useful to keep track of the documents.
- In an OGA litigation, the processing is the same, except there are no search taskings and search issues. If it is a litigation with a small amount of documents, there is less OGC involvement.
- Be prepared for short deadlines.

- Do not contact requester-have ØGC attorney contact nem.
- Have your credit card with you if you have to take the post office.



Produced/Directed/Created by:

Technical Consultants:

\*No case managers were harmed during the making of this production.

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### Top 10 Mistakes

#### 10. Incorrect formatting.

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- 9. Incomplete/inaccurate distribution pages.
- 8. Using different fonts within same letter.
- 7. Wrong classifications on headers/footers.
- 6. Not using correct addresses.

### Top 10 Mistakes

- 5. Forgetting the reference number or writing the incorrect one.
- 4. Not changing 45 days to 60 days in appeals paragraph for overseas.
- 3. Not modifying templates when needed.
- 2. Not paying attention to details in the initial letter and tasks to ensure response letter matches/makes sense.
  - Don't forget to re-verify what you see in a task if it does not make sense or seems incorrect!

It's all in the details!!



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### Top 10 Mistakes

1. Not using the templates or modifying them when appropriate!

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### The FOIA Motto:

Proofread

### Proofread

Proofread!!



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### **Distribution Pages**

### Things to include on the distribution page:

Release Decisions

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- Denier Names (e.g. Denier: DIR/IRO
- MFR (when appropriate)
  - Include name of authorizing person, date, location/form of decision (e.g. Lotus Note), the facts of the decision, why a particular decision was made
  - Any acceptance stipulations
- CADRE Ref IDs of documents previously released and/or denied
- CADRE Ref IDs of cross references and piggyback cases
- NEW RELEASES: Identify CADRE Ref IDs of materials that require 7<sup>th</sup> floor approval (include material with <u>additional</u> data released)



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### Letter Titles

- Change titles of correspondence in Letter Generator:
  - For example, do not leave a FINAL RESPONSE as an INITIAL REQUEST
  - Once you update this, you do not have to update the metadata.

#### Change titles of correspondence in Metadata:

- Typically only for migrated cases (those not accessible within Letter Generator)
- In correspondence folder, right click on letter title to be changed
- Select Open Document Index
- Change Title Name
- Click on Save

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Close Document Index Window

### Deleting Correspondence

 Contact and have them remove ALL deleted correspondence from the case BEFORE letter goes through the final review process!



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### Reference

### Correspondence Style Guide & Proofreading Checklist

### See it! Know it! Use it!

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### ACT II

### (Other Miscellaneous Stuff)

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### Metadata Review

- Check metadata before passing/failing a document (at the Product Generation QC stage).
  - Title (ensure it is sanitized)
  - Publication Date
  - Classification
  - Keywords

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 The Document Originator field is not currently on the Product QC screen. Until it is, it is important that you check the Document Index screen before burning a document.

### Folder Review

- Ensure hard copy folders are organized and clean of duplicate/unnecessary items.
  - Remove scan request sheets
  - Include only 1 copy of correspondence and documents (includes Lotus Notes)
  - Paper clip together (in separate groups):
    - Correspondence (not to include Lotus Notes)
    - Taskings (include Lotus Notes with this group)
    - Research

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### FOIA Case Logs

- Check S: Drive for previously completed case logs. You may not need to run another one.
- If previously completed case log unavailable, run one using the MORI Viewer Tool—"Get Case Log."
- Copy into an Excel spreadsheet the following columns:
  - Case Opened
  - Case Number
  - Subject

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- Sanitize subject column of Privacy data
- Save spreadsheet to



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