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**UNITED STATES DEPARTMENT OF COMMERCE**  
**International Trade Administration**  
Washington, DC 20230

September 7, 2022

RE: DOC-ITA-2022-001702

This letter is in response to your Freedom of Information Act (FOIA) request received by the International Trade Administration (ITA). In your request, you sought:

A copy of each (internal) FOIA Standard Operating Procedure (SOP) at the ITA FOIA Office (not the departmental SOP).

This is the final response to your FOIA request. ITA began its search on August 1, 2022, which is the cut-off date for responsive records. After a thorough search, ITA has located 68 pages responsive to your request. Of the records located, the document is released in full.

If you have any questions or concerns, you may contact Adrienne Waite, FOIA Analyst, by email at [FOIA@trade.gov](mailto:FOIA@trade.gov).

You may also contact ITA's FOIA Public Liaison, using the following information:

Mayank Bishnoi  
FOIA Officer  
Office of the Chief Financial and Administrative Officer  
International Trade Administration  
1401 Constitution Avenue, N.W., Room 40003  
Washington D.C. 20230  
[foia@trade.gov](mailto:foia@trade.gov)

In addition, you may seek FOIA mediation services offered by the National Archives and Records Administration, Office of Government Information Services (OGIS). You may contact OGIS using the following information:



Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740-6001  
email: [ogis@nara.gov](mailto:ogis@nara.gov)

In accordance with 15 C.F.R. §§ 4.10(a) and (b), you have the right to appeal this determination within 90 calendar days from the date of this letter. The Department deems appeals arriving after normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday) as received on the next normal business day. If the 90<sup>th</sup> calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely. The appeal should include a copy of the original request, this response, and a statement of the reasons why you consider the Department made this determination in error. Please mail written appeals to:

Assistant General Counsel for Employment, Litigation, and Information  
U.S. Department of Commerce  
Office of the General Counsel, Room 5896  
1401 Constitution Avenue, N.W.  
Washington, D.C. 20230

You may send an appeal by e-mail to [FOIAAppeals@doc.gov](mailto:FOIAAppeals@doc.gov), or through FOIAonline at <https://www.foiaonline.gov/foiaonline/action/public/home> if you have a FOIAonline account. Clearly mark "Freedom of Information Act Appeal", in the e-mail subject line, or on both the appeal letter and envelope.

For the purpose of assessing fees, you were placed in the "other" requester category. Requesters in this category are charged for search and duplication only. See 5 U.S.C. § 552(a)(4)(A)(ii)(III); see also 15 C.F.R. § 4.11(a). There are no billable fees for processing of this request.

Sincerely,

*Mayank Bishnoi*

Mayank Bishnoi  
FOIA Officer  
Management Operations  
Office of the Chief Financial and  
Administrative Officer

Enclosure:  
DOC ITA FOIA Standard Operating Procedure

U.S. Department of Commerce  
International Trade Administration  
Management Operations Division

# Standard Operating Procedure Freedom of Information Act (FOIA) Operations



INTERNATIONAL  
**TRADE**  
ADMINISTRATION

# **Standard Operating Procedure for Freedom of Information Act (FOIA) Operations**

**Revision:**

**Effective Date:**

Document Point of Contact:

**Victor E. Powers**

Director, Management Operations Division  
Victor.Powers@trade.gov

## **Approval**

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Tim Rosado, Chief Financial and Administrative Officer

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Date

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Victor E. Powers, Director

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Date

## REVISION HISTORY

Date	Rev No.	Author	Revision Information	Ref. Section
5/9/18	Draft II	Central Research Inc.(CRI)	Initial Release -Draft II	
7/3/18	Draft III	CRI	Revisions Incorporated	Total Document
8/2/18	Final	CRI	Revisions Incorporated	Total Document

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## 1.0 Introduction

The Department of Commerce (DOC) is comprised of twelve Bureaus, one of which is the International Trade Administration (DOC/ITA). The International Trade Administration (ITA) is charged with strengthening the competitiveness of U.S. industry, promoting trade and investment and ensuring fair trade and compliance with trade laws and agreements. (Reference Appendix B for Organizational Charts).

The Office of the Under Secretary (OUS) for International Trade plans, determines, and coordinates policy, directs the programs, and is responsible for all activities of ITA. The Under Secretary coordinates all issues concerning trade promotion, commercial policy, market access, agreements, trade law enforcement, import administration, domestic and international competitiveness.

The ITA is organized into three distinct but complementary business units:

**Global Markets** - The Global Markets unit combines ITA's country and regional experts, overseas and domestic field staff, and specific trade promotion programs to provide U.S. firms with the full suite of country-specific export promotion services and market access advocacy, while promoting the United States as an investment destination.

**Industry and Analysis (I&A)** - The I&A unit brings together ITA's industry, trade, and economic experts to advance the competitiveness of U.S. industries through the development and execution of international trade and investment policies and promotion strategies. I&A will leverage ITA's relationships with manufacturing and services industries to increase U.S. exports.

**Enforcement and Compliance** - The Enforcement and Compliance unit enhances ITA's responsibilities to enforce U.S. trade laws and ensure compliance with trade agreements negotiated on behalf of U.S. industry.

The Management Operations Division (MOD) is a division under the Department of Commerce International Trade Administration (DOC/ITA). The MOD is managed by the MOD Director under the direction of the Chief Financial and Administrative Officer for the DOC/ITA Office of the Under Secretary (OUS).

### 1.1 Scope

The purpose of this Standard Operating Procedure (SOP) is to provide guidance for federal employees and contractors administering and implementing the Freedom of Information Act (FOIA), 5 U.S.C § 552, as amended, within the DOC/ITA Management Operations Division. This guidance ensures both consistency and continuity in the administration and implementation of FOIA.

This SOP is applicable to all employees and contractors who perform FOIA Operations within the DOC/ITA Management Operations.

## 2.0 Background, Exemptions and Exclusions

### 2.1 Background

The Freedom of Information Act (FOIA) is a federal disclosure statute found in Title 5 of the United States Code, Section 552. FOIA, as amended, was enacted in 1966 and provides that any person has the right to request access to federal agency records or information. All agencies of the United States government are required to disclose records upon receiving a written request for them, except for those records that are protected from disclosure by nine exemptions. This right of access is enforceable in court.

### 2.1.1 Exemptions and Exclusions

It is the policy of the agency to make records available to the public to the greatest extent possible, in keeping with the spirit of the FOIA, while at the same time protecting sensitive information. The following is a list of FOIA's nine exemptions and three exclusions which apply to Government information IAW 5 U.S.C. 552(b) and (c):

- **Exemption (b)(1)** protects from disclosure national security information concerning the national defense or foreign policy, if it has been properly classified in accordance with Executive Order 12958.
- **Exemption (b)(2)** exempts from mandatory disclosure records "related solely to the internal personnel rules and practices of an agency."
- **Exemption (b)(3)** protects information "specifically exempted from disclosure by statute."
- **Exemption (b)(4)** protects "trade secrets and commercial or financial information obtained from a person that is privileged or confidential."
- **Exemption (b)(5)** protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency."
- **Exemption (b)(6)** permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy."
- **Exemption (b)(7)(A)** authorizes the withholding of "records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information could reasonably be expected to interfere with enforcement proceedings."
- **Exemption (b)(7)(B)** protects "records or information compiled for law enforcement purposes (the disclosure of which) would deprive a person of a right to a fair trial or an impartial adjudication."
- **Exemption (b)(7)(C)** provides protection for personal information in law enforcement records the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy."
- **Exemption (b)(7)(D)** provides protection for "records or information compiled for law enforcement purposes which could reasonably be expected to disclose the identity of a confidential source and information furnished by a confidential source."
- **Exemption (b)(7)(E)** provides protection to all law enforcement information which "would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcements investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."
- **Exemption (b)(7)(F)** permits the withholding of information necessary to protect the physical safety of "any individual" when disclosure of information about him "could reasonably be expected to endanger his life or physical safety."
- **Exemption (b)(8)** protects matter that are "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions."
- **Exemption (b)(9)** protects "geological and geophysical information and data, including maps, concerning wells."
- **Exclusion (c)(1)** authorizes federal law enforcement agencies, under specified circumstances, to shield the very existence of records of ongoing investigations or proceedings by excluding them entirely from the FOIA's reach.
- **Exclusion (c)(2)** provides that "whenever informant records maintained by a criminal law enforcement agency under an informant's name or personal identifier are requested by a third party, the agency may treat the records as not subject to the requirements of the FOIA unless the informant's status has been officially confirmed."
- **Exclusion (c)(3)** pertains only to certain law enforcement records that are maintained by the Federal Bureau of Investigation.

For more detailed information on the above exemptions and exclusions, go to: "[Justice Department Guide to the Freedom of Information Act](#)".

## **2.1.2 Significant Amendments to the FOIA**

### The Electronic Freedom of Information Act Amendments of 1996

On October 2, 1996, the Electronic Freedom of Information Act Amendments of 1996 (E-FOIA) was signed into law requiring:

- Agencies to respond to a FOIA request within 20 working days, excluding holidays.
- Records to be stored in electronic form for FOIA purposes.
- Agencies to provide information “in any form or format requested,” including in electronic form, “if the record is readily reproducible by the agency in that form or format.”
- Agencies to make available for inspection and copying copies of records released in response to FOIA requests that the agencies determine “are likely to become the subject of subsequent requests for substantially the same records,” and to create an index of such records.

### OPEN Government Act of 2007

On December 31, 2007, the Openness Promotes Effectiveness in our National Government Act of 2007, PL 110-175, 121 Stat 2524 was signed into law. This law is also known as the OPEN Government Act of 2007:

- Puts in place a tracking system so that both citizens and the media can determine the status of their FOIA requests, if such request will take longer than ten days to process.
- Amends the statutory time period for responding to requests and provides for those circumstances when an agency may toll the statutory time period.

### OPEN Government Act of 2009

On October 28, 2009, the “OPEN FOIA Act of 2009” was enacted as section 564 of the Department of Homeland Security Appropriations Act, 2010, Pub. L. No. 111-83, 123 Stat. 2142, 2184:

- Amendment provides for a substantive change to Exemption 3, which pertains to matters specifically exempted from release by statute.

### FOIA Improvement Act of 2016

- On June 30, 2016, the FOIA Improvement Act of 2016, addresses a range of procedural issues:
- Requires agencies to establish a minimum of 90 days for requesters to file an administrative appeal.
- Agencies provide dispute resolution services at various times throughout the FOIA process.

The Act also codifies the DOJ “foreseeable harm” standard, amends Exemption 5, creates a new “FOIA Council, and adds two new elements to agency Annual FOIA Reports; 1) Number of times “the agency denied a request for records under sub section (c) of the FOIA; 2) The “number of records that were made available for public inspection in an electronic format under sub section (a) (2).”

## **3.0 Revisions**

Revisions to this document will be made annually by the Director of the Management Operations Division (MOD) to address:

- Changes to applicable regulatory and statutory requirements.
- Improvement of processes.

All modification requests shall be submitted to the Director for review and evaluation. Modifications shall be approved by all signature authorities identified in the “Approval” section, page iii of this SOP, prior to implementation.

### 3.1 Proposed Rule Changes

Federal Register, Proposed Rules, Vol 83, No. 25, Feb 6, 2018:

AGENCY: Department of Commerce, Office of the Secretary

15 CFR Part 4 (Docket No. 160801675-7593-01) RIN 0605-AA45

ACTION: Notice of proposed rulemaking; request for comments.

This rulemaking proposes revisions to the Department of Commerce's (Department) regulations under the Freedom of Information Act (FOIA) and Privacy Act. The FOIA regulations are being revised to clarify, update and streamline the language of several procedural provisions, including methods for submitting FOIA requests and appeals and the time limits for filing an administrative appeal, and to incorporate certain changes brought about by the amendments to the FOIA under the FOIA Improvement Act of 2016. Additionally, the FOIA regulations are being updated to reflect developments in the case law.

### 4.0 References

The following documents and websites were used as a reference during the development, implementation and improvement of the SOP:

- **FOIA.gov** - United States Department of Justice. *FOIA.gov*, June 2011, [www.foia.gov](http://www.foia.gov)
- **Trade.gov** - International Trade Administration, United States Department of Commerce. *Trade.gov*, [www.trade.gov](http://www.trade.gov)
- **FOIAonline** - United States Environmental Protection Agency (EPA), et al. *FOIAonline*. October 1, 2012, [www.foiaonline.regulations.gov](http://www.foiaonline.regulations.gov)
- **OGIS.gov** - Office of Government Information Services <https://www.archives.gov/>
- Freedom of Information Act (FOIA), 5 United States Code Section 552, as amended.

### 5.0 Terms and Definitions

For the purposes of this document, the terms, definitions and acronyms given in 5 U.S.C § 552 apply. Reference Appendix A for a list of applicable terms, definitions and acronyms.

### 6.0 Responsibilities

Responsibilities for processing FOIA requests as described in this SOP are grouped by internal and external to DOC/ITA Management Operations Division.

#### 6.1 Internal to DOC/ITA Management Operations Division

Internal roles include Director of Management Operations Division (MOD) and the FOIA Analysts.

##### 6.1.1 Management Operations Division (MOD) Director

- Resolves disputes identified in peer reviews.
- Approves and signs response letters.
- Grants waivers to selected provisions of this procedure for sufficient cause, or delegate waiver authority.
- Ensures appropriate FOIA training is provided FOIA Analysts, FOIA Liaisons and program officials.

##### 6.1.2 FOIA Analysts

- Creates and manages Tasker process.
- Conducts training.

- Creates and manages documents and correspondence.
- Performs searches and reviews responsive documents.
- Performs redactions.
- Reviews and provides disposition on proposed redactions.
- Communicates with FOIA Requesters.
- Performs FOIA Case Closures.

## 6.2 External Customers

External roles include Business Unit Program Office Subject Matter Expert (SME) and FOIA Requester.

### 6.2.1 Business Unit / Program Office Subject Matter Expert (SME)

- Confirms Taskers and coordinates search within Business Unit.
- Tasks proper offices within Business Unit.
- Collects responsive documents, recommended redactions, and certification forms from applicable offices.
- Provides completed package to FOIA Office with signed forms and all documents on behalf of Business Unit.

### 6.2.2 FOIA Requester

- Provides fee information or requests fee waiver.
- Submits FOIA requests by fax, e-mail, mail or FOIAonline.

## 7.0 Communication

MOD implements and promotes several methods to ensure consistent, relevant and timely communication of FOIA processes take place. Methods for internal and external communications include the following:

- Meetings (in-person, teleconference, video conference)
- E-mails
- Routine Reports
- Shared Network Drive (I:/drive)
- Tasker System
- ITA webpage: [www.trade.gov](http://www.trade.gov)
- FOIA specific webpages: [www.FOIAonline.gov](http://www.FOIAonline.gov), [www.FOIA.gov](http://www.FOIA.gov)

As required by the FOIA, agency reference guides are available in electronic format at <https://www.trade.gov/ooms/foia/> to assist external customers in the FOIA process. Guides provided include:

- How to make a FOIA request ([https://www.trade.gov/ooms/foia/tg\\_ooms\\_002516.asp](https://www.trade.gov/ooms/foia/tg_ooms_002516.asp))
- Pay for a FOIA ([https://www.trade.gov/ooms/foia/tg\\_ooms\\_002517.asp](https://www.trade.gov/ooms/foia/tg_ooms_002517.asp))
- Appeal a FOIA response ([https://www.trade.gov/ooms/foia/tg\\_ooms\\_002518.asp](https://www.trade.gov/ooms/foia/tg_ooms_002518.asp))
- Request Information on Yourself ([https://www.trade.gov/ooms/foia/tg\\_ooms\\_002519.asp](https://www.trade.gov/ooms/foia/tg_ooms_002519.asp))
- FOIA Exemptions ([https://www.trade.gov/ooms/foia/tg\\_ooms\\_002520.asp](https://www.trade.gov/ooms/foia/tg_ooms_002520.asp))
- Expected Response Time ([https://www.trade.gov/ooms/foia/tg\\_ooms\\_002521.asp](https://www.trade.gov/ooms/foia/tg_ooms_002521.asp))

## 8.0 Training Requirements

DOC/ITA FOIA Analysts shall read and understand the requirements presented in this document.

## 9.0 Procedures/Processes

### 9.1 FOIA Response Process

The following six(6) tables provide detailed responsibility, procedures and processes to assist the ITA FOIA Analysts in making proactive decisions during the FOIA Response Process.

These tables are provided to ITA FOIA Analysts as a tool to verify completion of the critical key steps required to efficiently process FOIA requests; identifying the actions to be taken, and the responsible staff member who has the action.

#### 9.1.1 Pre-Assignment and ITA Business Unit

**Table 1.0 below: “Pre-Assignment and ITA Process”** provides steps and the responsible personnel for achieving process steps related to pre-assignment of the FOIA request and assignment to the responsible ITA business unit.

**TABLE 1.0**

Step	Action	Responsible Staff
1	Receive FOIA Request from Requester via FOIAonline, E-mail, Mail, or Fax	FOIA Analyst
2	Using the “Incoming FOIA Request Pre-Processing Checklist” as a guide, review FOIA Request to identify the following: 1) Applicability to ITA’s jurisdiction 2) Scope of request and if the scope can be narrowed 3) Date range of requested information 4) Public availability of requested information 5) Expedited processing determination 6) Agreement to pay fees 7) Fee category determination 8) Fee waiver determination 9) Availability of previously released information 10) Requirement to perform additional processing steps (e.g., sensitive topics, politics, media, or potentially classified)	FOIA Analyst
3	Negotiate with FOIA Requester if voluminous amounts of documents are requested: • Narrow Scope of Request • Offer previously released documents to satisfy request  Assess if new search should be conducted	FOIA Analyst
4	Using the “Incoming FOIA Request Pre-Processing Checklist” as a guide, research the FOIA Requester in FOIAonline to identify the following: 1) Request history 2) If current request is duplicative of previous request 3) Outstanding fees 4) Best contact method (e.g., address, e-mail, telephone number).	FOIA Analyst

5	<p>Using the “Incoming FOIA Request Pre-Processing Checklist” as a guide, research the requester to determine:</p> <ol style="list-style-type: none"> <li>1) Correct fee category for request (e.g., are sensitive topics, politics, media, or potentially classified))</li> <li>2) Pertinent information that would affect the processing of the request (e.g., sensitive topics, politics, media, or potentially classified)</li> <li>3) Missing contact information for future communications (e.g., missing email address or phone number)</li> </ol> <p><b>Note:</b> Helpful tools to research requesters include Google, LinkedIn, ITA Website.</p>	FOIA Analyst
6	Contact FOIA Requester for additional information, if required.	FOIA Analyst

### 9.1.2 Perfect the Request

**Table 2.0 below: “Perfect the Request”** provides detailed process steps and identifies who is responsible for each step related to perfecting the FOIA request of the customer.

**TABLE 2.0**

Step	Action	Responsible Staff
1	Verify reasonable description of records requested.	FOIA Analyst
2	Negotiate with the FOIA requester to clarify or narrow scope of request.	FOIA Analyst
3	Identify expedited processing determination; fee waiver determination.	FOIA Analyst
4	Verify fee agreement (e.g., maximum amount requester will pay).	FOIA Analyst
5	<p>Perfect the request in FOIA online only if the following conditions exist:</p> <ol style="list-style-type: none"> <li>1) The description of records is reasonable</li> <li>2) The FOIA Requester submitted a fee agreement</li> </ol>	FOIA Analyst

### 9.1.3 Assign to Business Unit

**Table 3.0 below: “Assign to Business Unit”** provides detailed direction and responsibility for assigning the FOIA request to the appropriate business unit for processing.

**TABLE 3.0**

Step	Action	Responsible Staff
1	Determine the appropriate Business Unit to assign the Tasker	FOIA Analyst
2	<p>Determine if request is a Simple Request or a Complex Request.</p> <p><b>Note:</b> Simple Request = one office tasked Complex Request = Multiple offices tasked, or outside HQ tasked</p>	FOIA Analyst
3	<p>Determine number of days for Fee Estimate.</p> <p><b>Note:</b> HQ – 3 days Field Office – 5 days</p>	FOIA Analyst

4	Determine/submit Tasker. <b>Note:</b> A Tasker should be determined/submitted within 24-48 hours of receiving the request.	FOIA Analyst
5	Send an acknowledgment letter to the requester. <b>Note:</b> Form Letters should be used when appropriate to standardize response to FOIA requesters.	FOIA Analyst
6	Upload/save relevant documents and correspondence to FOIAonline webpage and the I:/Drive shared network drive.	FOIA Analyst
7	Ask the Business Unit if additional office(s) should be tasked based on Business Unit's technical expertise.	FOIA Analyst
8	Once Business Units have been confirmed for tasking, send Tasker memo to Business Unit(s) and record in FOIAonline and I:/Drive	FOIA Analyst

#### 9.1.4 Search and Review Process

**Table 4.0 below: "Search and Review Stage"** provides the FOIA response process related to the Search and Review Stage of the FOIA request.

**TABLE 4.0**

Step	Action	Responsible Staff
1	Read the FOIA Tasker to understand time frames and due dates. <b>Note:</b> Tasker Time Frames: <ul style="list-style-type: none"> <li>• Memo to process (no records) – 3 days</li> <li>• Memo to process (full search) – 10 to 15 days</li> <li>• Memo to process (expedited) – 3 days</li> </ul>	Business Unit
2	Understand the scope of the request. <b>Note:</b> For guidance on scope of request, seek guidance from the FOIA tasking official that initiated the task.	Business Unit
3	Search and review responsive documents and provide recommended redactions to FOIA Office.	Business Unit
4	Send signed and cleared Tasker memo to ITA FOIA Analyst.	Business Unit
5	Record Tasker memo in FOIAonline and I:/Drive	FOIA Analyst
6	Remove all non-responsive documents	FOIA Analyst
7	Remove all duplicate responsive documents and save a clean copy of the responsive documents to I:/ Drive.	FOIA Analyst
8	Determine if partial responses (rolling production) is appropriate.	FOIA Analyst
9	Contact Business Unit SME to answer any questions (if applicable).	FOIA Analyst
10	Redact responsive documents in AdobePro, pursuant to FOIA exemptions.	FOIA Analyst
11	Contact Business Unit SME for concurrence on proposed redactions.	FOIA Analyst

12	Upload in FOIAonline and I/ Drive.	FOIA Analyst
13	Initial Review by other FOIA analyst.	FOIA Analyst
14	Apply redactions in AdobePro and save redactions on FOIAonline and the I/Drive.	FOIA Analyst
15	<p>If applicable, upload original document into the following FOIA Online Categories:</p> <p>UR – Unredacted, releasable to general public</p> <p>RR – Redacted, releasable to general public</p> <p>RU – Redacted, un-releasable</p> <p>UU – Unredacted, un-releasable</p> <p>REQ – Releasable to requester only</p>	FOIA Analyst
16	Seek additional Business Unit concurrence, if applicable.	FOIA Analyst

### 9.1.5 Prepare Final Package

**Table 5.0 below: “Prepare Final Package”** provides detailed direction for preparing the final FOIA package for transmittal to the customer.

**TABLE 5.0**

Step	Action	Responsible Staff
1	Draft response letter to FOIA Requester.	FOIA Analyst
2	<p>Compile and annotate all applicable items listed in “FOIA Case Closure Checklist” for paper file review:</p> <ul style="list-style-type: none"> <li>• Copy of Request</li> <li>• Amended request and related information</li> <li>• Acknowledgment Letter/Transfer Memorandum</li> <li>• Memoranda from Business Units/Certification of Search</li> <li>• Email Communications</li> <li>• Included List of FOIA Exemptions</li> <li>• Concurrences</li> <li>• Final Response Letter</li> <li>• Responsive Documents</li> <li>• Final Redactions Submitted for Review</li> </ul>	FOIA Analyst
3	Perform second review by other FOIA analyst (Can also be achieved via FOIAonline task)	Independent FOIA Analyst
4	For adverse determinations, obtain FOIA Officer’s or appropriate denying official’s review and signature.	Director

### 9.1.6 Closing Request

**Table 6.0 below: “Closing FOIA Request”** provides detailed direction and responsibility related to administratively closing the FOIA request in the ITA systems.

**TABLE 6.0 CLOSING FOIA REQUEST**

Step	Action	Responsible Staff
1	Email or mail (Certified) response to FOIA Requester. Annotate date on “Checklist for ITA FOIA Analysts”.	FOIA Analyst
2	Upload documents into Correspondence FOIAonline Log and I:/ Drive: <ul style="list-style-type: none"> <li>When uploading responsive records in FOIAonline, you will be instructed to mark each group of records with one of the following codes:               <ul style="list-style-type: none"> <li>UR – Unredacted, releasable to general public</li> <li>RR – Redacted, releasable to general public</li> <li>RU – Redacted, un-releasable</li> <li>UU – Unredacted, un-releasable</li> <li>REQ – Releasable to requester only</li> </ul> </li> <li>Final response sent to the request in PDF through FOIAonline (The e-mail should have a link to the final documents).</li> <li>Email communications</li> <li>Ensure all documents in FOIAonline correspond to I:/ Drive</li> </ul>	FOIA Analyst
3	Close request in FOIAonline	FOIA Analyst

## 10.0 SOP Waivers

**Table 7.0 below: “Waivers”** provides guidance to OC/ITA employees and contractors when deviations from this SOP are necessary, the Director of Management Operations may grant waivers to selected provisions of this SOP for sufficient cause. Deviations shall be approved prior to performing changes.

**TABLE 7.0 WAIVERS**

	Determine if partial responses (rolling production) is appropriate.	FOIA Analyst
1	Contact Business Unit SME to answer any questions (if applicable).	FOIA Analyst
2	Redact responsive documents in AdobePro, pursuant to FOIA exemptions.	FOIA Analyst
3	Contact Business Unit SME for concurrence on proposed redactions.	FOIA Analyst
4	Update in FOIAonline and I:/ Drive.	FOIA Analyst
5	Initial Review by other FOIA analyst.	FOIA Analyst
6	Apply redactions in AdobePro and save redactions on FOIAonline and the I:/ Drive.	FOIA Analyst
7	Seek additional Business Unit concurrence, if applicable.	FOIA Analyst

## 11.0 Processing Fees and Fee Waiver Requests

### 11.1 Processing Fees and Fee Waiver Requests

Assign fee category to request. If applicable, conduct fee waiver analysis as described in section 4.11 of the Department of Commerce Regulations and include decision in letter to requester.

- (1) Requirements for waiver or reduction of fees.
- (2) Records responsive to a request will be furnished without charge, or at a charge reduced below that established under paragraph (c) of this section, if the requester asks for such a waiver in writing and the responsible component determines, after consideration of information provided by the requester, that the requester has demonstrated that:
  - (i) Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government; and
  - (ii) Disclosure of the information is not primarily in the commercial interest of the requester.
- (3) To determine whether the first fee waiver requirement is met, components shall consider the following factors:
  - (i) The subject of the request: whether the subject of the requested records concerns the operations or activities of the Government. The subject of the requested records must concern identifiable operations or activities of the Federal Government, with a connection that is direct and clear, not remote or attenuated.
  - (ii) The informative value of the information to be disclosed: whether the disclosure is “likely to contribute” to an understanding of Government operations or activities. The disclosable portions of the requested records must be meaningfully informative about Government operations or activities to be “likely to contribute” to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either a duplicative or a substantially identical form, would not be likely to contribute to such understanding.
  - (iii) The contribution to an understanding of the subject by the public likely to result from disclosure: whether disclosure of the requested information will contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area and ability and intention to effectively convey information to the public shall be considered. It shall be presumed that a representative of the news media satisfies this consideration. Merely providing information to media sources is insufficient to satisfy this consideration.
  - (iv) The significance of the contribution to public understanding: whether the disclosure is likely to contribute “significantly” to public understanding of Government operations or activities. The public's understanding of the subject in question prior to the disclosure must be significantly enhanced by the disclosure.
- (4) To determine whether the second fee waiver requirement (i.e., that disclosure is not primarily in the commercial interest of the requester) is met, components shall consider the following factors:
  - (i) The existence and magnitude of a commercial interest: whether the requester has a commercial interest that would be furthered by the requested disclosure. Components shall consider any commercial interest of the requester (with reference to the definition of “commercial use request” in paragraph (b)(1) of this section), or

of any person on whose behalf the requester may be acting, that would be furthered by the requested disclosure. Requesters shall be given an opportunity to provide explanatory information regarding this consideration.

- (ii) The primary interest in disclosure: whether any identified commercial interest of the requester is sufficiently great, in comparison with the public interest in disclosure, that disclosure is “primarily in the commercial interest of the requester.” A fee waiver or reduction is justified if the public interest standard paragraph is satisfied and the public interest is greater than any identified commercial interest in disclosure. Components ordinarily shall presume that if a news media requester has satisfied the public interest standard, the public interest is the primary interest served by disclosure to that requester.”

## 11.2 Redactions

The FOIA agencies must make records available to the public to the greatest extent possible, in keeping with the spirit of the FOIA, while at the same time protecting sensitive information. When agencies review records for disclosability, they may protect information that falls within one of the FOIA’s nine (9) exemptions. This is typically done by “blackening out” or placing a box over the protected information with a citation to the applicable exemption marked on the document. For a complete list of FOIA exemptions which apply to Government information in accordance with 5 U.S.C. § 552(b) go to: <http://www.osec.doc.gov/omo/FOIA/exemptions.htm>

The main factor in deciding what should be redacted is to determine if harm would result from releasing a particular piece of data. A business unit should review each record line by line to see if anything in a record can be released without harm. This is a requirement of FOIA.

If harm would result from release, please redact using one of the methods in the attached document titled “Sample Redactions.” Cite one or more of the applicable FOIA Exemptions, attached. If nothing in the record is segregable and releasable, write Withhold in Full at the top of the withheld document, and cite an exemption.

At the business unit stage, you can hand-write the suggested brackets on the copy or create the redactions electronically (see attachment). Have a subject matter expert approve the final redactions before the business unit responds to the FOIA office (and sign response form).

**Make sure to provide one clean copy and one redacted copy** of all that is responsive. Reference Appendix F for sample redaction.

## 11.3 Appeals

The Office of the General Counsel (OGC) handles appeals and will contact ITA to provide information if necessary. The public has the right to appeal a denial or partial denial of the FOIA request. An appeal must be received within 30 calendar days of the date of the response letter by the Assistant General Counsel for Administration (Office), Room 5898-C, U.S. Department of Commerce, 14th and Constitution Avenue, N.W. Washington, D.C. 20230. The appeal may also be sent by e-mail to [FOIAAppeals@doc.gov](mailto:FOIAAppeals@doc.gov) or by facsimile (fax) to 202-482-2552. The appeal must include a copy of the original request, the response to the request and a statement of the reason why withheld records should be made available and why denial of the records was in error. The submission (including e-mail and fax submissions) is not complete without the required attachments. The appeal letter, the envelope, the e-mail subject line, and the fax cover sheet should be clearly marked “Freedom of Information Act Appeal.” The e-mail, fax machine, and Office are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine or Office after normal business hours will be deemed received on the next normal business day. The Department of Commerce’s Assistant General Counsel will decide on an appeal within 20 business days.

## 11.4 Special Situations and FOIA Exemptions

**(1) Special Situations** are questions that would be considered to have, i.e. legal impact,. In these situations consult the OGC Information Law Division. - exempts from disclosure classified national security information.

**(2) Exemptions** are:

- a) exempts from disclosure records that are related solely to the internal personnel rules and practices of an agency.
- b) exempts from disclosure information prohibited from disclosure by another statute. An example of such a statute is section 12(c) of the Export Administration Act which protects information concerning export license applications.
- c) exempts from disclosure (1) trade secrets and (2) information which is (a) commercial or financial, (b) obtained from a person and (c) privileged or confidential.
- d) This exemption applies only to information submitted from outside the government. Information which has been voluntarily submitted is confidential if it constitutes information which the submitter would not customarily make available to the public.
- e) Information which has been compelled to be submitted is confidential if disclosure is likely to: 1) impair the government's ability to obtain necessary information in the future or 2) cause substantial harm to the competitive position of the person from whom the information was obtained.
- f) exempts from disclosure internal Federal government documents which are both pre- decisional and deliberative. In addition, the attorney work-product privilege and the attorney- client privilege have been incorporated into exemption (5).
- g) exempts from disclosure information about individuals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, so long as that invasion is not outweighed by a public interest in disclosure.
- h) exempts from disclosure records or information compiled for law enforcement purposes (administration, civil, or criminal.)

## **12.0 Reporting Requirements**

Reference ITA/MOD FOIA Reporting Timeline in Appendix F of this document and website listed below:

<https://www.archives.gov/files/records-mgmt/grs/grs04-2.pdf>

### **12.1 Weekly Reports**

- Weekly Reports, due Wednesday by noon, Closed and Oldest 10 (FOIA Team)
- ITA Senior Staff Weekly FOIA Report - Due Friday (FOIA Team)
- Bi-weekly Report (FOIA Team)

### **12.2 Quarterly Data Report**

- ITA provides its input to the Office of Privacy and Open Government (OPOG) quarterly for this report.
- All agencies are required to post four key FOIA statistics each quarter of the fiscal year which are then also displayed on FOIA.gov. Agencies are now required to report on the following four statistics on a quarterly basis:
  - the number of requests received during the reporting period,
  - the number of requests processed during the reporting period,
  - the number of requests in an agency's backlog at the end of the reporting period, and
  - the progress being made to close the agency's ten overall oldest pending FOIA requests from the prior fiscal year.

### 12.3 Departmental FOIA Office Annual FOIA Report

On or before February 1st of each year, DOC/ITA submits their annual FOIA Report to the Attorney General and to the Director of the Office of Government Information Services (OGIS). This report includes requirements set forth Section (e)(1) of the FOIA. To support the reporting requirements, FOIA employees and contractors may download the Department of Justice Handbook for this and other annual reports. Handbook published by DOJ includes all the legal, procedural, and technical requirements for agency reports. The Departmental FOIA Office will consult with ITA for input.

[www.justice.gov/oip/page/file/160716/download](http://www.justice.gov/oip/page/file/160716/download)

### 13.0 Improvements

DOC/ITA Management Operations Division continually improves the suitability, adequacy, and effectiveness of the FOIA Operations to ensure compliant and efficient FOIA Operations.

DOC/ITA Management Operations Division considers the results of their annual FOIA reports and leverages FOIA processing data to determine if there are needs or opportunities that shall be addressed as part of continual improvements. MOD focuses on improvement and streamlining of processes to increase timeliness of its responses and reduce backlog case files.

Improvement activities involve periodic meetings and assessments of DOC FOIA programs and identifying areas of concern that may lead to processing delays for requests. Meetings promote discussions of individual cases, case load, work flow, and suggestions for process improvements.

### 14.0 Records

Records under the FOIA include all Government records, regardless of format, medium or physical characteristics, and electronic records and information, audiotapes, videotapes, Compact Disks, DVDs, and photographs.

Two-part test: 1) Created or obtained by agency and/or 2) Under agency control when request received.

DOC/ITA must maintain the following records for each Fiscal Year and the results at the end of the Fiscal Year will be forwarded to the FOIA: <http://www.archives.gov/files/records-mgmt/grs/grs04-2.pdf>

- Number of Requests Pending as of Start of Fiscal Year
- Number of Requests Received in Fiscal Year
- Number of Requests Processed in Fiscal Year
- Number of Requests Pending as of End of Fiscal Year

### 14.1 Customer Requests

Customer FOIA requests may be submitted online using [www.FOIA](http://www.FOIA) online, e-mailed, mailed or faxed.

Requests must include the requester's full name and a legible return address. Requesters may also include other contact information, such as an email address and a telephone number. For the quickest handling, the request (and envelope, if the request is mailed or hand delivered) should be marked "Freedom of Information Act Request." Requests may be submitted by U.S. mail, delivery service, email, facsimile, or online at the FOIAonline Web site, <http://www.foiaonline.regulations.gov>

Requests made by mail, delivery service, email, or facsimile should be sent to the Department component who maintains those records requested, or the Department's Web site, <http://www.doc.gov>. If the proper component cannot be determined, the request should be sent to the central facility, in turn to be forwarded to the component(s) it believes most likely to have the requested records. **Requests will be considered received starting the 20-day time limit as of the date it is received by the proper component's FOIA office.** Unless the component and the requester have

agreed otherwise, or when “unusual circumstances” exists, a determination whether to comply with the **FOIA request shall be made by components within 20 working days.**

## **14.2 Internal Records**

Form letters, process checklists and visual aids are retained as FOIA Operations records to provide standardization, evidence of work performed and communication of policy. They are stored and available for immediate use on the I:/Drive shared network drive and FOIAonline webpage. Changes to records shall be reviewed and approved by the MOD Director prior to use.

### **14.2.1 Visual Aids**

Diagrams are used to communicate the FOIA organization and processes:

- Terms and Definitions List (Appendix A)
- Organizational Charts (Appendix B)
- Process Maps (Appendix C)
- FOIA Online Request Categories (Appendix F)
- Reporting Timeline (Appendix G)

### **14.2.2 Form Letters**

Form letters are used to standardize communications with our customers: (Reference Appendix D)

- 30 Day Still Interested Letter
- 30 Day Close-Out Letter
- Acknowledgment Letter
- Final Response – Granted in Full
- Follow Up Email Template

### **14.2.3 Process Checklists**

Process Checklists are used to standardize the FOIA processes: (Reference Appendix E)

- FOIA Tasking Checklist
- FOIA Case Closure Checklist
- ITA Incoming FOIA Request Pre-Processing Checklist
- Checklist for HQ FOIA Analysts (Appendix



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## APPENDIX A

### *Terms and Definitions*

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## *Terms and Definitions*

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**Administrative Appeal** – An independent review of the initial determination made in response to a FOIA request. Requesters who are dissatisfied with the response made on their initial request have a statutory right to appeal that initial determination to an office within the agency which will then conduct an independent review.

**Annual FOIA Report** – A report required to be filed each year with the Department of Justice by all federal agencies detailing the agency's administration of the FOIA. Annual FOIA Reports contained detailed statistics on the number of FOIA requests and appeals received, processed, and pending at each agency.

**Backlog** – The number of requests or administrative appeals that are pending beyond the statutory time period for a response.

**Certification of Identity** – To ensure that one person's records are not inadvertently disclosed to another person, individuals requesting records on themselves are asked to certify their identity by signing a sworn statement certifying that they are who they say they are.

**Chief FOIA Officer** – A designated high-level official within each agency who has overall responsibility for the agency's compliance with the FOIA. Each federal agency is required to have a Chief FOIA Officer, who is responsible for ensuring that their agency is compliant with the FOIA, that their agency is working efficiently on FOIA requests and appeals, and constantly improving how each agency works with the FOIA. While each agency has a Chief FOIA Officer, these officers serve in an oversight position, and are not always the main FOIA contact in each agency.

**Chief FOIA Officer Report** – A report required to be filed with the Department of Justice which details each agency's progress in improving transparency and compliance with the FOIA.

**Commercial Requester** – Any person making a FOIA request that requests information for a use or a purpose that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation.

**Complex Request** – A FOIA request that an agency anticipates will involve a voluminous amount of material to review or will be time-consuming to process.

Complex requests typically seek a high volume of material or require additional steps to process such as the need to search for records in multiple locations.

**Component** – For agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal subpart or "component" of that agency.

**Consultation** – When an agency locates a record that contains information of interest to another agency, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a "consultation."

**Contact** – The name, address and phone number at each agency or office where you can make a FOIA request. Each agency or office only handles their own records, so make sure you direct a request to the agency or office that would have the records you are interested in.

**Decentralized Agencies or Decentralized FOIA Process** – When an agency is separated into components or offices and those individual components handle FOIA requests for their own records, the FOIA process is called “decentralized.” Most large federal agencies have a decentralized FOIA process, where requesters send their requests directly to the component or office of the agency that maintains the records they seek, and that component handles the request.

**Discretionary Disclosure** – The release of or portions of records to a FOIA requester that could be withheld by an agency under one or more FOIA exemptions.

**DOC/ITA** – Department of Commerce/ International Trade Administration

**Educational Requester** – Any person making a FOIA request authorized by, and is made under the auspices of, a qualifying institution, and that the records are not sought for a commercial use, but rather are sought to further scholarly research. Please note, records requested for the intention of fulfilling credit requirements are not considered to be sought for a scholarly purpose.

**Equivalent Full-Time FOIA Employees** – The number of staff at a department or agency where part of their job functions is to work on FOIA, but FOIA work is not the only function of their full time position. For example, if an office has one person who works on FOIA issues for 40% of their time, this would be counted as 0.4 of an equivalent full-time FOIA employee.

**Exclusions** – In three carefully defined situations, certain sensitive law enforcement records are “excluded” from the requirements of the FOIA.

**Exemptions** - Certain categories of information are not required to be released in response to a FOIA request because release would be harmful to governmental or private interests. When an agency withholds information in response to a FOIA request, they will apply one of the nine exemptions to the FOIA to explain why they are doing so.

**Exemption 3 Statute** – A federal statute that provides protection from disclosure for certain information.

**Expedited Processing** – In certain limited situations, FOIA requesters can ask that their request be processed ahead of other pending requests. This is called expedited processing. The standards for expedited processing are set out in the FOIA and in the regulations of each federal agency.

**Fee Waiver** – A request made to an agency that it waive any applicable fees for their processing of a FOIA request. Fee waivers are limited to situations in which a requester can show that the disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester. Requests for fee waivers from individuals who are seeking records pertaining to themselves usually do not meet this standard. In addition, a requester's inability to pay fees is not a legal basis for granting a fee waiver.

**FOIA** – The [Freedom of Information Act \(FOIA\)](#) was signed into law in 1966. The FOIA provides individuals with a statutory right of access to certain federal agency records. The FOIA requires agencies to disclose requested records unless they are protected from public disclosure by the FOIA. Congress included in the FOIA nine exemptions and three law enforcement exclusions to protect important interests such as national security, personal privacy, privileged communications, and law enforcement.

**FOIA.gov** – FOIA.gov serves as the government’s comprehensive FOIA website for all information on the FOIA. Among many other features, FOIA.gov provides a central resource for the public to understand the FOIA, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. FOIA.gov also promotes agency accountability for the administration of the

FOIA by graphically displaying the detailed statistics contained in Annual FOIA Reports, so that they can be compared by agency and over time. This website provides the public access to all FOIA data collected by the Department of Justice. The website contains information to educate the public about how the FOIA works, spotlights significant FOIA releases and explains how to make FOIA requests to federal agencies.

**FOIA Library** – A page, formerly called an "electronic Reading Room," where agencies post proactive disclosures. The FOIA Library, usually a separate page within an agency's overall FOIA website, is a place for the public to view and inspect agency records to see if material is already available without the need to make a FOIA request.

**FOIA Request** – A request submitted to a federal agency asking for access to agency records on any topic. A FOIA request can generally be made by any person, to any federal agency, and only requires that requesters reasonably describe the records they are seeking and comply with agency regulations for making such requests.

**FOIAonline** – FOIAonline is a multi-agency web-application that enables the public to submit FOIA requests to participating agencies, track the progress of an agency's response to a request, search for information previously made available, and generate up-to-the-minute reports on FOIA processing. FOIAonline also is a multi-agency workflow system and repository that enables partner agencies to receive, manage, track, and respond to FOIA requests, generate reports including the annual FOIA report that is submitted to the Department of Justice, communicate with requestors, and manage their FOIA case files as electronic records. FOIAonline allows you to:

Request information under FOIA from participating FOIAonline agencies. Track the status of your requests. File appeals (registered users only). Search for other people's requests, appeals and responsive records.

**Freedom of Information Act** – Agencies, upon receiving requests for records which (i) reasonably describes the records sought and (ii) are made in accordance with published rules stating the time, place, fees (if any), shall make records promptly available.

**Frequently Requested Records** – Records that have been the subject of three or more FOIA requests.

**Full Denial** – An agency decision not to release any records in response to a FOIA request because, for example, the records are exempt in their entirety under one or more FOIA exemptions, or because of a procedural reason, such as when no records responsive to the request could be located.

**Full Grant** – An agency decision to disclose all records in full in response to a FOIA request.

**Full-Time FOIA Employees** – The number of staff at a department or agency who work on FOIA full time in their positions.

**Media Requester** – Any person making a FOIA request who actively gathers news for an entity that is organized and operated to publish or broadcast news to the public that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. A request for records that supports the news-dissemination function of the requester shall not be for a commercial use.

**MOD** - Management Operations Division (MOD)

**Multi-Track Processing** – A system that divides in-coming FOIA requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex

requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

**Non-Commercial (Scientific) Requester** – Any person making a FOIA request authorized by, and is made under the auspices of, a qualifying non-commercial scientific institution, and that the records are sought to further scientific research and not for a commercial use.

**Non-Commercial Scientific Institution** – An institution that is not operated on a “commercial” basis, and that is operated solely for conducting scientific research the results of which are not intended to promote any product or industry.

**Office of Government Information Services** – The [Office of Government Information Services \(OGIS\)](#), which opened in early September 2009, offers mediation services to resolve disputes between FOIA requesters and agencies as an alternative to litigation. OGIS also reviews agency FOIA compliance, policies, and procedures and makes recommendations for improvement. The Office is a part of the National Archives and Records Administration and was created by Congress as part of the OPEN Government Act of 2007, which amended the FOIA.

**Other Requester** – Any person making a request that is not a member of the media, an educational institution, and is not making a request for a commercial interest.

**OUS** - Office of the Under Secretary

**Partial Grant/Partial Denial** – An agency decision to disclose portions of the records in response to a FOIA request and to withhold or otherwise deny other portions of the request.

**Pending Request or Pending Appeal** – A FOIA request or administrative appeal for which an agency has not yet taken final action in all respects.

**Perfected Request** – A FOIA request for records which reasonably describes the records sought and is made in accordance with the agency’s regulations regarding FOIA requests.

**Person** - A person includes an individual, partnership, corporation, association, or public or private organization other than an agency.

**Proactive Disclosures** – Records made publicly available by agencies without waiting for a specific FOIA request. Agencies now post on their websites a vast amount of material concerning their functions and mission. The FOIA itself requires agencies to make available certain categories of information, including final opinions and orders, specific policy statements, certain administrative staff manuals and frequently requested records.

**Processed Request or Processed Appeal** – A request or administrative appeal for which an agency has taken final action in all respects.

**Public Liaison** – If you have any issues with how an agency or office is handling your request, you can call the number found here to talk with that agency or office’s Public Liaison, who will work to address your concerns.

**Record** – Any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying assigned to the individual, such as a finger or voice print or a photograph. About the FOIA, records pertain to

federal agency “records” that exist and can be in agency files. Two-part Test: 1) Created or obtained by agency and/or 2) Under agency control when request received.

**Referral** – When an agency locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a “referral.”

**Requester Fee Category** – A category assigned to an individual or organization making a FOIA request for the purposes of assessing fees. While the regulations of each agency determine the amount of money that may be assessed, all agencies divide requesters into three general categories: [Commercial](#), [Educational / Media / Non-Commercial \(Scientific\)](#), and [Other](#). Commercial requesters are charged fees for the review, search, and duplication of records. Educational/Media/Non-Commercial (Scientific) requesters are charged fees for the duplication of records only. Other requesters are charged fees for the search and duplication of records

**Requester Service Center** – This is the name and phone number of a contact at each agency or office, where you can call and ask questions about your pending FOIA request. Much like with the FOIA Contact, each agency or office handles only the requests that have been sent to them and can only answer questions on pending requests within their office.

**Search for Records** – To review manually or by automated means, agency records for locating those records responsive to a request.

**Simple Request** – A FOIA request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

**SOP** – Standard Operating Procedure

**Total Number of Full-Time FOIA Staff** – The total number of staff at a department or agency who work on FOIA when adding together the number of [Full-Time FOIA Employees](#) and [Equivalent Full-Time FOIA Employees](#).

**U.S.C.** – United States Code

**USFCS** – United States Foreign Commercial Services



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## **APPENDIX B**

### *Organizational Charts*

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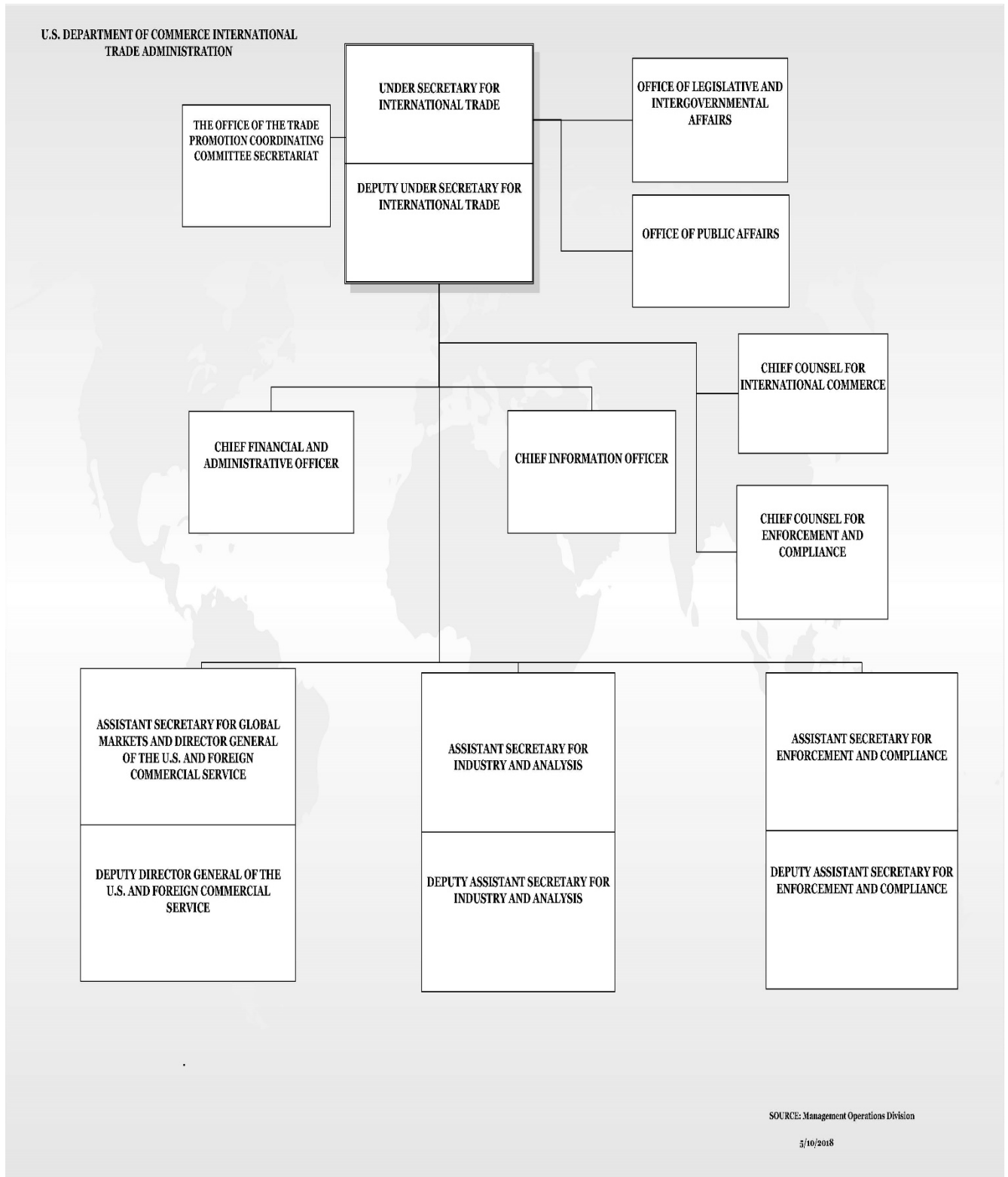


## APPENDIX B – ORGANIZATIONAL CHARTS

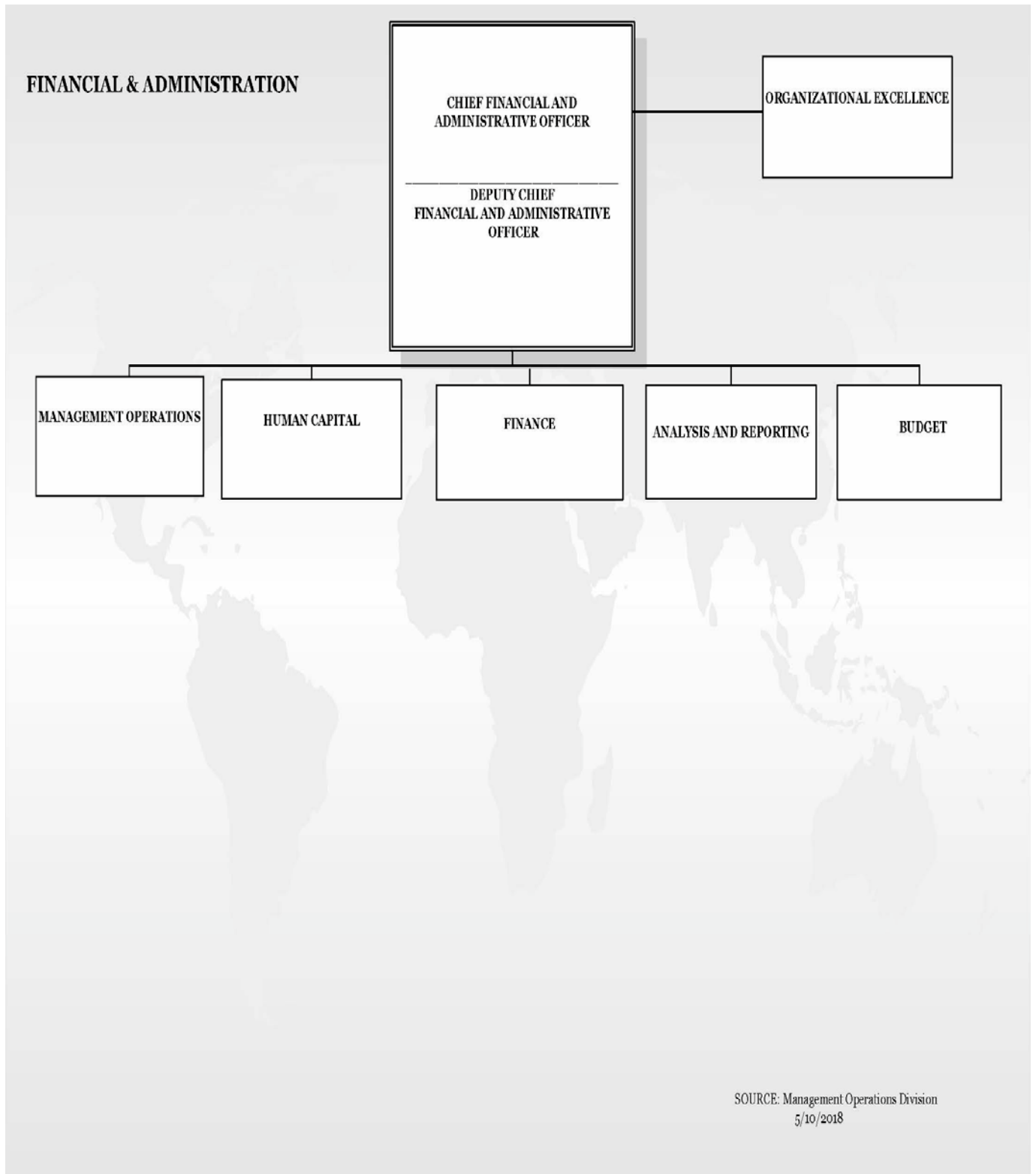
NOTE: All information in this Appendix are living documents, provided for example only, and shall be controlled in accordance with Section 12.0 of this SOP.

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**FIGURE 1.0 OFFICE OF THE UNDER SECRETARY WORK REFERENCE CHART**

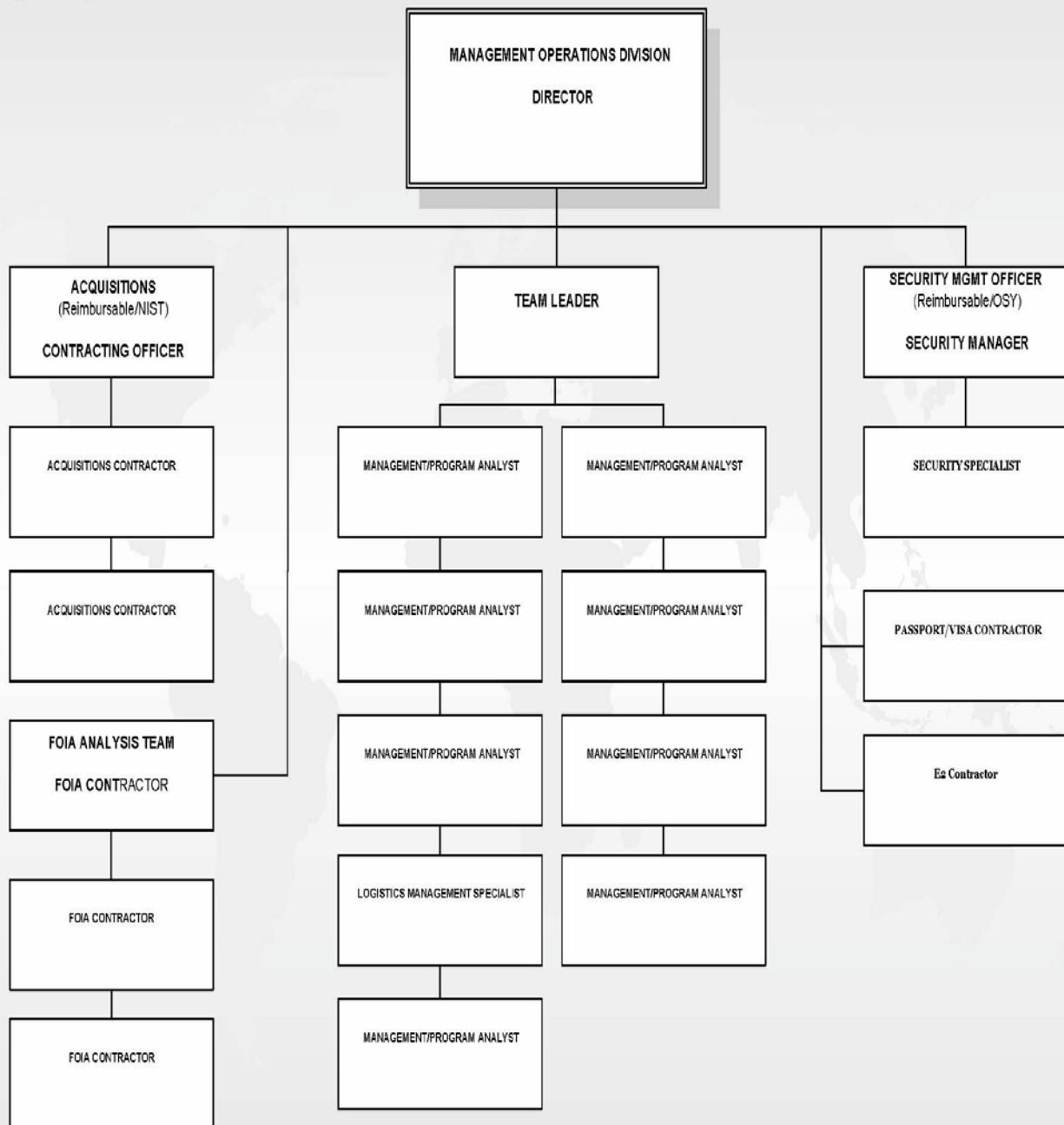


**FIGURE 2.0 CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER WORK REFERENCE CHART**



**FIGURE 3.0 MANAGEMENT OPERATIONS DIVISION**

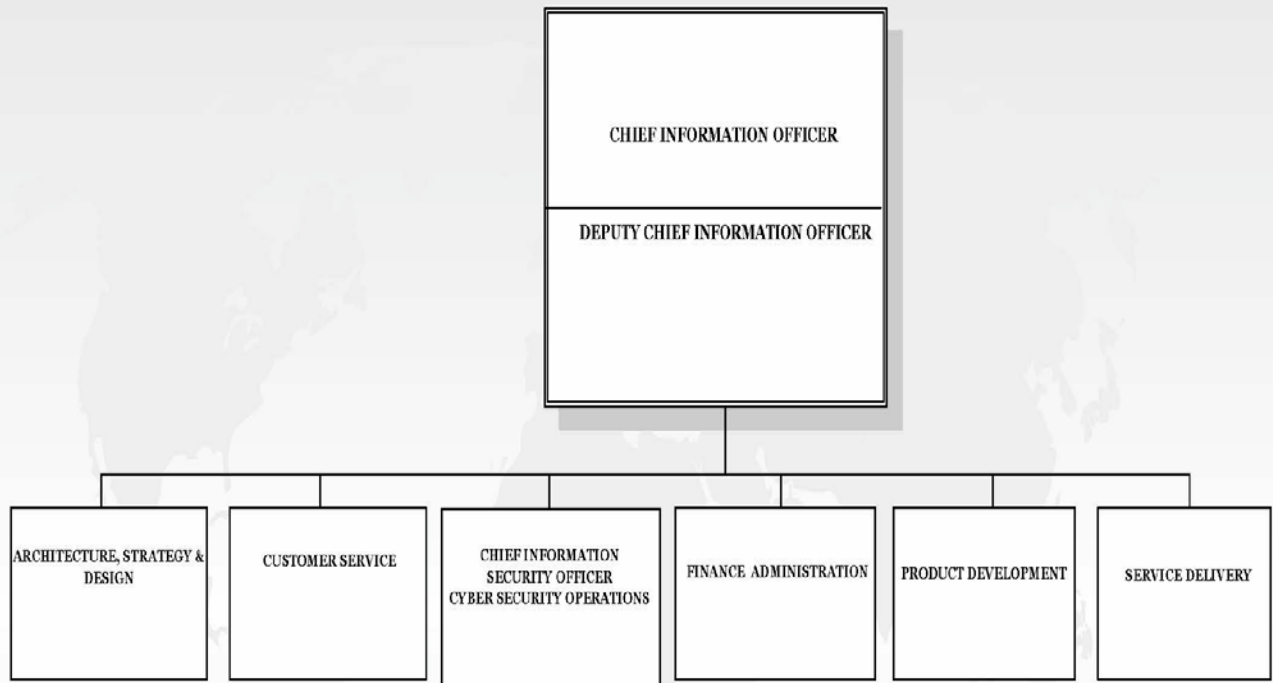
**ADMINISTRATION**  
**Management Operations Division**



SOURCE: Management Operations Div.  
5.10.2018

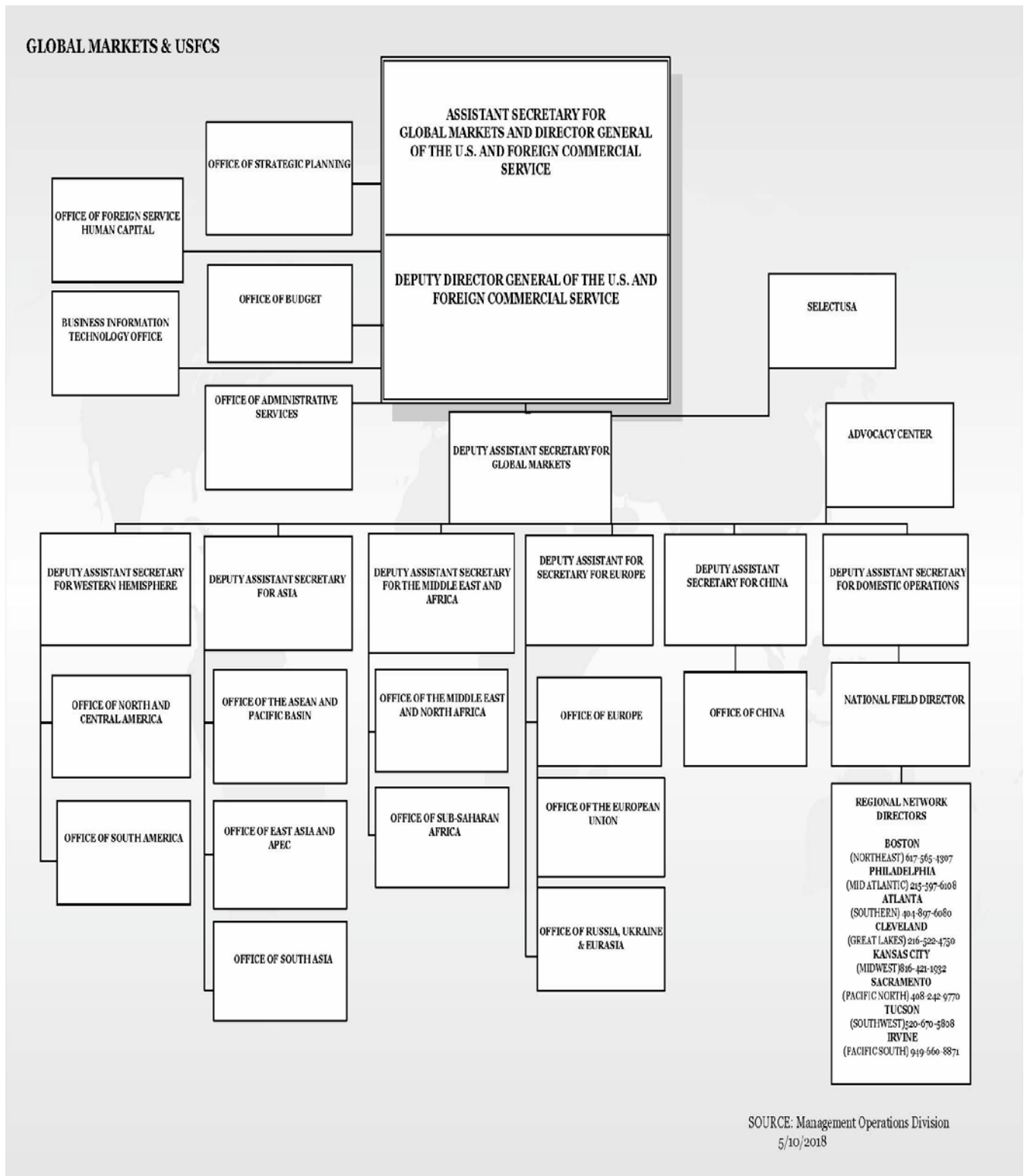
**FIGURE 4.0 CHIEF INFORMATION OFFICER WORK REFERENCE CHART**

**CHIEF INFORMATION OFFICER (CIO)**

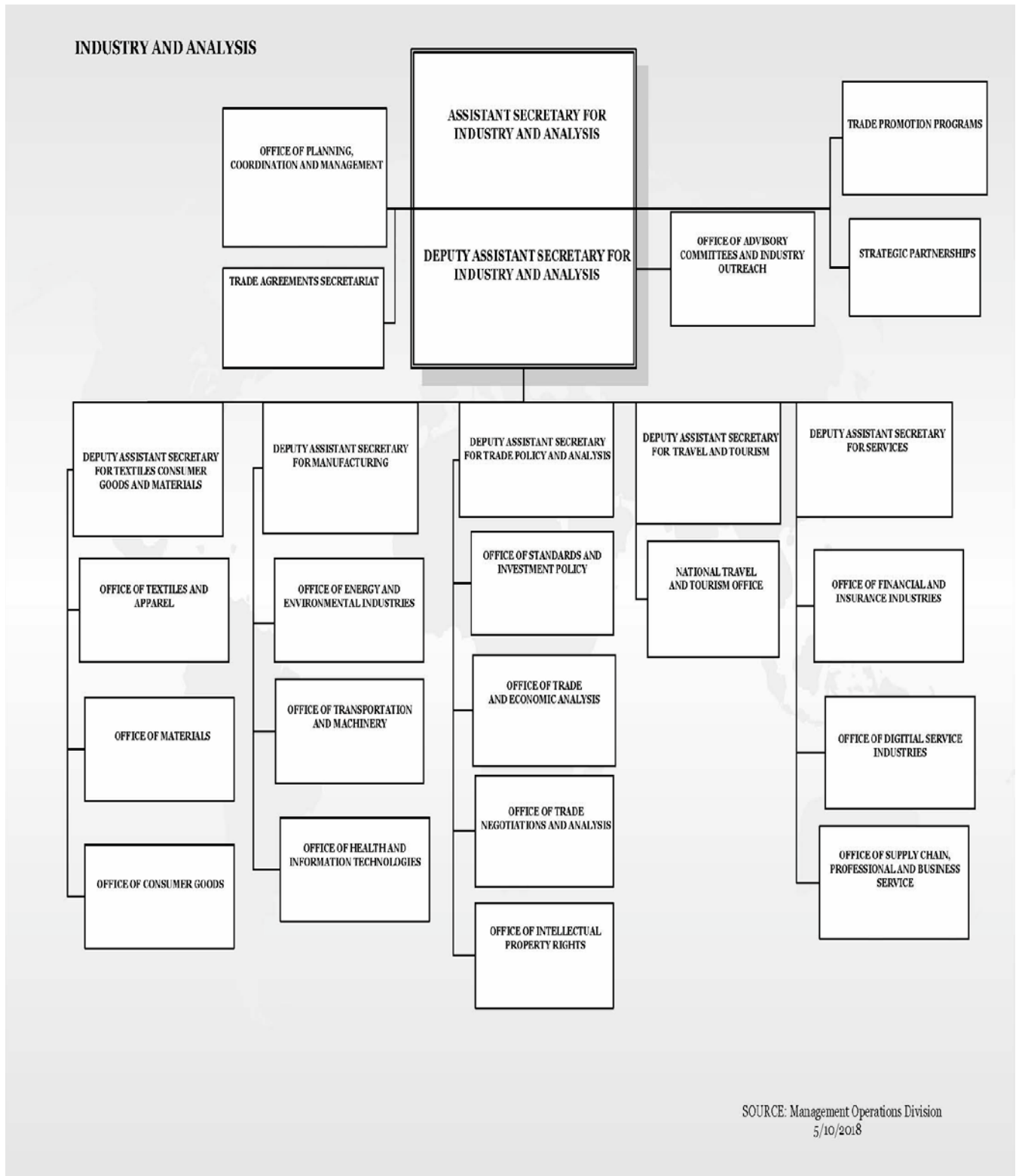


SOURCE: Management Operations Division  
5/10/2018

**FIGURE 5.0 GLOBAL MARKETS & US FOREIGN COMMERCIAL SERVICES (USFCS) work reference chart**



**FIGURE 6.0 INDUSTRY AND ANALYSIS WORK REFERENCE CHART**



**ENFORCEMENT AND COMPLIANCE**

```
graph TD; AS[Assistant Secretary for Enforcement and Compliance] --> DAS[Deputy Assistant Secretary for Enforcement and Compliance]; AS --> FTZ[Foreign Trade Zone Staff]; AS --> OOS[Office of Operations Support]; DAS --> DASAD[Deputy Assistant Secretary for AD/CVD Operations]; DAS --> DASPN[Deputy Assistant Secretary for Policy and Negotiations]; DAS --> OA[Office of Accounting]; DASAD --> ADA[Associate Deputy Assistant Secretary for AD/CVD Operations]; ADA --> ADEI[AD/CVD Enforcement Office I]; ADA --> ADEII[AD/CVD Enforcement Office II]; ADA --> ADEIII[AD/CVD Enforcement Office III]; ADA --> ADEIV[AD/CVD Enforcement Office IV]; ADA --> ADEV[AD/CVD Enforcement Office V]; ADA --> ADEV[AD/CVD Enforcement Office VI]; ADA --> ADEVII[AD/CVD Enforcement Office VII]; ADA --> ADEVIII[AD/CVD Enforcement Office VIII]; ADA --> UCLU[U.S. Customs & Border Protection Liaison Unit]; ADA --> ADTPDU[AD/CVD Training and Professional Development Unit]; DASPN --> OP[Office of Policy]; DASPN --> OTAPN[Office of Trade Agreements Policy & Negotiations]; DASPN --> OTANC[Office of Trade Agreements Negotiations and Compliance];
```

ASSISTANT SECRETARY FOR ENFORCEMENT AND COMPLIANCE

FOREIGN TRADE ZONE STAFF

DEPUTY ASSISTANT SECRETARY FOR ENFORCEMENT AND COMPLIANCE

OFFICE OF OPERATIONS SUPPORT

DEPUTY ASSISTANT SECRETARY FOR AD/CVD OPERATIONS

ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR AD/CVD OPERATIONS

AD/CVD ENFORCEMENT OFFICE I

AD/CVD ENFORCEMENT OFFICE V

AD/CVD TRAINING AND PROFESSIONAL DEVELOPMENT UNIT

AD/CVD ENFORCEMENT OFFICE VI

AD/CVD ENFORCEMENT OFFICE II

AD/CVD ENFORCEMENT OFFICE VII

AD/CVD ENFORCEMENT OFFICE III

U.S. CUSTOMS & BORDER PROTECTION LIAISON UNIT

AD/CVD ENFORCEMENT OFFICE IV

AD/CVD ENFORCEMENT OFFICE VIII

DEPUTY ASSISTANT SECRETARY FOR POLICY AND NEGOTIATIONS

OFFICE OF POLICY

OFFICE OF TRADE AGREEMENTS POLICY & NEGOTIATIONS

OFFICE OF TRADE AGREEMENTS NEGOTIATIONS AND COMPLIANCE

OFFICE OF ACCOUNTING

SOURCE: Management Operations Division  
5/10/2018

5/10/2018



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## APPENDIX C

### *Process Mapping*

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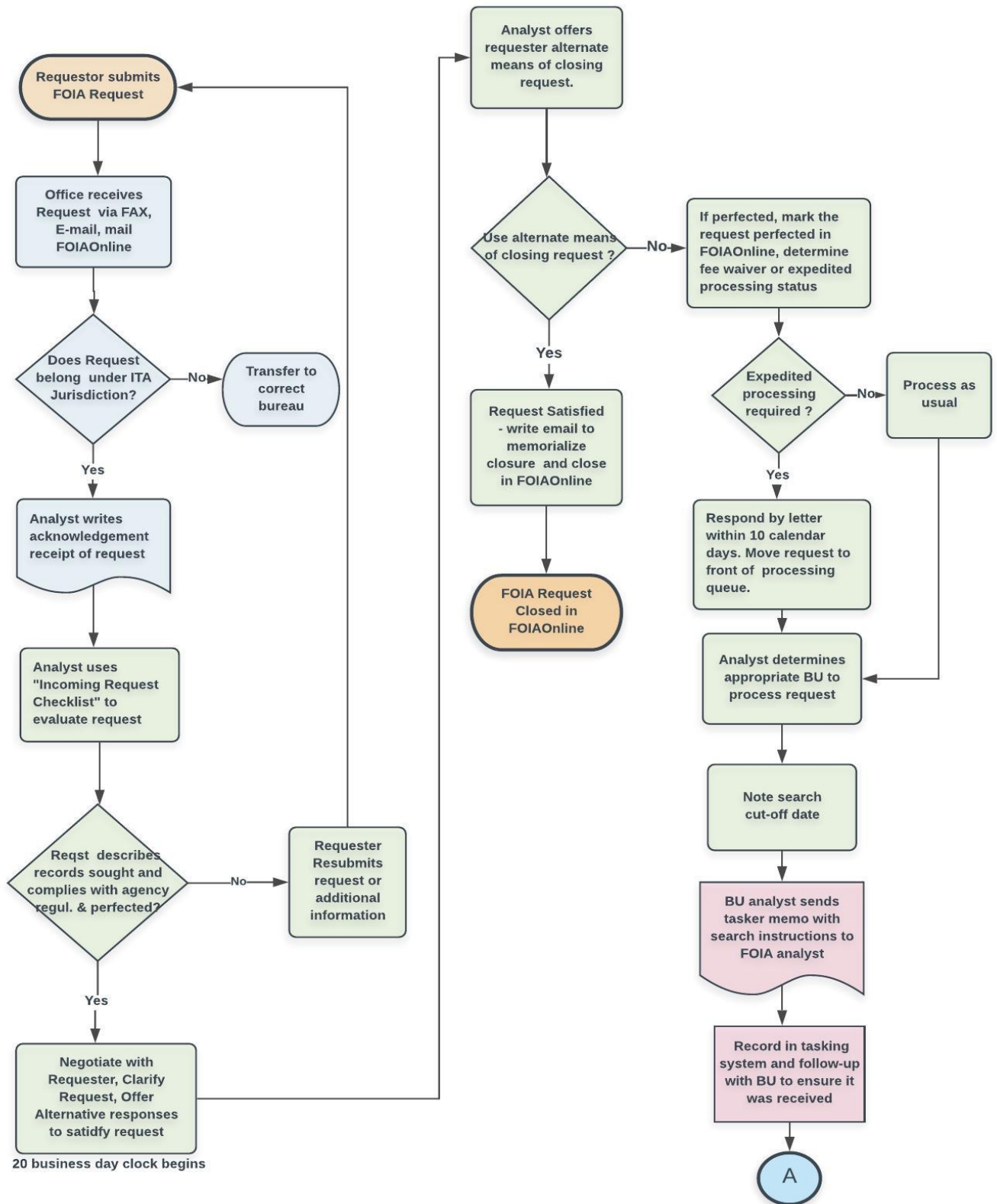
**APPENDIX C – PROCESS MAPPING**

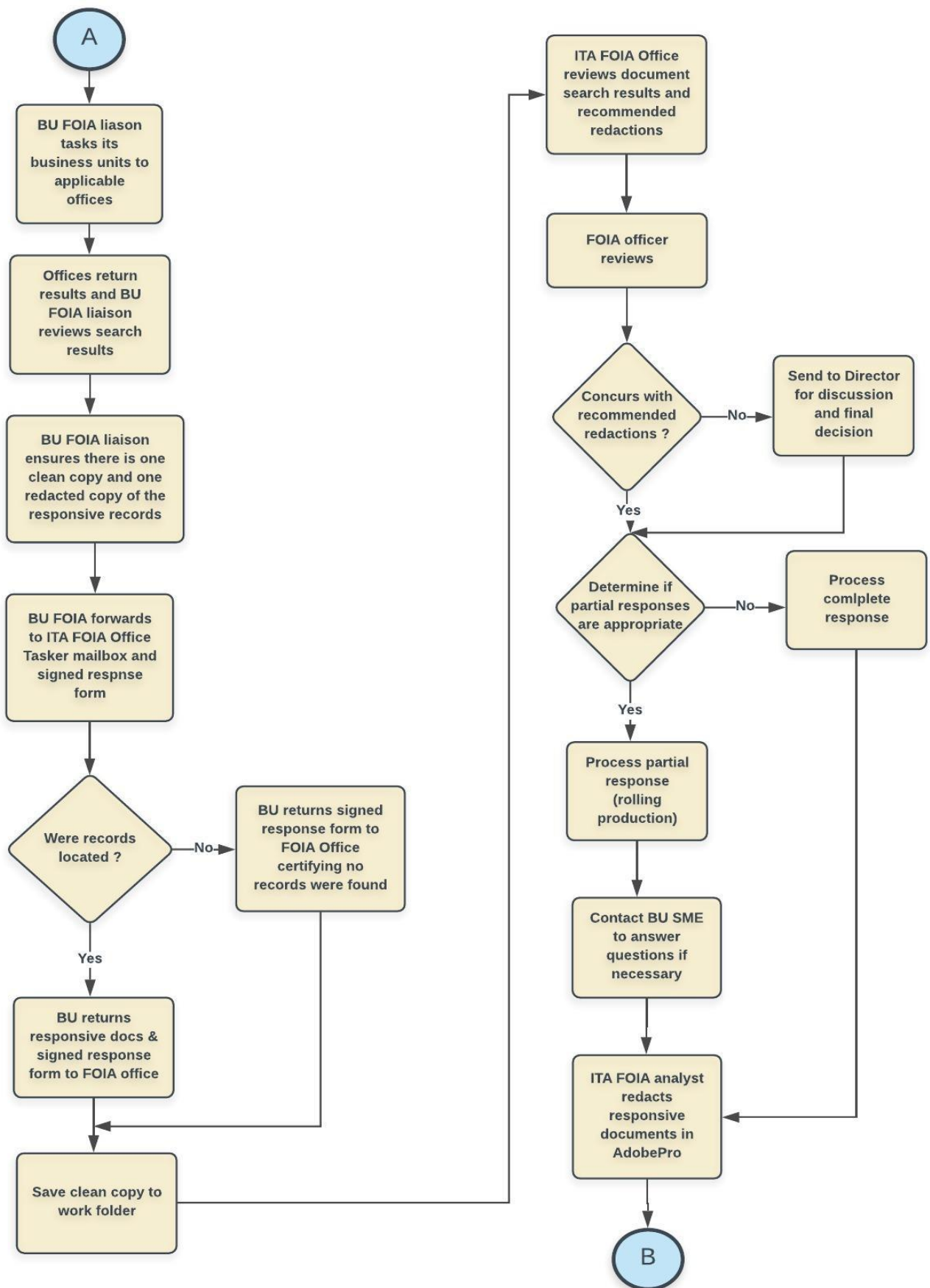
**FOIA PROCESS FLOW OVERVIEW**

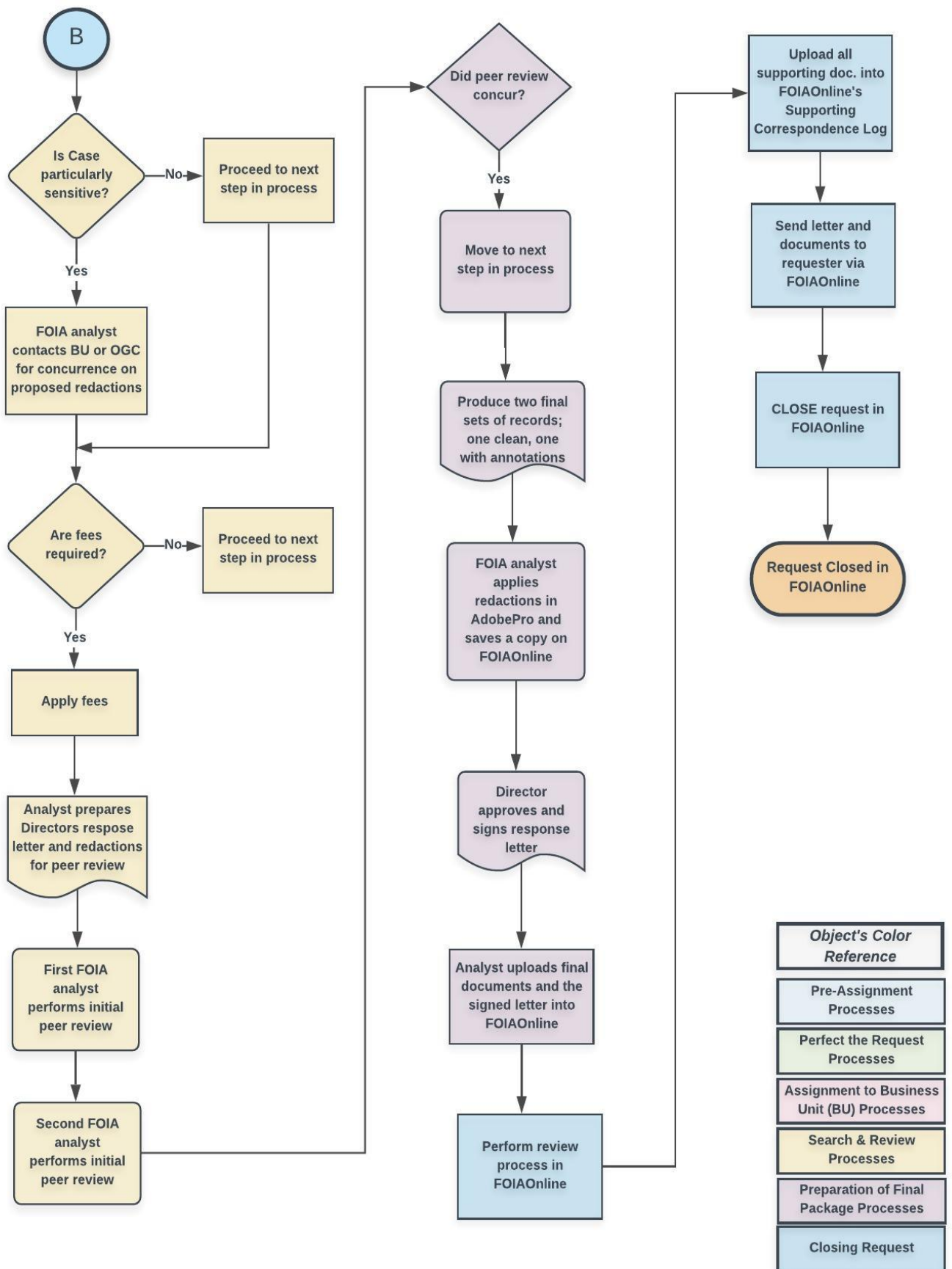
Process Flow Diagram.....33

Process Written Overview.....36

## FOIA Process Flow Diagram







## **FOIA PROCESS OVERVIEW**

### **Pre-Assignment to ITA**

1. Requester submits FOIA request.
2. Office receives FOIA request via FAX, E-Mail, Mail, FOIAonline. (Level Of Effort (LOE): 1 day)
3. Analyst determines if request subject matter should be under the jurisdiction of ITA.  
**YES OR NO DECISION POINT** (LOE 1-3 days)
  - Yes: Continue processing.
  - No: Transfer request to correct bureau.
4. Analyst writes letter to acknowledge receipt of the request (24 hour turn-around)

### **“Perfect” the request**

5. Analyst evaluates request using “Incoming Request checklist”.
6. Does the request reasonably describe the records sought and comply with agency regulations and is the request "Perfect"?  
**YES OR NO DECISION POINT**
  - Yes: If possible, negotiate with requester, clarify request, offer alternative response to satisfy request. **(20-business day clock starts)**.
  - No: Negotiate with requester, clarify request, offer alternative response to satisfy request or send letter to requestor identifying missing information. Requester re-submits additional information or new request.
7. Analyst offers requester alternate means of closing request such as directing them to public information or to previously released documents.
8. Does the requester want to use an alternate means of closing request?  
**YES OR NO DECISION POINT**
  - Yes: Request is satisfied, and an email is written to memorialize closure of the request and it is closed in FOIAonline. (LOE: 1 day)
  - No: If perfected, the analyst marks the request "Perfect" in FOIAonline; and determines if the request is an expedited request or are fees waived.
9. Analyst determines if fees are required. This decision can float to another point in the process.
10. Analyst determines if expedited processing is needed?  
**YES OR NO DECISION POINT**
  - Yes: Respond by letter ***within 10 calendar days*** and move request to front of processing queue.
  - No: Process as usual.
11. Analyst determines appropriate BU to process request. LOE: 1-4 days)
12. Note cut-off date for search.

### **Assignment to Business Unit**

13. BU analyst sends tasker memo with search instructions to FOIA analyst and records in tasking system. (LOE: 1-2 days).
14. Analyst follows-up with BU with taskers to ensure it was received.

### **Search and Review Stage**

15. BU FOIA liaison tasks within its business units to applicable offices.
16. Once offices return results, if any, BU FOIA liaison reviews search results.
17. BU FOIA liaison ensures there is one clean copy and one redacted copy of any responsive records and forwards to ITA FOIA Office Tasker mailbox and signed response form ([foiatasker@trade.gov](mailto:foiatasker@trade.gov)).
18. Did search result in locating requested records?

#### ***YES OR NO DECISION POINT***

- Yes: BU returns responsive documents and signed response form to FOIA office.
  - No: BU returns signed response form certifying no records were found.
19. Save clean copy to work folder. (LOE 1-3 days)
  20. ITA FOIA Office reviews document search results and recommended redactions.
  21. FOIA officer reviews.

#### ***YES OR NO DECISION POINT***

- Concurs with recommended redactions - continue processing
  - Doesn't concur - send to Director for discussion and final decision
22. Determine if partial responses (Rolling Production) are appropriate.

#### ***YES OR NO DECISION POINT***

- Yes: Process partial response (rolling production)
  - No: Process complete response
23. Contact BU SME to answer questions if necessary. (LOE: 1-5 days)
  24. ITA FOIA analyst redacts responsive document information (including PII) pursuant to exemptions in AdobePro with reference to the recommendations from the BU. (LOE: 1-20 days or longer depending on the complexity of the case).
  25. Is this case particularly sensitive?

#### ***YES OR NO DECISION POINT***

- Yes FOIA Analyst contacts BU or OGC for concurrence on proposed redactions. (LOE: 1 day)
  - No Proceed to next step in process.
26. Calculate fees if required.

27. Analyst prepares Directors response letter and redactions for peer review. (LOE: 1-2 days)
28. First FOIA Analyst performs initial peer review. (LOE: 1-4 days – could be longer)
29. Second FOIA Analyst performs peer review for concurrence. (LOE: 1-3 days)

### **Prepare Final Package**

30. Did peer reviewer concur?

#### ***YES OR NO DECISION POINT.***

- Yes: Move to next step in process.
  - No: FOIA Director makes the decision.
31. Produce two final sets of records; one clean, one with annotations.
  32. FOIA analyst applies redactions in AdobePro and saves a copy on FOIAonline/I:Drive. (LOE: 1 day)
  33. Director approves/signs response letter. (LOE: 1-2 days)
  34. Analyst uploads final documents and the signed letter into FOIAonline.

### **Closing the Request**

35. Perform review process in FOIAonline.
36. Upload all supporting documentation into FOIAonline's Supporting Correspondence Log.
37. Send letter and documents to requester via FOIAonline.
38. Close request in FOIAonline.

➤ ***OGC handles appeals***



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## APPENDIX D

*Sample Letter, Emails, Forms*

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## **APPENDIX D – SAMPLE LETTERS, EMAILS, FORMS**

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**A. 30 Day Still Interested Letter**

[DATE]

[ADDRESS BLOCK]

Dear [REQUESTER]:

This letter is in response to your Freedom of Information Act (FOIA) request submitted to the International Trade Administration (ITA) [through FOIAonline/that was received] on [DATE REQUEST WAS RECEIVED]. Your request was assigned FOIA tracking number: [FOIA TRACKING NUMBER]. In your request, you sought copies [DESCRIPTION OF THE REQUESTED RECORDS].

ITA is currently processing a voluminous number of FOIA requests in backlog status and apologizes for the delay. ITA attempted to contact you via email on ###, 20## regarding your request, but received no response. To inform ITA that you are still interested in processing your request, contact ITA or respond to this letter within 30 business days. If there is no response to this email within 30 calendar days, ITA will assume that you are no longer interested and administratively close your request on [DATE- 30 business days out].

Should you have any questions regarding this response, please contact me at (202) 482-#### or at [\(Your email\)@trade.gov](mailto:(Your email)@trade.gov). Thank you for your interest in the International Trade Administration.

Sincerely,

(Your Name)  
Contractor (Central Research Inc.)  
(Title)

International Trade Administration

**B. 30 Day Close-Out Letter**

[DATE]

[ADDRESS BLOCK]

Dear [REQUESTER]:

This letter confirms the closure of your Freedom of Information Act (FOIA) request submitted to the International Trade Administration (ITA) [through FOIAonline/that was received] on [DATE REQUEST WAS RECEIVED]. Your request was assigned FOIA tracking number: [FOIA TRACKING NUMBER]. In your request, you sought copies [DESCRIPTION OF THE REQUESTED RECORDS].

By our letter dated [DATE OF CLARIFICATION], we asked that you provide more information about the records requested so that ITA can conduct a proper search. We stated that if we did not hear from you within 30 days as of the date of that letter, we would close your request. As 30 days have now passed, we are now taking the necessary steps to close out your request. When a requester fails to provide sufficient detail within 30 calendar days after having been asked to reasonably describe the records sought, the component shall notify the requester in writing that the request has not been properly made, that no further action will be taken, and that the FOIA request is closed (15 C.F.R. § 4.4(c)). We have attached a copy of the letter seeking clarification for your records.

Should you have any questions regarding this response, please contact me at (202) 482-7937 or at [foia@trade.gov](mailto:foia@trade.gov). No further action will be taken on this FOIA request. Thank you for your interest in the International Trade Administration.

Sincerely,

**Justin Guz**

Freedom of Information Act Officer  
International Trade Administration

Enclosure

C. Acknowledgement Letter

[DATE]

[REQUESTER'S NAME]

[REQUESTER'S AFFILIATION]

[REQUESTER'S ADDRESS]

Dear [COURTESY TITLE REQUESTER'S SURNAME]:

This letter serves as acknowledgment of your Freedom of Information Act (FOIA) request dated [DATE ON THE REQUEST] received by the [Department of Commerce (Department) or International Trade Administration (ITA)] on [DATE RECEIVED BY ITA]. [IF RECEIVED BY THE DEPARTMENT FIRST = The Department transferred your request to the International Trade Administration (ITA) for direct response to you.] Your FOIA request has been assigned FOIA tracking number [DOC-ITA-20##-#####]. Please reference this number on all communications regarding this request.

In your request, on behalf of [AFFILIATION], you sought copies [DESCRIPTION OF REQUESTED] [ADD DATE RANGE, IF ANY]

[EXPEDITED PROCESSING REQUEST—IF APPLICABLE]

In addition, you sought expedited processing of your request under 15 C.F.R. § 4.6(f). The Department's regulations require that a "requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing." In your paragraph addressing your compelling need of the requested records, you assert that the [REQUESTER'S JUSTIFICATION FOR EXPEDITED PROCESSING].

Your statement does not demonstrate [CHOOSE ALL THAT ARE APPROPRIATE]

- (i) circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.
- (ii) the loss of substantial due process rights.
- (iii) that the records requested involve a matter of widespread and exceptional media interest involving questions about the Government's integrity which affect public confidence.
- (iv) an urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information.

Thus, your request for expedited processing is denied.

[FEE WAIVER REQUEST—IF APPLICABLE]

In your request, you are also seeking a fee waiver under 15 C.F.R. § 4.11(l). The FOIA directs agencies to furnish records without any charge or at a reduced charge if disclosure of the information is in the public interest because it is likely to contribute significantly to public

understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester (5 U.S.C. § 552(a)(4)(A)(iii)).

Requests for fee waivers must be considered on a case-by-case basis and address the requirements for a fee waiver in sufficient detail for the agencies to make an informed decision. In determining whether the statutory requirements are met, agencies shall consider the following factors. *See* 15 C.F.R. § 4.11(l)(2).

1. The subject matter of the requested records must specifically concern identifiable operations or activities of the government. A request for access to records for their informational content alone does not satisfy this factor.
2. For the disclosure to be "likely to contribute" to an understanding of specific government operations or activities, the releasable material must be meaningfully informative in relation to the subject matter of the request.
3. The disclosure must contribute to the understanding of the public at large, as opposed to the understanding of the requester or a narrow segment of interested persons. One's status as a representative of the news media alone is not enough.
4. The disclosure must contribute "significantly" to public understanding of government operations or activities.
5. The extent to which disclosure will serve the requester's commercial interest, if any.
6. The extent to which the identified public interest in the disclosure outweighs the requester's commercial interest.

The statement provided in your request for a fee waiver pursuant to 15 C.F.R. § 4.11(l) did not contain sufficient evidence to support a finding that such factors exist. Therefore, your fee waiver is denied.

[APPEAL LANGUAGE Domestic/Abroad—IF APPLICABLE]

For the purpose of assessing fees on this FOIA request, you, on behalf of [AFFILIATION], are being considered a [REQUESTER CATEGORY] requester. You may be charged for [CHARGES BY CATEGORY]. ITA will attempt to produce the responsive records electronically. [PAYMENT ASSURED, RECEIVED, and if none, the FREE \$20.00 (omitted if media)]. Should the fee to process your request exceed this amount, you will be promptly notified. If you have any questions regarding this response, please contact me at (202) 482-xxxx or at [foia@trade.gov](mailto:foia@trade.gov).

Sincerely,

FOIA Officer  
International Trade Administration

**D. Final Response – Granted in Full**

DATE

Requester Name

Title

Company/Organization

Address

Re: Tracking Number DOC-ITA-

Dear Mx. XXXXX:

This letter is the final response to your Freedom of Information Act (FOIA) request received by the office of the International Trade Administration (ITA) on XXXX XX, XXXX. In your request, you sought: “XXX.”

After a thorough search, ITA has found XX pages responsive to your request and is releasing them to you in full. Please find these records uploaded to FOIA Online under your FOIA Tracking Number. There were no billable fees associated with the processing of your request.

If you have any questions or concerns or would like to discuss any aspect of your request, you may contact the analyst who processed your request [Name] by telephone at [telephone number], or by email at [email address]. You may also contact ITA’s FOIA Public Liaison:

Victor Powers  
Acting FOIA Officer  
International Trade Administration  
1401 Constitution Avenue, NW  
Washington DC 20230  
(202) 482-5436  
foia@trade.gov

Please refer to your FOIA request tracking number, DOC/ITA-XXXX-XXXXXX, when contacting ITA.

Sincerely,

FOIA Officer

**E. Follow-Up Email Template**

Good Afternoon,

The Management Operations Divisions FOIA office is following up on FOIA No. DOC-XXX-201X-00XXXX.

This original FOIA was tasked to [insert business unit(s)] on XXXX XX, 20XX, and is currently XXX days overdue. Your responsive records were due on XXXX XX, 20XX. If you need additional time, please give me a timeframe in which you anticipate this search to be completed. If you find this request to be overly broad or burdensome (i.e., will yield more than 5,000 pages), please let me know and the FOIA office will reach out to the requester/Department to attempt to narrow the scope of the request.

If no additional time is required, we are requesting that your business unit to submit its response to the MOD FOIA Office. In your response, please include I. Cristina Abello ([Isabel.Abello@trade.gov](mailto:Isabel.Abello@trade.gov)), Sarah A. Scharf ([Sarah.A.Scharf@trade.gov](mailto:Sarah.A.Scharf@trade.gov)) and Donald Edmond ([Donald.Edmond@trade.gov](mailto:Donald.Edmond@trade.gov)), so the team can promptly respond as appropriate.

If you have any questions regarding your FOIA, please contact I. Cristina Abello at (202) 482-1244.

*We appreciate your help in reducing the FOIA Backlog and helping ITA improve its timeliness.*

**F. Certification of Identity Form**

U.S. DEPARTMENT OF COMMERCE

**CERTIFICATION OF IDENTITY**

**PRIVACY ACT STATEMENT**

In accordance with 15 CFR Section 4.24(d), the U.S. Department of Commerce requires you provide us with sufficient information to identify you when you submit requests by mail or otherwise not in person under the Privacy Act of 1974, 5 U.S.C. Section 552a. We take this step to ensure that we do not wrongfully disclose the records of individuals who are the subject of U.S. Department of Commerce systems of records. Providing this information is voluntary, however, if you do not provide it we will be unable to take action on your request. If you provide false information on this statement you may be subject to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

**REQUESTER INFORMATION**

1. Full name of requester/ Subject of record(s) sought	Last – Please print or type			First – Please print or type			Middle – Please print or type		
	Place of Birth – Please print or type			Date of Birth (mm/dd/yyyy)					
2. Current address	Address – Number and street – Please print or type								
	City – Please print or type						State		ZIP Code
	Email Address – Please print or type								
3. Requester status Mark (X) appropriate box.	<input type="checkbox"/> Self <input type="checkbox"/> Guardian of individual whose record(s) is sought – Enclose copy of appointing document, <input type="checkbox"/> Parent of minor child whose record(s) is sought								
4. Information being requested – Please describe in as much detail as possible.	Please print or type								
5. Declaration	<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.</p> <p>Original Signature of Requester _____ Date _____</p>								
6. Authorization to release information to another person.	<p>a. If you are authorizing information relating to yourself to be <b>released to another person</b> – Please fill in the information below.</p> <p>Name of authorized recipient – Please print or type _____</p>								
	<p>b. Further pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Commerce to release the above-described information relating to me.</p> <p>Original Signature of Requester _____ Date _____</p>								
<p><b>Office Use Only</b> PA/FOIA Control # _____</p>									



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## APPENDIX E

### *Process Checklist*

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**APPENDIX E – PROCESS CHECKLIST**

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Sample B - FOIA Case Closure Checklist .....50

Sample C - ITA Incoming FOIA Request Pre-Processing Checklist.....51

Sample D - Checklist for HQ FOIA Analyst .....53

## ITA Freedom of Information Act (FOIA) Tasking Checklist



FOIA Request Tracking Number \_\_\_\_\_

Date Received \_\_\_\_\_

Date Due \_\_\_\_\_

1. Read the FOIA Tasker ☐
2. Understand the scope of the request (if you do not understand the scope of the request, seek guidance from the FOIA tasking official that tasked you) ☐
3. Are all records requested/referred publicly available? ☐
  - Yes, skip to number 11
  - No or I do not know, continue
4. Determine if my office(s) reasonably have equities in the request? ☐
  - No, skip to number 11
  - Yes or I do not know, continue
5. Determine an internal due date that is before the ITA tasker due date ☐
6. Send tasker with internal due date to all offices or personnel that have equities ☐
7. Request a status update at mid-point before the tasker is due to you ☐
8. Send a follow-up reminder 2 days before the task is due ☐
9. Collect all responses on or before the due date ☐
10. Organize the responses for review by your office approving official ☐  
(see 15 CFR Appendix B to part 4: Officials Authorized To Deny Records Under the FOIA)
11. Complete the FOIA response form for your approval official ☐
12. Approving official reviews the package ☐
13. Approving official signs the FOIA response form ☐
14. Deliver the completed package to the FOIA tasking official that tasked you ☐

## **FOIA Case Closure Checklist**

Request Number: \_\_\_\_\_

Date of Closure: \_\_\_\_\_

FOIA Analyst: \_\_\_\_\_

<b>Please check all that apply, or write "N/A"</b>		Comments
Copy of Request (write Type of Requester in Comments)		
Amended request and related information		
Acknowledgment Letter/Transfer Memorandum		
Memoranda from Business Units/Certification of Search		
Email Communications		
Included List of FOIA Exemptions		
Concurrences		
Final Response Letter		
Responsive Documents		
Final Redactions Submitted for Review		

Reviewer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Incoming FOIA Request Pre-Processing Checklist**

Request Number: \_\_\_\_\_

Date: \_\_\_\_\_

FOIA Analyst: \_\_\_\_\_

**Please check all that apply, or write "Yes," "No," or "N/A"**

<b>The Request</b>		<b>Comments</b>
Is the requested information under IT A's jurisdiction?		
Is the request seeking documents or asking a question?		
Did the requester provide sufficient information to identify the records they are seeking?		
Is expedited processing requested? (10 calendar days to process)		
If yes, is there sufficient information to make an expedited processing determination?		
Is there an agreement to pay fees?		
Is there sufficient information to make a fee category determination?		
If yes, is there sufficient information to make a fee waiver determination?		
Is the request overly broad or can be it narrowed?		
Does the request include a date range for search or is a date range not necessary?		
Is the requested information publicly available?		
Check FOIAonline for previously released information on the general topic of the request. The previous release does not have to be an exact match to what the requester is seeking.		
Is this a topic that requires additional processing steps on its face? E.g.: Sensitive topics, politics, media, or potentially classified		

<b>The Requester</b>	
Has the requester filed previous FOIA requests? Search in FOIAonline by requester's last name to locate request history.	
If yes, is the current request duplicative of a previous request?	
Does the requester have any outstanding fees listed in FOIAonline? If so, the request must agree to pay outstanding fees before the request can be processed.	
Are there any notes in previous requests on how best to contact requester?	
<b>New Requester:</b>	
Research requester on Google, LinkedIn, ITA website, etc.	
Fee category is correct, i.e. are they actually news media?	
Any pertinent information that would affect the processing of the request, e.g. the requester is news media who frequently writes on this topic and may be interested in a narrower search, requester is suing the Agency, or is requester a student and may not be interested in the topic once the semester ends.	
Any missing contact information for future communications with the requester. Example: Missing email address or phone number	

\*\*\*If any information is missing, contact requester for more information\*\*\*



## Checklist for ITA FOIA Analysts

Request Number: \_\_\_\_\_

Date: \_\_\_\_\_

FOIA Analyst: \_\_\_\_\_

(Check or N/A)

### 10.0 Pre-Assignment to ITA

	Request belongs to ITA (subject matter is within ITA)
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### 11.0 Perfect the Request

	Reasonable description of records sought
	Negotiate with the requester (if necessary) _____ Clarify or narrow scope of request _____ Offer publicly available or previously released documents to satisfy the request
	Expedited processing determination and/or fee waiver determination within 5-10 calendar days
	Is there a fee agreement?
	Perfect the request in FOIAonline only if (1) there is a reasonable description of records and (2) a fee agreement by the requester

### 12.0 Pre-Assignment to Business Unit(s)

	Determine the appropriate Business Unit to assign the Tasker _____ Determine if simple or complex category by how many offices are tasked. (One office= Simple; Multiple offices or outside HQ = Complex)  <div style="margin-left: 40px;">                     1) HQ – 3 days for Fee Estimate                      2) Field office – 5 days for Fee Estimate                 </div> _____ A Tasker should be determined within 24-48 hours of receiving the request. _____ Send an acknowledgement letter to the requester
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### 13.0 Assignment to Business Unit(s)

	_____ Upload/save relevant documents and correspondence to FOIAonline and I:/ Drive _____ Ask the Business Unit if any additional office (s) should be tasked _____ Once Business Unit(s) have confirmed for tasking, send Tasker memo to Business Unit(s) and record in FOIAonline and I:/ Drive
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## 14.0 Program Search for Responsive Records

	<p>Tasker Time Frames:</p> <ol style="list-style-type: none"> <li>1) Memo to process (no records) – 3 days</li> <li>2) Memo to process (full search) – 10 to 15 days</li> <li>3) Memo to process (expedited) – 3 days</li> </ol> <p>_____ Proper due date assigned</p>
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## 15.0 Review Responsive Records

	<p>Once Business Unit(s) have searched and reviewed responsive documents, Business Unit sends Tasker memo to ITA FOIA analyst and the analyst records it in FOIAonline and I:/ Drive</p> <p>Negotiate with requester if voluminous amount of documents</p> <p>_____ Narrow Scope of Request</p> <p>_____ Offer previously released documents to satisfy request</p> <p>_____ Assess if new search should be conducted</p>
	Remove all non-responsive documents
	Remove all duplicate responsive documents and save a clean copy of the responsive documents to I:/ Drive.
	Determine if partial responses (rolling production) is appropriate
	If applicable, contact Business Unit SME to answer any questions
	Redact responsive documents in AdobePro, pursuant to FOIA exemptions
	Contact Business Unit SME for concurrence on proposed redactions
	Update in FOIAonline and I:/ Drive.

## 16.0 Review Stage

	Initial Review by other FOIA analyst
	Apply redactions in AdobePro and save redactions on FOIAonline/I:Drive
	Additional Business Unit concurrence, if applicable

## 17.0 Prepare Final Package

	Draft response letter
	Include all applicable items listed in “FOIA Case Closure Checklist” for paper file review
	Second Review by other FOIA analyst (Can also be achieved via FOIAonline task)
	<b>Victor Powers’ or appropriate denying official review and signature if adverse determination</b>

## 18.0 Closing Request

	<p>Email or mail (Certified) response to requester</p> <p>Date: _____</p>
	<p>Upload documents into correspondence FOIAonline log and I:/ Drive:</p> <p>_____ Final response sent to the request in PDF versions through FOIAonline (The PDF should have a link to the final response letter and documents)</p> <p>_____ Email communications</p> <p>_____ Ensure all documents in FOIAonline correspond to I:/ Drive</p>
	Close request in FOIAonline



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## **APPENDIX F**

### ***Sample Redaction***

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**REDACTIONS:** When agencies review records for disclosability, they may protect information that falls within one of the FOIA's nine (9) exemptions. This is typically done by "blackening out" or placing a box over the protected information with a citation to the applicable exemption marked on the document. For a complete list of FOIA exemptions which apply to Government information in accordance with 5 U.S.C. § 552(b) go to: <http://www.osec.doc.gov/omo/FOIA/exemptions.htm>  
**EXAMPLES are provided on the following pages.**

**Sarah A. Scharf**

---

**To:** Sarah\_Scharf@central-research.com; Sarah A. Scharf  
**Subject:** Sample Record for redaction guidance

Greetings,

This email serves as a test to show how to redact records. Please see different options for redacting records.

Sincerely,  
Sarah A. Scharf, Esq.,  
FOIA Analyst III,  
Contractor (Central Research Inc.)  
International Trade Administration | U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, DC 20230  
202.482.1289

**Sarah A. Scharf**

---

**To:** [Sarah\_Scharf@central-research.com] (b)(6) Sarah A. Scharf  
**Subject:** Sample Record for redaction guidance

Greetings,

This email serves as a test to show how to redact records. [Please see different options for redacting records.] (b)(5)

Sincerely,  
Sarah A. Scharf, Esq.,  
FOIA Analyst III,  
Contractor (Central Research Inc.)  
International Trade Administration | U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, DC 20230  
202.482.1289

## Training Materials - Sample Record Redaction

**Sarah A. Scharf**

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**To:** Sarah\_Scharf@central-research.com Sarah A. Scharf  
**Subject:** Sample Record for redaction guidance

Greetings,

This email serves as a test to show how to redact records. Please see different options for redacting records.

Sincerely,  
Sarah A. Scharf, Esq.,  
FOIA Analyst III,  
Contractor (Central Research Inc.)  
International Trade Administration | U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, DC 20230  
202.482.1289

**Redactions can be made in Adobe Acrobat Pro DC**

**Sarah A. Scharf**

---

(b)(6)

**To:** ~~Sarah A. Scharf~~, Sarah A. Scharf  
**Subject:** Sample Record for redaction guidance

Greetings,

This email serves as a test to show how to redact records. ~~Sarah A. Scharf~~ (b)(6)

Sincerely,  
Sarah A. Scharf, Esq.,  
FOIA Analyst III,  
Contractor (Central Research Inc.)  
International Trade Administration | U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, DC 20230  
202.482.1289

**Sarah A. Scharf**

---

**To:** (b) (6); Sarah A. Scharf  
**Subject:** Sample Record for redaction guidance

Greetings,

This email serves as a test to show how to redact records. (b) (5)

Sincerely,  
Sarah A. Scharf, Esq.,  
FOIA Analyst III,  
Contractor (Central Research Inc.)  
International Trade Administration | U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, DC 20230  
202.482.1289



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## APPENDIX G

### *ITA/MOD FOIA Reporting Timeline*

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