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Source of document: FOIA Request  
National Transportation Safety Board  
Attention: FOIA Requester Service Center, CIO-40  
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Washington, DC 20594-2000  
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[NTSB's FOIA Online Submission Website](#)

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National Transportation Safety Board  
Office of the Managing Director  
Washington, DC 20594



August 15, 2022

RE: Freedom of Information Act (FOIA)  
Appeal No. FOIA-2022-00010-A  
Request No. FOIA-2022-00310

The National Transportation Safety Board (NTSB) has reviewed your FOIA appeal, received on June 2, 2022, in which you dispute the FOIA Office's response to the above request for the agency's FOIA Standard Operating Procedures. Specifically, you state that the FOIA Office improperly withheld responsive records under 5 U.S.C. § 552(b)(5). Due to an administrative error, there has been a delay in responding to your appeal. We apologize for the delay and appreciate your patience.

After carefully considering the merits of your appeal, I am granting it. Enclosed are 110 pages containing the releasable portions of the records that the NTSB has identified as responsive to your request.

We are withholding eight pages in full and partially redacting additional pages under 5 U.S.C. § 552(b)(4) (Exemption 4), which permits an agency to withhold "trade secrets and commercial or financial information obtained from a person and privileged or confidential." The Supreme Court held that to qualify as "confidential" within the meaning of Exemption 4, commercial or financial information provided to the government must be "customarily kept private, or at least closely held, by the person imparting it." *Food Mktg. Inst. v. Argus Leader Media*, 139 S. Ct. 2356, 2363 (2019). We are withholding screenshots from the FOIA Xpress database and related tutorial based on communications from the database owner indicating that such information is customarily kept private and should not be released.

Further, individual email addresses, telephone numbers, and other private information is redacted under 5 U.S.C. § 552(b)(6) (Exemption 6). The exemption protects "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The harm that the release of this information would have on individuals' privacy outweighs any public interest.

This constitutes the NTSB's final action on your appeal. Pursuant to 5 U.S.C. § 552(a)(4)(B), my decision is reviewable in the district court of the United States where you

reside, where you have your principal place of business, where records are located, or in the District of Columbia.

Sincerely,

*Dana L Schulze*

Dana L. Schulze  
Managing Director

Encl.

## FOIA Processing Procedures

### Incoming Requests

1. Receive incoming FOIA request, referral or appeal by FAX, E-mail, mail or PAL. Refer to NTSB's 49 CFR Part 801 § 10 to determine if the request is a proper FOIA request: made in writing and properly addressed, records reasonably described, accompanied by the fee or agreement to pay fees, contains name and telephone number, and records that are not already publicly available. Use date received in this office.

**If we receive a letter via certified mail, maintain a copy of the green card and place it with the letter. Fill out the green card, scan both sides, and mail the card to the requester. Send out immediately! (Due to COVID this process will not be applicable at this time)**

2. Be sure to check the (FOIAXpress) database using requesters information first for any duplicate and/or previous requests prior to logging the request into FOIAXpress. This will eliminate duplicate requests Also, make sure that the requester/firm does not have outstanding debt (see Requester's history in FOIA Xpress and/or refer to Bad Debtors in the FOIA Guide). FOIAXpress will bring up requester's name automatically if we have already received a request from that person. Then you can click on Request History to see if the same request is being submitted.
3. If the request is a duplicate, close it out with a response to the requester, either by acknowledgment letter, phone call, and or e-mail, stating that this a duplicate request for records and we're processing their request number under the first request received for information. Be sure to include the first FOIA request number.
4. If a FOIA request has the same subject and/or accident as a previous request, log it into FOIAXpress, noting previous FOIA number(s) in the Notes section of FOIA Xpress and link the requests in the FOIA Xpress. Provide the same response and documents, if applicable) as previous request(s).
5. After determining that the request is not a duplicate, log the request into FOIAXpress.
6. Scan in and or electronically upload FOIA requests received by mail, FAX, or E-mail via the FOIA Inbox, [foia@ntsb.gov](mailto:foia@ntsb.gov). The PAL request come in automatically to Intake 1 and are acknowledged through system.

7. Send an acknowledgement letter to the requester electronically. As stated, the FOIAXpress database automatically acknowledges FOIA requests received through PAL. Ensure that the custom fields are complete with accident information so that these fields will populate into the acknowledgement letter. Remove any extra spaces in template.

#### **Accident-related requests/All other**

8. Determine if the Board investigated an accident by searching NTSB Keys, Aviation Accident database, SAFTI, etc). Import the accident information from NTSB Keys by cutting and pasting them into the Custom Field of the FOIAXpress database (this notifies investigators that there is a FOIA request for an investigation).

#### **Determining the status of an investigation**

9. Determine the status of an accident investigation (on-going or completed) by searching the public version of NTSB's Document Management System (DMS) (Refer to NTSB DMS section of this manual) to see if the public docket has been released. **Note: This is especially important when sending a Request for Documents.**
10. If no public docket is available in DMS, verify that the accident investigation is ongoing with the corresponding office/IIC

#### **Sending Request for Documents (RFD)**

When sending a Request or Documents (RFD), select and/or modify appropriate template or memo, making all necessary edits/changes. Indicate whether the accident investigation is either on going or completed based upon your research in DMS [Upgraded Database System \(nts.gov\)](https://www.nts.gov). (Refer to the Determining the Status of an Accident investigation section above). Modify the template if necessary and be sure to attach the non-docket submission form and the incoming request.

Use the FOIA Point of Contact list to identify and select appropriate point of contact. Use the e-mail listing, (b)(6) for NTSB Staff to select employees that are not listed under the Program Offices in FOIAXpress. Set a 5-day timeframe when sending the RFD for response from IIC or staff. Set Review Status to Waiting for Response from IIC/Staff. Responses should be uploaded to the Correspondence Log.

11. Send a "cc" to the FOIA mailbox ([foia@ntsb.gov](mailto:foia@ntsb.gov)). The subject line should not only contain the FOIA number, but the NTSB accident number if applicable. i.e. FOIA-2018-00090 (WPR18FA125).
12. Send a reminder e-mail asking if they were able to locate records if you don't receive a response within the 5-day time frame. Alert FOIA Officer or FOIA Analysts if you have not received a response.
- 13..

### **On-going Investigations**

14. Once the Investigator in Charge (IIC) confirms that the accident investigation is indeed on-going, send a 7A response letter (No discretionary release) to the requester. Close out the request in the database. Investigators will still send in their non-docket items once the investigation is completed. (Note: It is not necessary to scan in the non-docket items at this point unless we receive a new request for the accident information and the investigation is completed).

### **Completed accident investigations**

15. If the public docket is "released" in DMS and the IIC confirms that the investigation is completed, request that they send their non-docket items to CIO-40. Or verify they do not have any other documents other than the public docket.

### **Did not Investigate**

16. If you do not locate an accident in NTSB Keys, contact the appropriate office, depending on the location and mode of the accident to determine if NTSB investigated the accident. **Note: If an accident investigation occurred at a grade crossing, involving both a train and a vehicle, check with RPH and HS to see if we investigated the accident.** If NTSB did not investigate the accident/incident, respond to the requester stating that we did not investigate and close out the request. Select the "Did Not Investigate" template from the Correspondence tab.

### **Public Records**

17. Any request for public records does not have to be treated as a FOIA request even if a requester cites FOIA in their request. The public availability of records, by definition, excludes these records from the FOIA. We can forward the request to the Records Management Division for processing and close the request as an "Improper FOIA Request." Use the publicly available template the under correspondence

### **No Records/Other agency records**

18. Many requests are for records that are not under NTSB's jurisdiction. If we are certain that another agency has jurisdiction over the records a requester is seeking, when can refer that requester to that agency or simply respond that we did not locate any records.

### **Foreign Investigations**

The NTSB participates in the investigation of aviation accidents and serious incidents outside the United States in accordance with the Chicago Convention of the International Civil Aviation Organization (ICAO) and the Standards and Recommended Practices (SARPS) provided in Annex 13 to the Convention. If you receive a request for a foreign accident investigation, note the following, send foreign investigation letter and close out pursuant to (b)(3):

In general. Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign aircraft accident investigations; except that –

- (A) the Board shall release records pertaining to such an investigation when the country conducting the investigation issues its final report or 2 years following the date of the accident, whichever occurs first; and
- (B) the Board may disclose records and information when authorized to do so by the country conducting the investigation.

### **CVR/Onboard Video Recording**

Requests for CVRs and onboard recordings are an open and close type of request. Contact (b)(6), stating that we have a request for the CVR. (b)(6) will not turn over the actual CVR/Onboard recording, but will mark it with the FOIA number and maintain it in the Office of Research & Engineering. Respond accordingly using CVR response letter. Draft letter for FOIA Officer's signature and close out pursuant to (b)(3).

Regarding your request for a copy of the CVR recording, the Safety Board's enabling statute, at 49 U.S.C. § 1114(c), reads:

(c) COCKPIT VOICE RECORDINGS AND TRANSCRIPTS. - (1) The Board may not disclose publicly any part of a cockpit voice recorder recording or transcript of oral communications by and between flight crewmembers and ground stations related to an accident or incident investigated by the Board. However, the Board shall make public any part of a transcript the Board decides is relevant to the accident or incident -

(A) if the Board holds a public hearing on the accident or incident, at the time of the hearing; or

(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident or incident are placed in the public docket.

### **Referrals**

19. Upon receipt of a FOIA request and locating records in their possession that originated with the NTSB, government agencies will forward those records, along with the FOIA request, to the NTSB to determine their release under the FOIA:
  - a. Log the request as a Referral from another agency. Use Referral documents from (FAA, DOT, FRA, FBI, etc.) agency as the description of the request.
  - b. Send an acknowledgment letter to the requester, using the referral language in acknowledgment letter. Scan the referral documents into the FOIAXpress database.
  - c. Check the public side of DMS to see if a docket is released and if the referral documents are included in the public docket or if they are already publicly available (i.e. preliminary report). Draft response letter releasing those documents to the requester. Be sure to use referral language in your response.
  - d. If the docket has not been released, check, with the IIC to see if the investigation is on-going. If the investigation is on-going, send a (7)(A) response (don't forget to respond using referral language).
  - e. If the referral documents are not included in the public docket and/or not publicly available documents (i.e. preliminary report), assign the request to the FOIA Specialist. Otherwise draft response releasing the referred documents.

### **Appeals**

20. If we receive an appeal, log it into FOIAXpress. In the request description, search and select the FOIA number they are appealing ("Appeal of FOIA #2018-00025") and state briefly the reason for the appeal in the request description. Link the FOIA request # that is being appealed to the appeal case. Alert the FOIA Officer, scan it in, and assign it to GC. The (A) comes up behind the number when it is an appeal.

### **Subpoenas**

Maintain an electronic copy of subpoenas in Subpoena FY18 folder on (\\nt2). Forward all subpoenas to the Office of General Counsel with a "cc" to the FOIA Officer for processing.



### **Acknowledgement Letters**

In instances in which you can answer a request right away, it will not be necessary to send an acknowledgement letter to the requester. Just draft a final letter.

### **IIC/Staff E-mail Response**

**21. The IIC must confirm the status of the investigation in writing as either completed or on-going, and in cases of non-accident related requests, upload the staff/IIC's e-mail response into FOIAXpress:**

- a. Open the case folder**
- b. Select the Correspondence tab**
- c. Select Receive**
- d. Select Staff E-mail Response or Other**
- e. Type in a subject**
- f. Select attach or scan file**

### **Receiving Non-docket/Responsive Records**

**22. Take action on Request for Documents. Place a note in the notes section of the request screen in FOIAXpress: Received non-docket/responsive records, date and initials.**

Give the Non-docket file to FOIA Specialist to sort the file. FOIA Specialist will sort the file into the following categories: Release, Release Redact, Photos, (b) (4), (b)(5), (b)(6), Photos (b)(6), etc. Compare the non-docket items with the public docket and pull any records that are already included in the public docket. Scan or upload non-docket documents into the applicable categories in FOIA Xpress, i.e. FOIA-2018-00007 CHI18FA112 Release, etc. Add documents to case folder so that the FOIAXpress database Status will state "Documents Added". Update the Review Status as Documents Ready for Review. Place the non-docket/responsive records with the file folder in the "With Non-Docket" file drawer. The FOIA Specialist will retrieve the file when it is ready to be processed.

This also applies to electronic files. IIC/Staff can place their electronic items here: [\\nt1\FOIAinfo](#) or [\\nt1\accidents\FOIA](#). This may change to Sharepoint. They should mark your folder with your last name and the FOIA number.

**National Transportation Safety Board (NTSB)  
FOIA Processing **QUEUE** Procedures**

**Home Screen<<<Group Queue Assignments<<<**

**Check Link Request (for other requests that are open for same accident)**

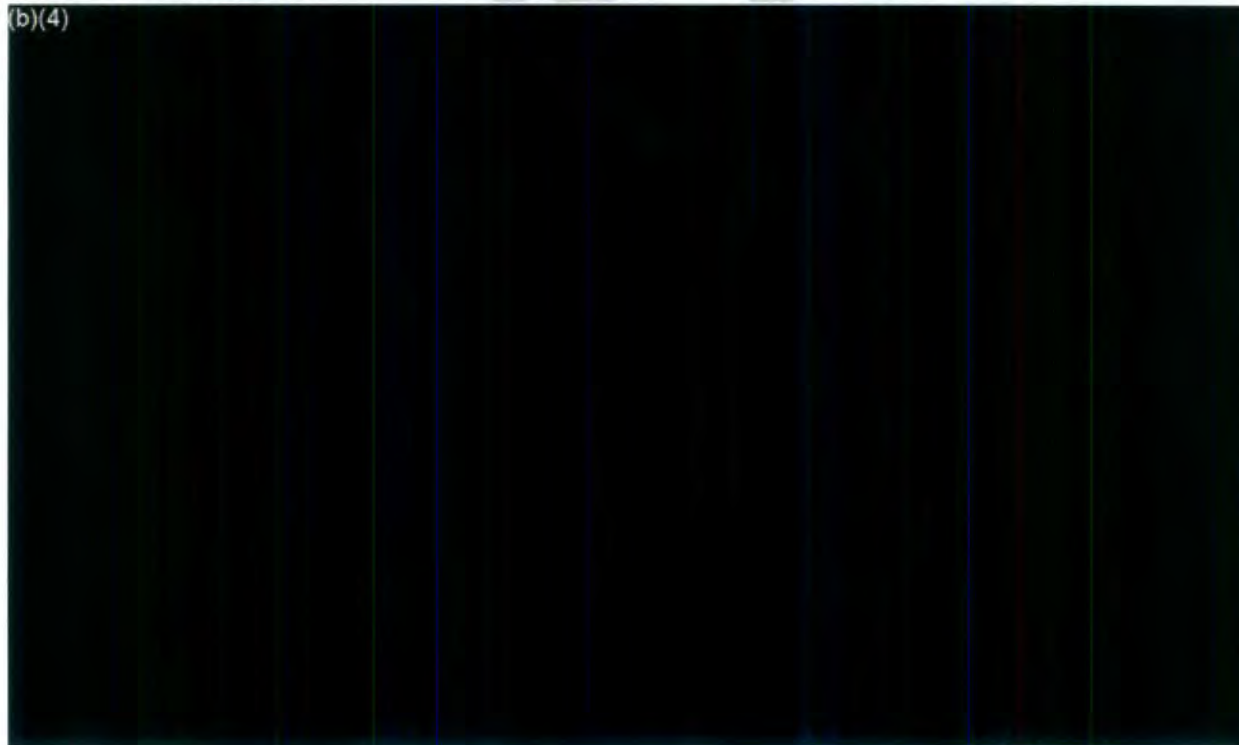
**Process all requests together**

(b)(4)

A table with 6 columns and 1 row, completely redacted with a black background. The text "(b)(4)" is visible in the top-left corner.

**Click FOIA Processor**

(b)(4)

A table with 6 columns and 1 row, completely redacted with a black background. The text "(b)(4)" is visible in the top-left corner.

## Assign Request

This feature allows the Request to be assigned to the appropriate user for processing

1. From the Home Window, click Primary Assignments.
2. Click the request number > **Assign Users**.
3. In the Assign Users window, assign the request to yourself and verify that your name is listed in the Primary User field.
4. Click Assign.
5. Confirm the request is assigned to the designated user.

(b)(4)



(b)(4)

(b)(4)

## Request Information

### Description

Read description and the original request to determine exactly what the requester is seeking.

(b)(4)



### Redactions

From My Work Summary window.

1. Click Primary Assignments
2. Click the request number > **Add/Search/View Documents**. **NOTE: (Please read the FOIA and verify you have all the responsive documents before you proceed).**
3. Select the Folder in the **Review log Documents** list.

(b)(4)



Click Open Documents.

(b)(4)



4. In the **Documents Management** window, expand the folder and click on a page.
5. Right click anywhere on the page
6. Select **Redaction Mode**.
7. To redact a selected area:
  - a. Draw Redactions using (Rectangle or Ellipse), using these tools to draw over content that needs redacting.
  - b. Use Drawing Tools (Straight Line) only for signatures.

(b)(4)



- c. Check the appropriate exemption code(s) (b)(3)(b)(4)(b)(5)(b)(6),
  - d. Click **Select**.
8. After you have redacted an area, you can right-click on that area and then a redaction box will appear with your selected preferences (background color, foreground color, font size, etc.).

9. To save a redaction:
  - a. Click the **Save Review Layer** icon on the menu bar
  - b. On the **Save Review Layer** window, name your review layer UAT Layer (use your **Name**).
  - c. Scroll down and click **Save>OK**.
  
10. Next step after Redactions
  - a. Click Request Information link
  - b. Proceed on **Review Status**
  - c. Click button with the three dots and select: **Action FOIA Analyst Review**.
  - d. Proceed to **Secondary Users** and Click the button **Group Queues** and then select: **FOIA Analyst**
  
11. Draft Final Response Letter:
  - a. Proceed to Correspondence> **Letter Template**
  - b. Click the dropdown box:
  - c. Select either **Final Response** or **Referral letter**
  - d. Click **Customize for Final Response**
  - e. After customization of the letter
  - f. Save for Pending Final Response

(b)(4)





(b)(4)



12. Very Important section:

- a. **Please write all of your comments in the Comments section of *FOIAXpress*.**
- b. **Make sure you click save afterwards.**

## Reviewing Docs In EDR - DRAFT

Note: Prior to redacting the documents in the Review Log of FOIAXpress, review them in EDR first to determine if they are responsive to the request.

Only upload the responsive records to the Review to Log of the request.

This document contains quick steps for accessing EDR and instructions directly from FOIAXpress' online manual.

### **Quick Steps for Accessing EDR and Reviewing Documents**

Here are the steps for Reviewing the docs in EDR. See attached.

1. Select Electronic Docket Review tab.
2. Click on EDR Document Review.

(b)(4)



3. Click All Documents tab.

(b)(4)



4. Click on the hyperlink to view the document.

(b)(4)



5. Once the document opens select the Status Review and mark the document responsive if responsive, etc., and click save and next.

(b)(4)



(b)(4)



# FOIA Intake 1 Queue Procedures

## Overview of Intake 1 Process

Intake 1 is the first contact for recording a FOIA request in the FOIAXpress system. *The staff personnel must have access to the FOIA E-mail box and pick up mail from Records Management.* A summary for the steps for Intake 1 includes:

- Logging and uploading FOIA requests sent via mail, PAL, e-mail, and FAX
- Reviewing all requests for duplication
- Entering requester information and request description (include ALL information requested)
- Updating custom fields using agency databases
- Ensure that request for the same information is linked
- Perfect request (see definition) or use Assjst w/Perfection
- Sending the request to next queue either Intake 2 or FOIA Analyst.

## Accessing the Intake 1 queue

Click the number (link) next to FOIA Intake 1 in the *Group Queue Assignments box*.



The queue will display the Request Status, however, (sort *FOIA Intake 1* queue by the *Received Date* column to ensure we are processing first in, first out.



## Receiving FOIA Requests

FOIA requests are received via E-fax, paper mail, E-mail to [FOIA@NTSB.gov](mailto:FOIA@NTSB.gov) or via the Public Access Link (which will create an automatic request into FOIAXpress Intake 1 queue). Requests received via E-mail, E-FAX, or hardcopy must be saved as a ".pdf" file and attached to the case in the FOIAXpress database.

Prior to logging in a new FOIA request, search the FOIAXpress database to see if the request is a duplicate. Click on the **Requesters** tab on top screen bar, and then select the **Search Requesters tab**.

Use the name that is in the signature of the hardcopy, FAX and Email letter unless it is otherwise stated in the letter. For PAL requests, use the name that is under the "Requester" under Requester Details in the **Request Information** screen. **DO NOT** create new requester if the name already exists. **Please verify the requester information is the same. If, necessary edit and/or merge requester information.**

Type in requester's name and click **Search**. Also search the Organization to ensure that we have not already received a FOIA request from another staff member of that organization for the same information.

(b)(4)



Click "Search", if the name or organization is found, it will appear in the lower half of the screen.

Click the last name of the requester to see the details.

(b)(4)



Verify requester information from the incoming letter or request. Update the requester's information (email and phone) if necessary, skip this section or staff if processing request from PAL.

(b)(4)



To help determine if any duplicate review the requester's **"Request History"** (click tab to view other request by the requestor) You can click Request History on the tab or on the screen. You can open the request to view comment and description to determine if the request is a duplication.

***Notice: Example, below, all closed requests. Therefore, it is a new request, no need to open and view.***



(b)(4)

A large black rectangular redaction box covers the majority of the page content. The text "(b)(4)" is visible in the top-left corner of this redacted area.

Close the "Request History" screen.

**If not a duplicate request and the requestor used PAL, SKIP TO NEW entry down to Custom Fields section.**

If it is a duplicate request from PAL then annotate in both **comment fields** the date and time and note "need to be linked" and link the requests.

If it's a paper or emailed request and not a duplicate request, on the "**Search Requester**" screen, click "**Create Request**" or

If it is a duplicate request, update the **comment field** in the **original request** to annotate that we received a duplicate request, with the date we received it (see 2.a.xii). Upload the duplicate request in the Correspondence Log of the request and name the **Subject, duplicate request**.

If the requester **was not found**, then click "**New**" to create a new requester.

(b)(4)

A large black rectangular redaction box covers the majority of the page content. The text "(b)(4)" is visible in the top-left corner of this redacted area.

**Notice that if you type in a Requester's last name, but do not find them in the list of requesters that result from your search, then you still have the option to create a new requester.**

(b)(4)



Once you have the requester's information updated, you can click "**Create Request**" to create a new request.

(b)(4)



At this screen, you will update fields *(larger screen segments with details on following pages)*

(b)(4)



### Request Types

- **FOIA** (Default request type) – If it does not indicate PA or Referral, then it is a FOIA request
- **PA** (Privacy Act) – The requester seeks information on themselves; should provide proof of identity
- **Referral** – FOIA Requests originally submitted to other government agencies and that government agency locates records that originated with the NTSB in their search and forwards them to the NTSB for us to determine their release under the FOIA
- **Appeal** – requester appeals decision of a prior FOIA response

If the FOIA request meets any of the following criteria, select “**FOIA**” or “**PA**” under the request type. Then select “**FOIA Intake 2**” under primary assigned.

### Received Mode

PAL, E-mail or Fax, Mail (hardcopy)

### Requested Date

Date of requester’s letter or request

### Received Date

Date received in the FOIA Office

### Request Owner and Primary Assigned

Automatically populates



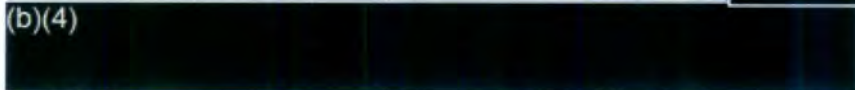
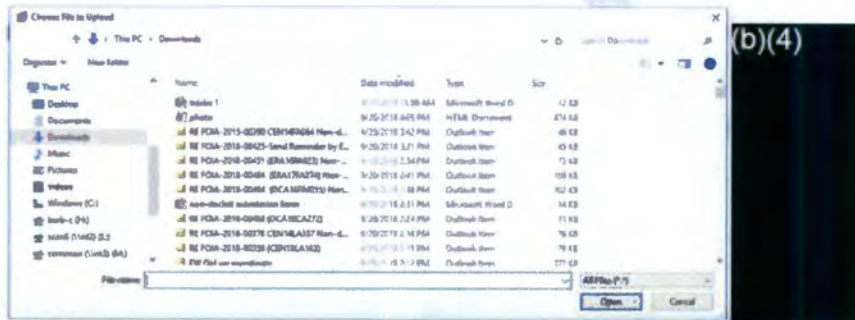
### Incoming Request Letter

Scan or upload incoming FOIA request to **Incoming Request Letter** box unless request received via PAL. Instructions for scanning hardcopy and electronic requests are below.

## To Scan



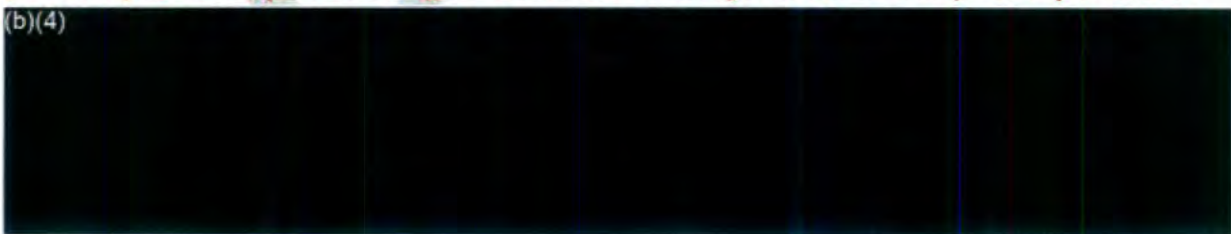
## To Attach File



## Description

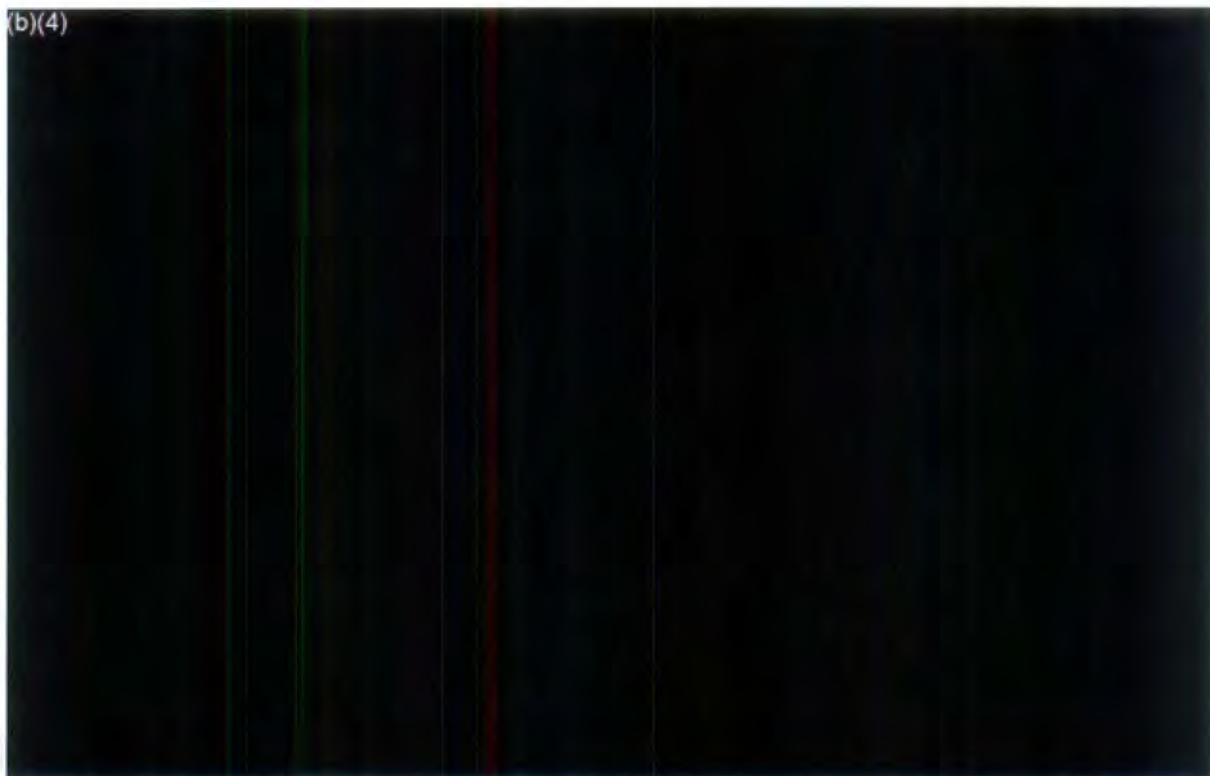
Enter the information the requester is seeking in the **Request Description** box Enter **date range** if provided. Don't forget to include **all information** the requester is seeking including information from any attachments to the request.

**(For example, "Please provide this office with all NTSB investigative documents...). "Or any all records"**



## Custom Fields

If the request is non-modal (i.e. HR/Personnel, ALJ, CIO, SRC) select appropriate staff office from the Custom Fields Mode drop down menu (as shown below). Update Custom Fields accordingly.



If the request is for NTSB accident investigation records, update Customs Fields accordingly with either the information from NTSB Keys or other applicable databases, or with the information provided in the requester's letter (i.e. accident date, accident location or accident number).

Copy and paste all information from NTSBKeys into the Custom Fields.

**\*If you don't find the IIC, you will need to search for the FOIA contact for that office (HS, MS, HR, etc.). Use the Records FOIA Point of Contact List to determine who that is.**

### Expedite Requested

If "expedite" is requested, click yes.

### Fee waiver

If a "fee waiver" is requested, click yes. Enter willing amount.

## Comments

Note exceptional circumstances or communication for the next queue either assignment (Intake2 or FOIA Analyst). Here, for example, duplicates.

Click **Save**

(b)(4)



## Linking Requests

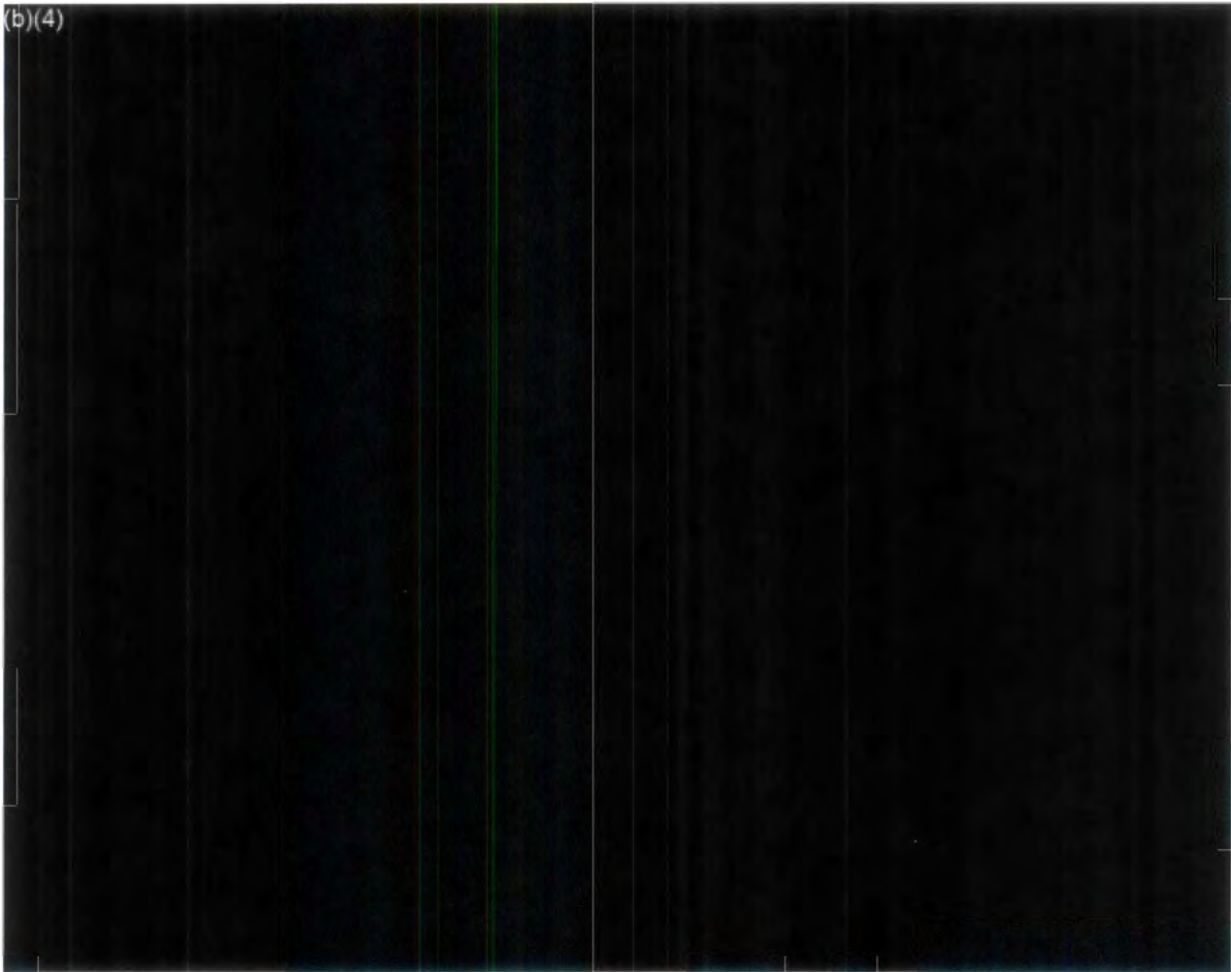
Search the FOIA database to see if there are other FOIA requests for the requested information. Click the **Manage Link Requests** tab shown below to link prior or related FOIA requests to the request you are currently logging into the FOIAXpress database.

(b)(4)



Select **Search** and enter information in either the Search Criteria box or Custom Fields box to identify FOIA requests for the same accident or requested information. For non-accident requests, use the Description box under Search Criteria. For accident related requests, enter the NTSB accident number under **Custom Fields**. Click **Search**.

(b)(4)



Example:

(b)(4)



Check the boxes next to the FOIA number to link requests. (Note, you can also view the request prior to linking the request to the current FOIA request by clicking **View Request**).

## Perfect Requests

Perfect Request- A FOIA request which reasonably describes the records sought and is made in accordance with the agency's regulations.

**Do NOT "Perfect" requests if the following is true:**

1. Improper FOIA requests
  - a. Request for records that are publicly available (**Please note this information is publicly available (i.e. on the NTSB website, [www.nts.gov](http://www.nts.gov)) and therefore, it is not necessary to request it under the FOIA. The public availability of records, by definition, excludes these records from the FOIA. See Schwartz v. U.S. Patent & Trademark Office, 1996 U.S. App. Lexis 4609, at \*2-3 (D.C. Cir.) (per curiam).**
    - i. This includes requests for:
      1. Preliminary report (subject to change) - .19
      2. Factual report (also known as 6120.4)
      3. Final report
      4. Public docket (electronically or on microfiche); and anything that is included on the table of contents of the public docket
      5. Brief of Accident/Probable cause report
      6. Safety Recommendations
      7. Published reports



8. Public Hearing transcripts
  9. Board Meetings
  10. Stand-alone requests for blue ribbon, certified copies of NTSB reports
  11. Press releases
  12. Agency brochures
2. Request in which records are not reasonably described
  3. Request in which the requester seeks answers to questions or request that we create records in response
  4. Duplicate requests

If you are not sure if a request should be perfected, use the Review Status Assist w/Perfection status and assign to the FOIA Analysts Name for assistance.

(b)(4)



## Acknowledgement Letter

Send an acknowledgement letter to the requester. (Ensure that the custom fields are complete with accident date and location so that these fields will populate into the acknowledgement letter).

(b)(4)



Click Customize for Pending

*After creating and editing the Acknowledgement letter click Save  
Email electronically to the requester*

**Receive additional Correspondence** tab of the Correspondence Log. Please note that you can modify the description of the subject under Receive Correspondence to correspond with the e-mail or other correspondence you're uploading.

## Assigning

(b)(4)



Determine next steps. Either send the request to Intake 2 or FOIA Analyst Queue, FOIA Analyst Primary Assignment, or FOIA Processor Queue (referrals only).

Referral from another agency – Ensure that **“Referral”** is selected under request type.

Click the **Assign Users** on the left side of screen. Then update **Request Owner** to yourself and the **Primary Assigned** to the next queue (**Intake 2 or FOIA Analyst**)

If **Intake 2** click **“Set Perfect Status”** which is on the left side of screen

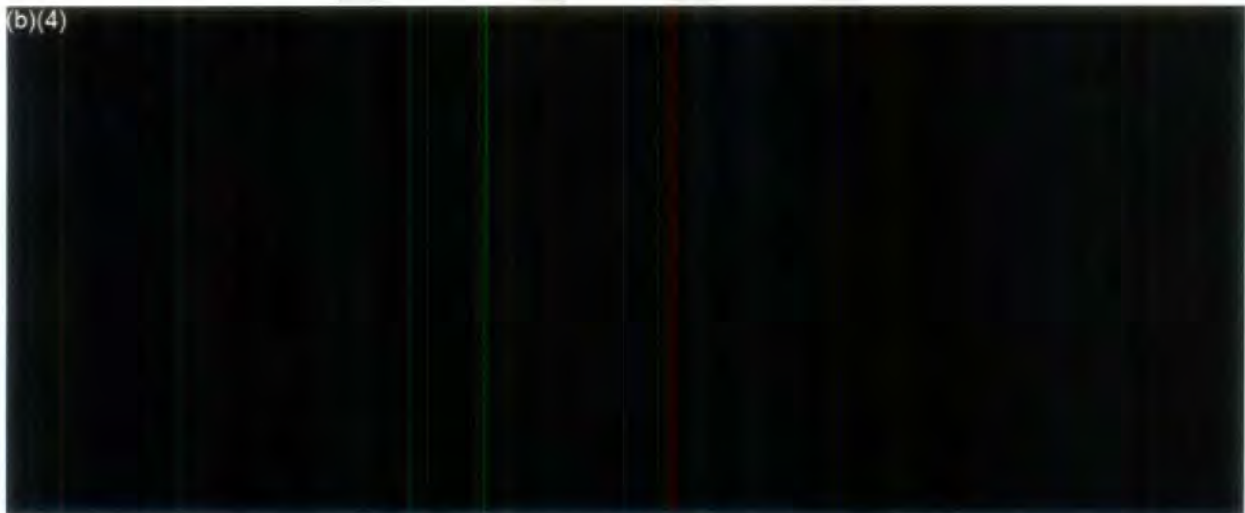
If **FOIA Analyst** change Status in upper right-hand corner by clicking **“NEXT”** then change status to **“FOIA Analyst Review”** (**FOR NOW JUST LEAVE AS ASSIGN and change Primary field**)

If there is an appeal, assign to **(b)(6)** Primary Assignment.

Please make sure that the FOIA Matrix is followed accordingly. This is located in Teams under CIO-40 Records Management and FOIA.

### **Uploading Referral Document(s)**

Click **Add/Search/View Documents**. The Add/Search/View Documents screen will be displayed as show below.



(b)(4)



Click **Add Documents** to display the **Add Documents** screen. The sample below shows the **Add Documents** screen, but note, your options may differ depending on the location in which the records are stored.

(b)(4)



(Naming file for Referrals: R-2021-00002 Referral Records)

Click **Add**. The request status will change as a result of this action and the program will prompt if this change is OK before proceeding. After confirming, a verification message will be displayed as shown below.

Click **Yes**. The **Job Progress** window will be displayed shown below.

(b)(4)



After the job is completed, the **Job Progress** window will close automatically, and the added documents will be displayed in the Review log.

(b)(4)



**Assign request to FOIA Processor Queue**

DRAFT

# FOIA Intake 2 Procedures

## Overview of FOIA Intake 2 Process

The role of Intake 2 is to contact appropriate staff, retrieve, and upload responsive records for processing of a FOIA request and assignment to the FOIA Processor Queue or FOIA Analyst Queue.

A summary of the steps for Intake 2 includes:

- Accessing the FOIA Intake 2 Queue and working the oldest *Perfected* case
- Checking NTSB's website for responsive records
- Sending a **Request for Documents (RFD)** to NTSB staff for responsive records and completing RFD actions
- Retrieving and uploading staff E-mail responses to the **Correspondence Log** of the FOIA request
- Retrieving and uploading responsive hardcopy or electronic records to the FOIA database
- Setting **Request Status** to **Documents Added** and **Review Status** to **Documents Ready for Review**
- Reassigning FOIA case to **FOIA Processor Queue** or **FOIA Analyst Queue** for further action
- Updating the **Comments** section of the database



## FOIA Intake 2 Queue Matrix

This matrix provides the FOIA database phase, condition, purpose, and guidelines for the **Request Status**, **Review Status**, **Group Queue Assignment**, and **Work Summary Assignment** fields of **Intake 2**. If a request is in **Intake 2**, the **Request Status** is either: *Perfected* or *Request for Docs Sent*, the **Review Status** is either: *Action: Please send RFD*, *Action Intake 2 Coordinating Response*, and *Documents Received and Ready to Upload*. Please note that the **Group Queue Assignment**, **Intake 2**, corresponds with the **Primary Assignment** and the **Request Owner** fields in the database.

Phase of Request	Condition of the request documents	Purpose of Status	Group Queue Assignments						**My Work Summary Assignment/Owner Name		
			Intake 1	Intake 2	FOIA Analyst	FOIA Processors	FOIA Officer	FOIA Attorney	Primary Assignment	Secondary Assignment	Request Owner
Perfected	None / Action: Please send RFD	Have validated this request is good		X	If Intake 2 need assistance will move to Analyst queue				Intake 2 Queue		Person who processed Intake 2
Request for Docs Sent	Action: Intake 2 Coordinating Response	IC/Staff stated that they are sending responsive records.		X	If problem or quick close move to FOIA Analyst Queue (e.g., Close for 7A)				Intake 2 Queue		Person who sent RFD
Request for Docs Sent	Documents received and ready to upload	The documents has been received from the POC and ready to be upload into FOIAxpress. This status is used by Intake 2 or FOIA Analyst after the documents for the request have been uploaded. Normally, the Primary assigned is changed to FOIA Processor.		X					Intake 2 Queue		Person who sent RFD

Phase of Request (Request Status)	Condition of the request documents (Review Status)	Purpose of Status
Perfected	Action: Please send RFD	Validated request
Request for Docs Sent	Action: Intake 2 Coordinating Response	Sent RFD to Staff, Awaiting response
Request for Docs Sent	Documents Received and Ready to Upload	IIC/Staff stated they are sending responsive records

DRAFT

## I. Accessing FOIA Cases Assigned to Intake 2

1. Select **FOIA Intake 2** from the **Group Queue Assignment** box on the home screen of the FOIAXpress database.



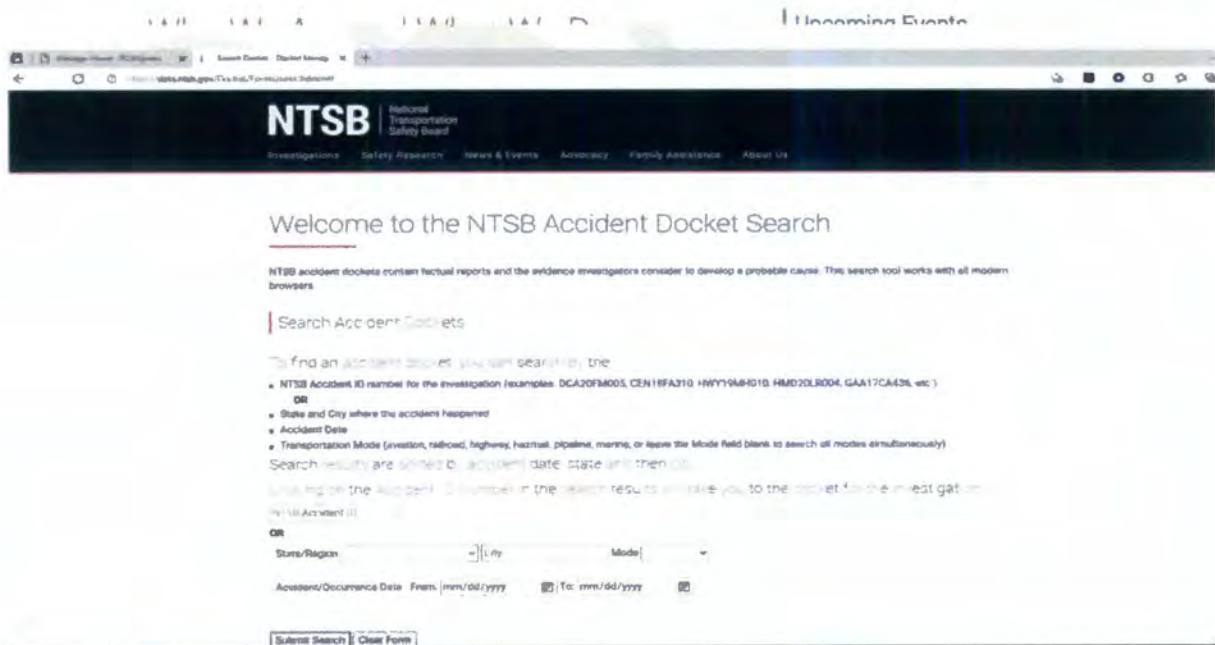
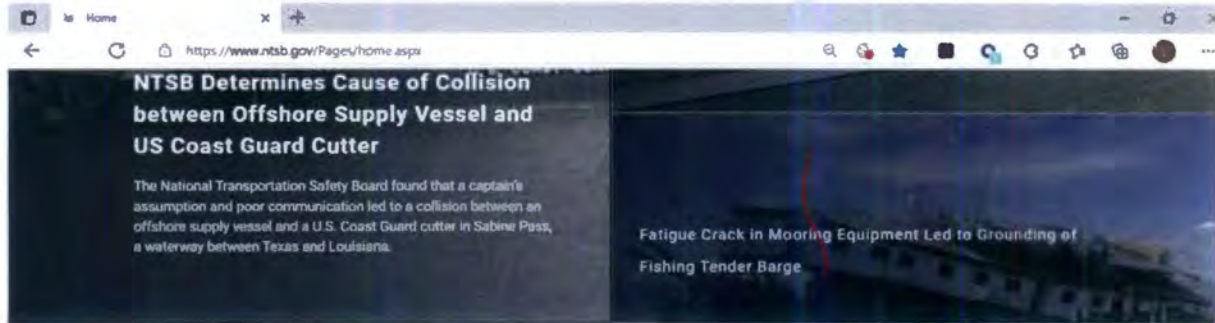
2. Sort **FOIA Intake 2** by **Received Date** to populate the oldest **Perfected** request in the queue and begin working that request.



3. Review the FOIA request information to ensure that the **Request Description** matches or includes all the information the requester is seeking in their **Incoming Request Letter**. (Note: If a request is submitted via the **Public Access Link (PAL)** or the **FOIA Portal**, the information requested is automatically imported to the **Request Description** box). Note any additional information that the requester seeks or state in attachments to the original request.
4. Determine if the request is a proper FOIA request. (A proper FOIA request is one in which the requested information is reasonably described, in accordance with FOIA law, and not publicly available. The FOIA office responds to requests for viewing existing records only. It does not require agencies to answer questions posed as FOIA requests, create records, or to preserve tangible items).

- a. **Proper FOIA requests:** Search for requested information.
- b. **Improper FOIA requests:** Assign to "FOIA Analyst queue" for further action/closing.

5. Determine if the investigation is on-going or complete for requests involving NTSB's accident investigations by searching NTSB's **Accident Docket Search: [Search Docket - Docket Management System \(ntsb.gov\)](#)**. Note in the **Comments** section if the public docket is released or not available. **(The availability of the public docket determines which RFD e-mail template to send to staff).**



**If the public docket is available in Accident Docket Search, confirm with the IIC that the accident investigation is complete and if there are responsive records by sending the “Completed Investigations e-mail template.” (See RFD instructions below).**

Search Accident Dockets

To find an accident docket, you can search by the

- NTSB Accident ID number for the investigation (examples: DCA20FM005, CEN18FA310, HWY19MH010, HMD20LR004, GAA17CA436, etc.)

OR

- State and City where the accident happened
- Accident Date
- Transportation Mode (aviation, railroad, highway, hazmat, pipeline, marine, or leave the Mode field blank to search all modes simultaneously)

Search results are sorted by accident date, state and then city.

Clicking on the Accident ID number in the search results will take you to the docket for the investigation.

OR

State/Region  City  Mode

Accident/Occurrence Date - From:  To:

Docket Search Result: 1 Dockets [Feedback](#)

Accident ID	Date	City, State/Region	Docket Details	Accident Description
<b>CEN19FA124</b>	04/22/2019	Kerrville, TX	Aviation Investigation	N501CE, Beech 58

**If no public docket is available in Accident Docket search, contact the IIC to confirm that the accident investigation is ongoing by sending the FOIA Notification Request e-mail template. (See RFD instructions below).**

If you do not locate a record of the accident in NTSBKeys database or CAROL Query, contact the modal office to confirm if we investigated that accident by sending the **No Record of Accident e-mail template.** (See RFD instructions below).

If the request is for non-modal records, contact the appropriate non-modal office for records by sending the **Non-Modal Requests e-mail template.**

## Search Accident Dockets

To find an accident docket, you can search by the:

- NTSB Accident ID number for the investigation (examples: DCA20FM005, CEN18FA310, HWY19MH010, HMD20LR004, GAA17CA436, etc.)
- OR
- State and City where the accident happened
  - Accident Date
  - Transportation Mode (aviation, railroad, highway, hazmat, pipeline, marine, or leave the Mode field blank to search all modes simultaneously)

Search results are sorted by accident date, state and then city.

Clicking on the Accident ID Number in the search results will take you to the docket for the investigation

OR

State/Region  City  Mode

Accident/Occurrence Date - From:  To:

[Feedback](#)

## II. Sending Request for Documents (RFD)

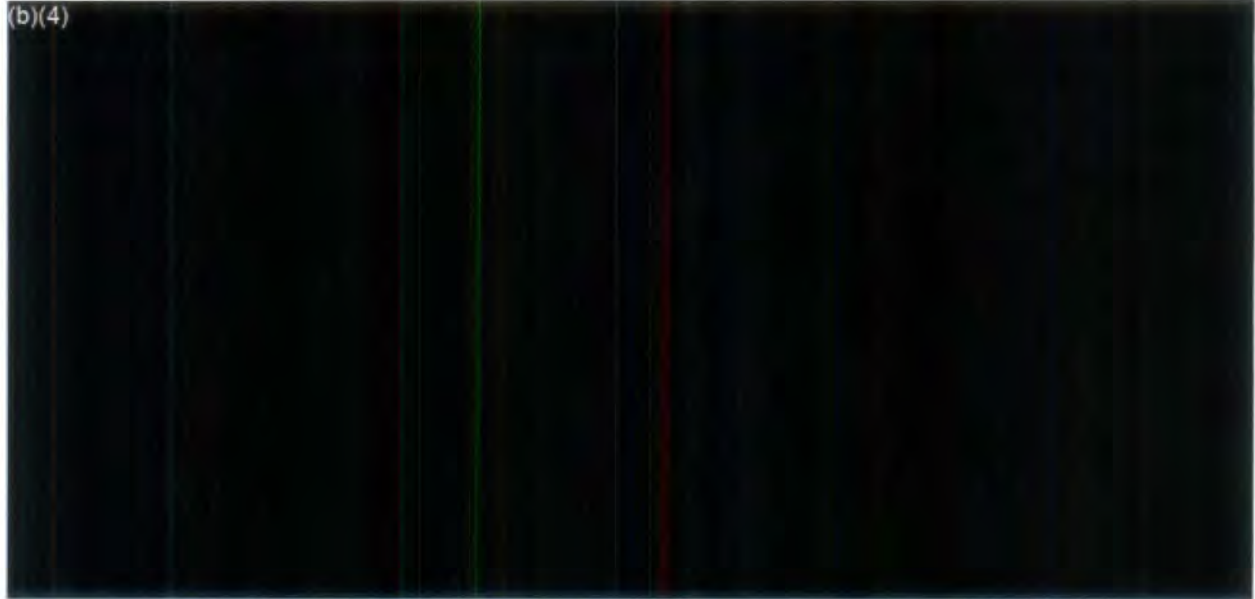
Select **Request for Documents** from the left column of the screen.



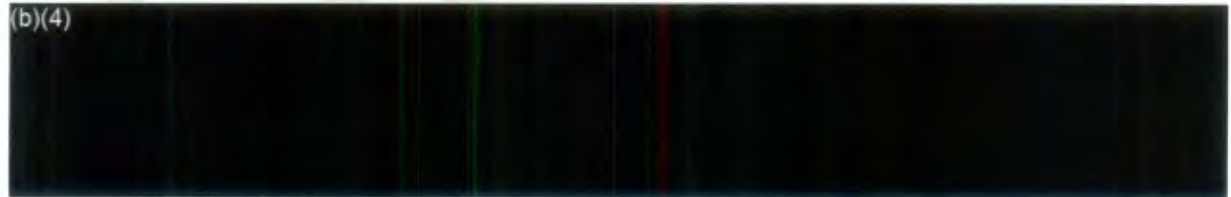
Select **New** to create a new RFD.



The **Request Date** is automatically updated. Set the **Due Date** (as a rule, give staff 5 days to respond to the request or more if staff requests more time). Check the **Add Reminder** box to update the **days prior to the due date field** (this is a follow-up reminder to be reminded of when to expect a response). Complete the **Reminder Note** text box. Depending on the request, set the **Priority** as Complex or Expedite. Select **Email** under the **Dispatch Mode\***.

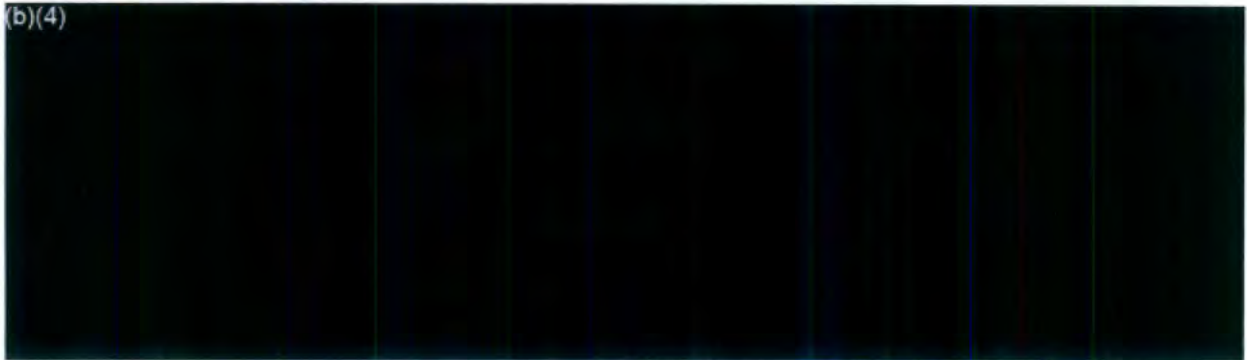


Use the Records/FOIA Points of Contact list (**available on the FOIA Teams link**) to identify and select appropriate staff office and point of contact. Note the name of the IIC (accident related) or other NTSB staff (non-modal) and FOIA Contact(s). Use the employee e-mail listing, <http://inside/foialist/>, to select and copy and staff e-mail addresses. Ensure that the **Send To: Other Email Recipients** box is selected and select **Add Email Manually** tab.



Enter the IIC or main staff email address into **Add Email Recipient** box shown below. Although you can add multiple e-mail addresses here, "cc" additional contacts on the next screen, after clicking **Next**.

(b)(4)

A large rectangular area of the document is completely redacted with a solid black fill. The text "(b)(4)" is visible in the top-left corner of this redacted area.

Click the **Next** tab.

(b)(4)

A large rectangular area of the document is completely redacted with a solid black fill. The text "(b)(4)" is visible in the top-left corner of this redacted area.

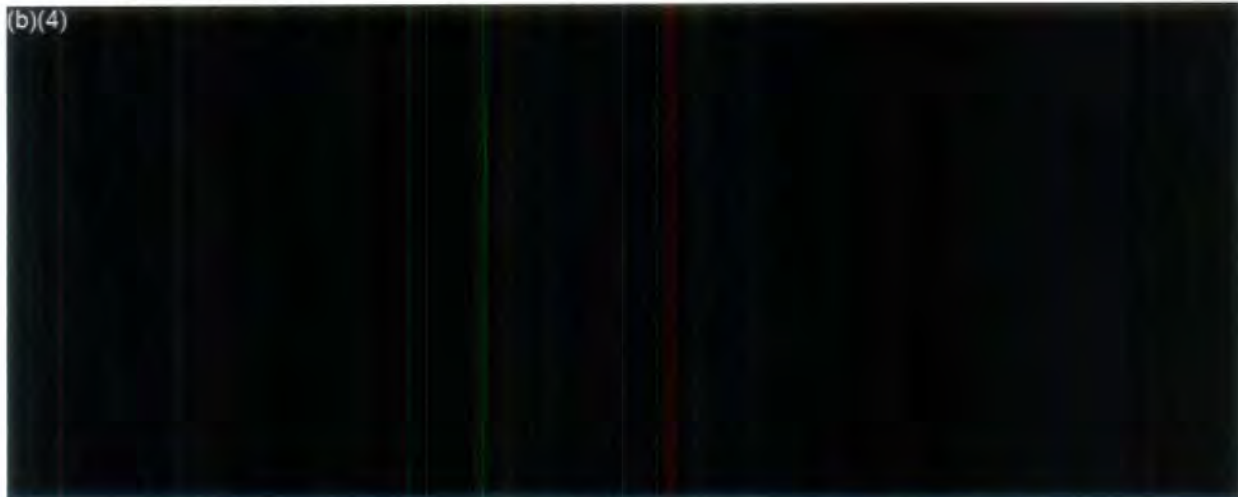
Select the **Correspondence Log** tab under **Attachments to RFD** to attach the **Request Description** which is the incoming FOIA request letter or form.

(b)(4)

A large rectangular area of the document is completely redacted with a solid black fill. The text "(b)(4)" is visible in the top-left corner of this redacted area.



Check the **Request Description** box and click **Select**.



Next, “cc” FOIA contacts (other than IIC and main staff contact) e-mail address.



To populate the appropriate email template, click the **Template** drop down box and select a template based on the following criteria. (See “Other Pertinent Information” section for more information on each template).

- i. **Completed Investigations Memo** – Public docket is available in Accident Docket Search and accessible from NTSB’s Home page ([www.nts.gov](http://www.nts.gov)) under Search Dockets.
- ii. **FOIA Notification Request Memo** – On-going accident investigation; record of investigation located; no public docket in Accident Docket Search
- iii. **Foreign Investigations** – Accident occurred in another country
- iv. **No record of accident Memo** – Did not locate a record of an accident investigation in NTSB Keys or Carol Query – (**Note: You do not need to add steps from the Adding the SharePoint Link to the RFD Email section for No record of accident memo**)
- v. **Non-modal requests Memo** – FOIA Request is for records not related to or the subject of an NTSB accident investigation

**\*Select *User Action Office Email* so that staff e-mail responses are routed directly to the FOIA Inbox. The *Subject Line* should not only contain the FOIA number, but the NTSB**

accident number if applicable, i.e. FOIA-2019-00090 (SEA19FA042). Also "cc" the FOIA mailbox ([foia@ntsb.gov](mailto:foia@ntsb.gov)).

(b)(4)



Modify the template, accordingly, specifying only the records the requester is seeking. **Do state "any and all records" when the requester is only seeking specific records such as all photographs or witness statements.**

Please be sure to fill in bracket fields if applicable and or remove the brackets altogether from the e-mail template. **(Do forward a "RFD" with brackets included).**

Review the email for any errors or discrepancies. Once complete, click the **E-mail** tab below.

(b)(4)



(b)(4)

Note: In cases where there is more than one FOIA request for an accident investigation, check to see if IIC was previously contacted. If we have not received responsive records, still send the current FOIA request to the IIC stating we received an additional FOIA request regarding this investigation.

Additionally, send current requests for accident investigations that may still be on-going to the IIC for confirmation that this is still the case (even if the IIC was previously contacted).

### III. Adding the SharePoint Link to the RFD Email

1. Replace the *FOIA-2022-0TEST* link with the link to the designated office SharePoint folder.

#### Organizing Non-Docket Items

1. Once your investigation is completed, please click this link to access the folder: [FOIA-2022-0TEST] to upload your responsive documents concerning the request.

2. The following sub-folders are provided as needed. By clicking the  to create a subfolder.\* To identify your responsive documents\*\*, rename your subfolder with your full staff name first then the folder name as shown below:

- o **Full Staff Name: Proprietary Documents** - Records that may be confidential business received in the course of an investigation
- o **Full Staff Name: Other Agency Documents** - Records from other government agencies
- o **Full Staff Name: Working Documents** - Working notes and other materials related to the investigation. Mark DRAFT if it is a working document
- o **Full Staff Name: Drafts** - Separate drafts from other notes

2. Navigate to the **FOIA Responses SharePoint** site and select **Documents**. Choose the appropriate office folder and click  to create a new folder.

SharePoint | Search this library

FR FOIA Responses Private group

Home | Conversations | Documents | Shared with us | Notebook | Pages | Site contents | Recycle bin

+ New | Upload | Edit in grid view | Share | Copy link | Sync | Download | Add shortcut to OneDrive

Documents Office of Aviation Safety

Name	Modified	Modified By	Add column
AS-1	October 3, 2021	Moya Melba	
AS-10 (Major Investigations)	October 5, 2021	Moya Melba	
AS-30 (Operational Factors)	October 5, 2021	Moya Melba	
AS-4 (Administrative Support Division)	October 5, 2021	Moya Melba	
AS-40 (Aviation Engineering)	October 5, 2021	Moya Melba	
AS-60 (Human Performance and Survival Factors)	October 5, 2021	Moya Melba	
AS-70 (Writing and Editing Division)	October 5, 2021	Moya Melba	
AS-ANC (Anchorage Office)	October 5, 2021	Moya Melba	
AS-CEN (Central Region)	October 5, 2021	Moya Melba	
AS-EDA (Eastern District)	October 5, 2021	Moya Melba	

FOIA Responses - AS-WP: x | FOIA-2022-00083 - Reque x | InsideNTSB - Home x | CARDL Query x

SharePoint | Search this library

SharePoint | Search this library

FR FOIA Responses Private group

Home | Conversations | Documents | Shared with us | Notebook | Pages | Site contents | Recycle bin | Edit

+ New | Upload | Edit in grid view | Share | Copy link | Sync | Download | Add shortcut

Documents Office of Aviation Safety AS-WPR (Western Pacific Region)

Name	Modified	Modified By	Add column
FOIA-2022-00002	November 5, 2021	Crawford Tamara	
FOIA-2022-00003	November 5, 2021	Crawford Tamara	
FOIA-2022-00020 and FOIA-2022-00068	November 26, 2021	Crawford Tamara	
FOIA-2022-00021	December 3, 2021	Crawford Tamara	
FOIA-2022-00029 WPR19LA087	November 26, 2021	Crawford Tamara	
FOIA-2022-00035 WPR20FA108	November 29, 2021	Crawford Tamara	
FOIA-2022-00049 WPR20FA206	December 3, 2021	Crawford Tamara	
FOIA-2022-00059 WPR22FA012	December 3, 2021	Crawford Tamara	
FOIA-2022-00063	January 13, 2022	Crawford Tamara	
FOIA-2022-00082 WPR20FA072	February 9, 2022	Crawford Tamara	

Add real-time chat

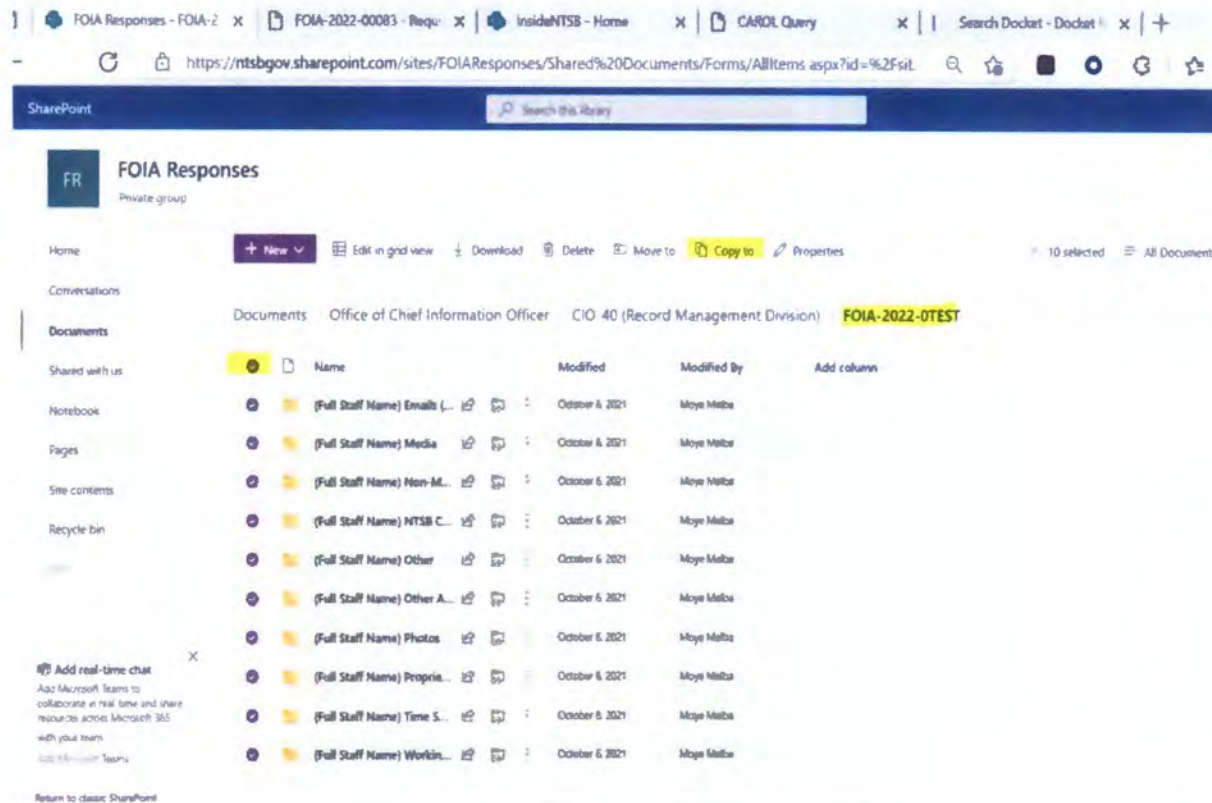
Add Microsoft Teams to collaborate in real-time and share resources across Microsoft 365 with your team.

Add Microsoft Teams

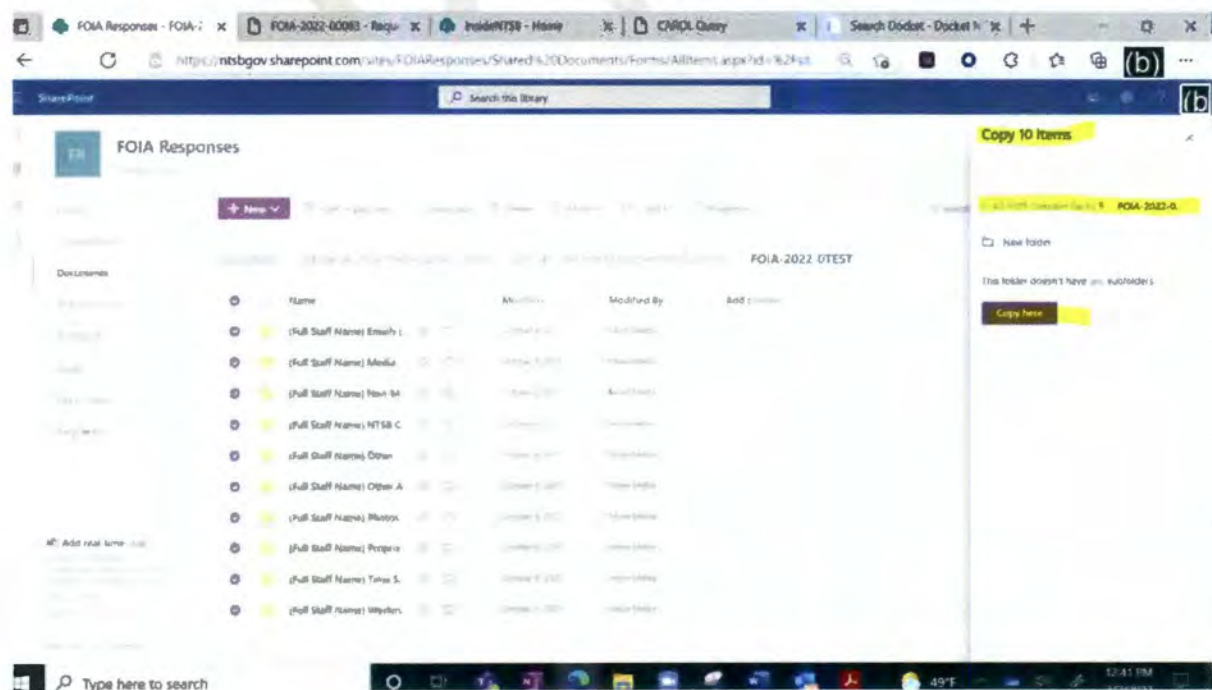
3. Enter the FOIA request number and accident number.

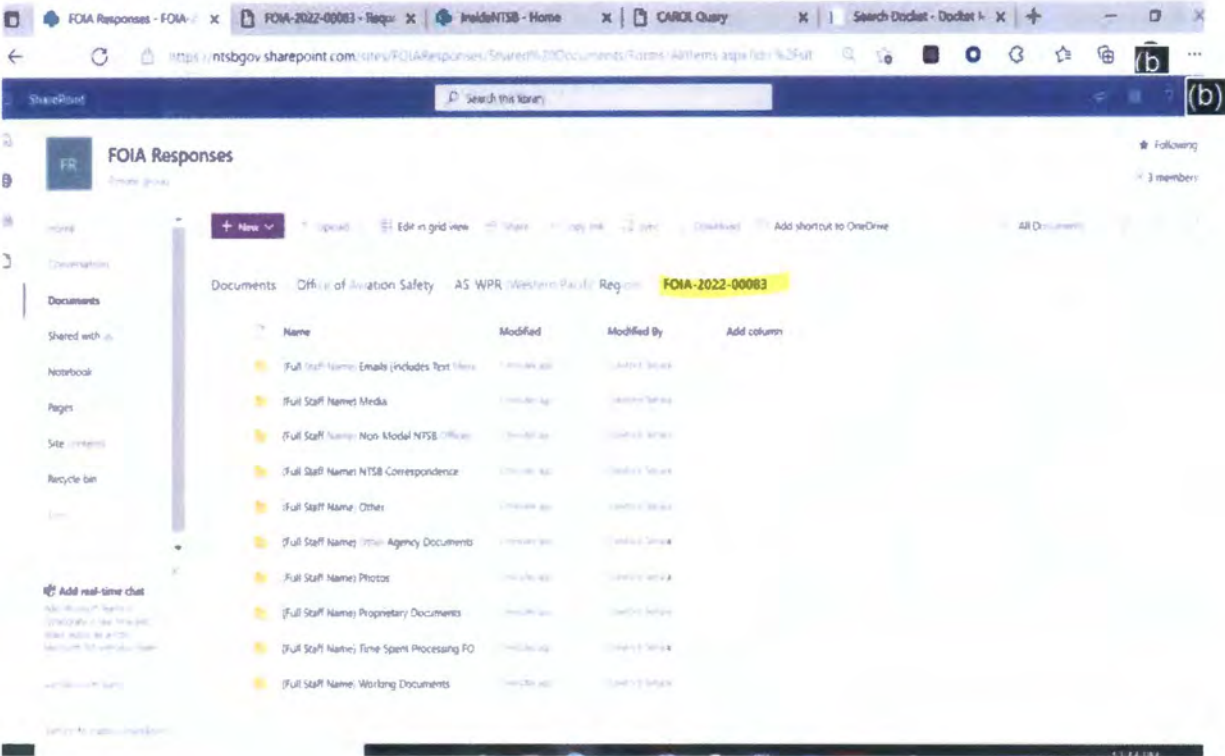


4. Navigate to the **Documents** folder. Select the **Office of Chief Information Officer folder: CIO-40 (Record Management Division): FOIA-2022-0TEST**. Check the **circle** next to **Name** to select all the folders listed. Select **Copy to** and then select Current Library.

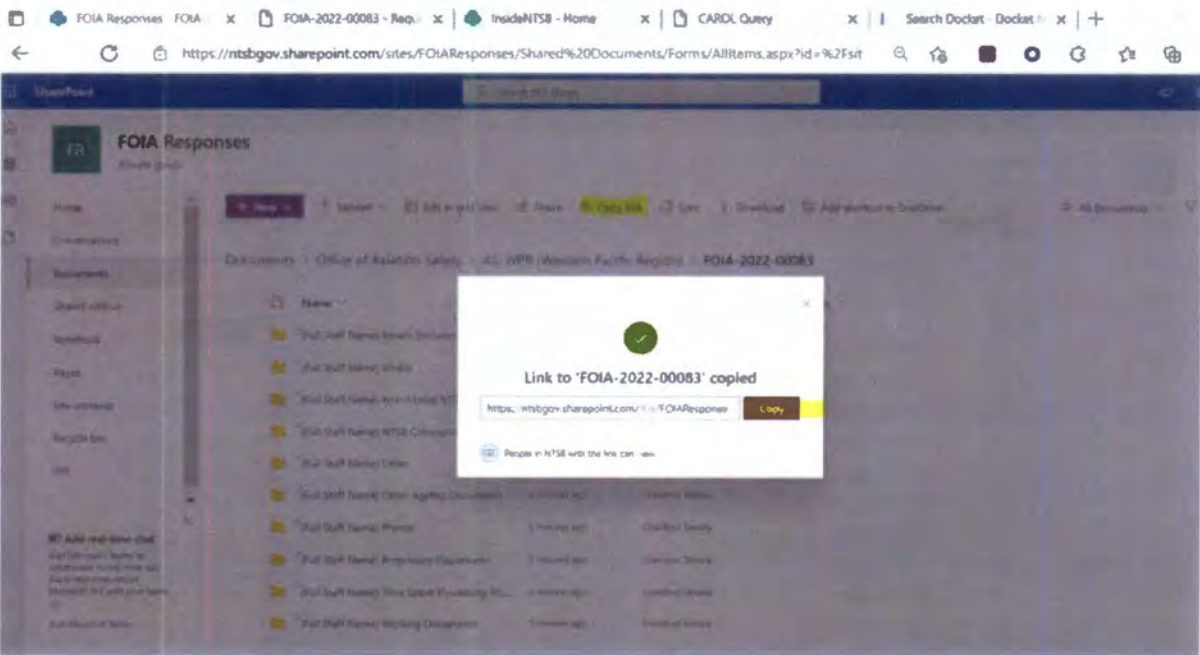


5. Navigate to the location of the folder you just created. Click **Copy Here**. The folders will populate in the newly created folder.

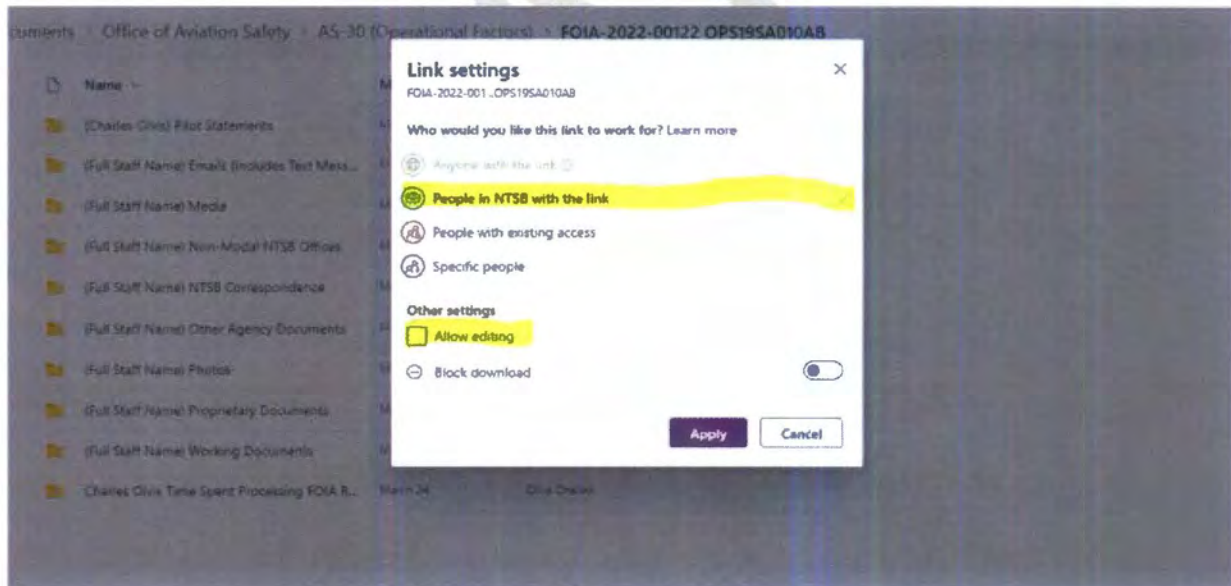
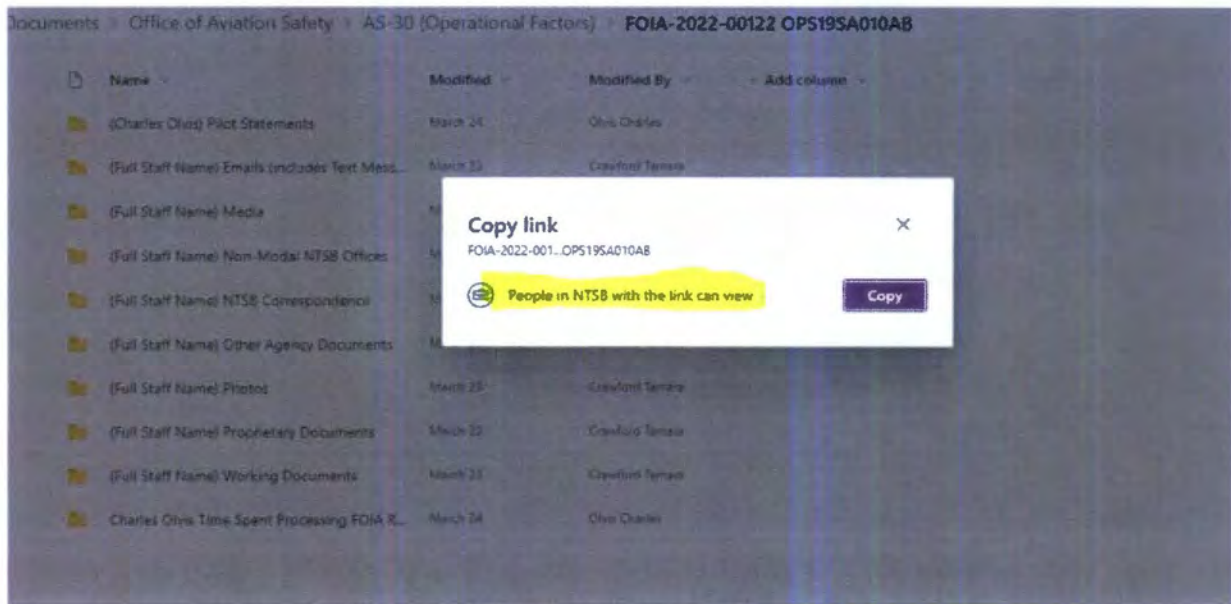




6. While in that folder select **Copy Link** to paste in the RFD screen. Select **Copy**.

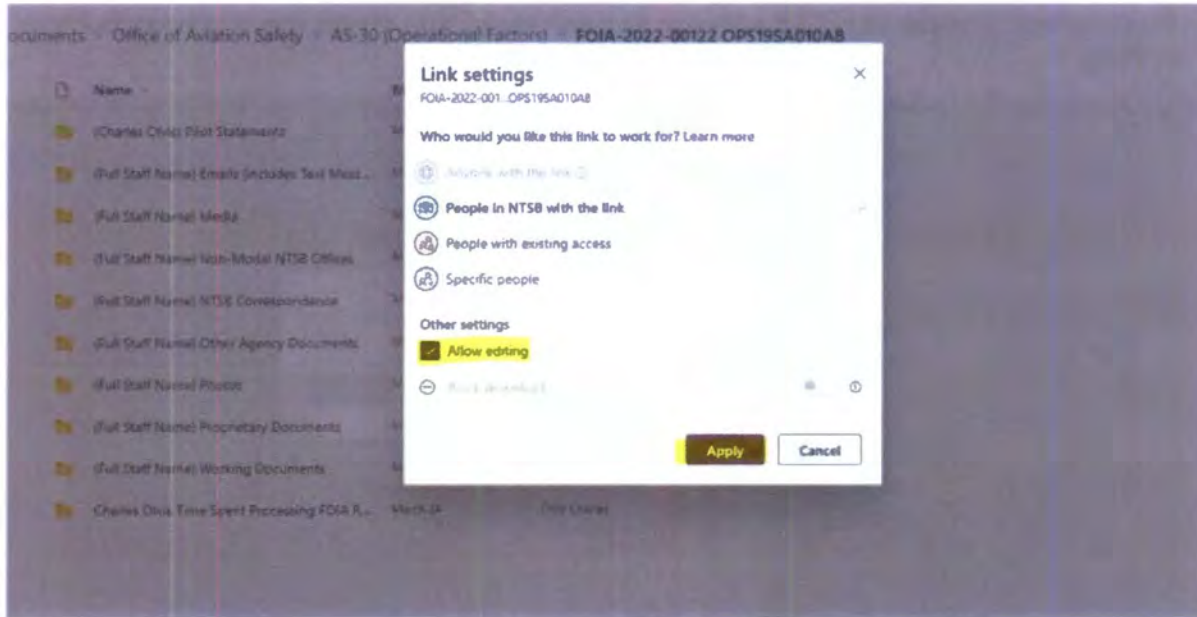


7. Next, select “People in NTSB with the link can view” and check the box next to Allow editing.

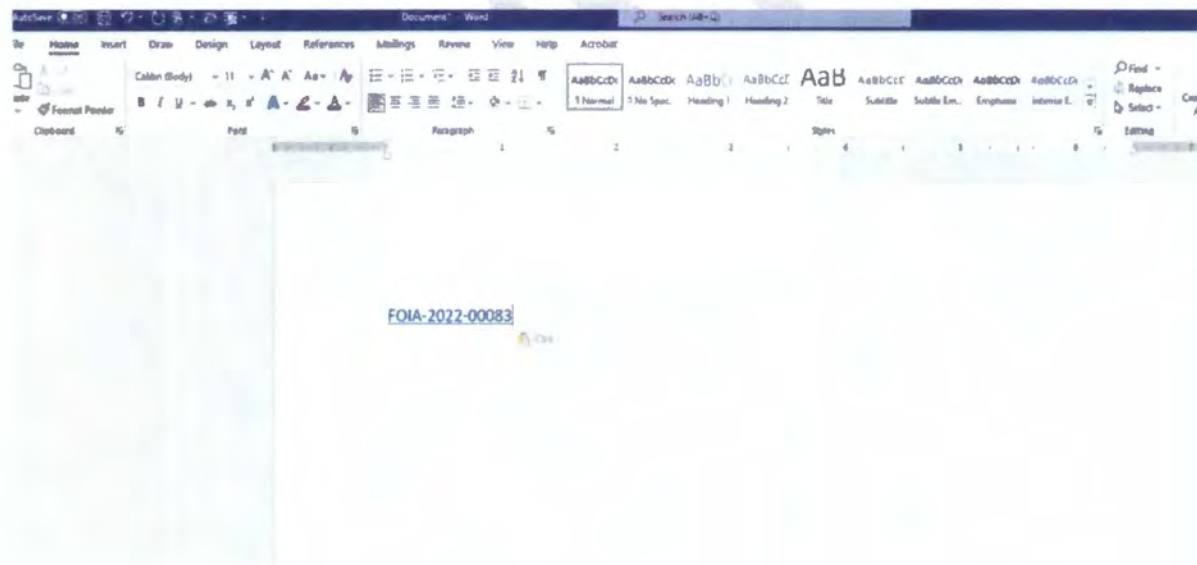


8. Click Apply.





9. Open and paste link in RFD email. (If necessary open a blank Word document, paste and highlight link and click on Edit Hyperlink to rename the link as shown below).



(b)(4)

A large black rectangular redaction box covering the majority of the page's content.

10. Select **Email** to send the RFD.

(b)(4)

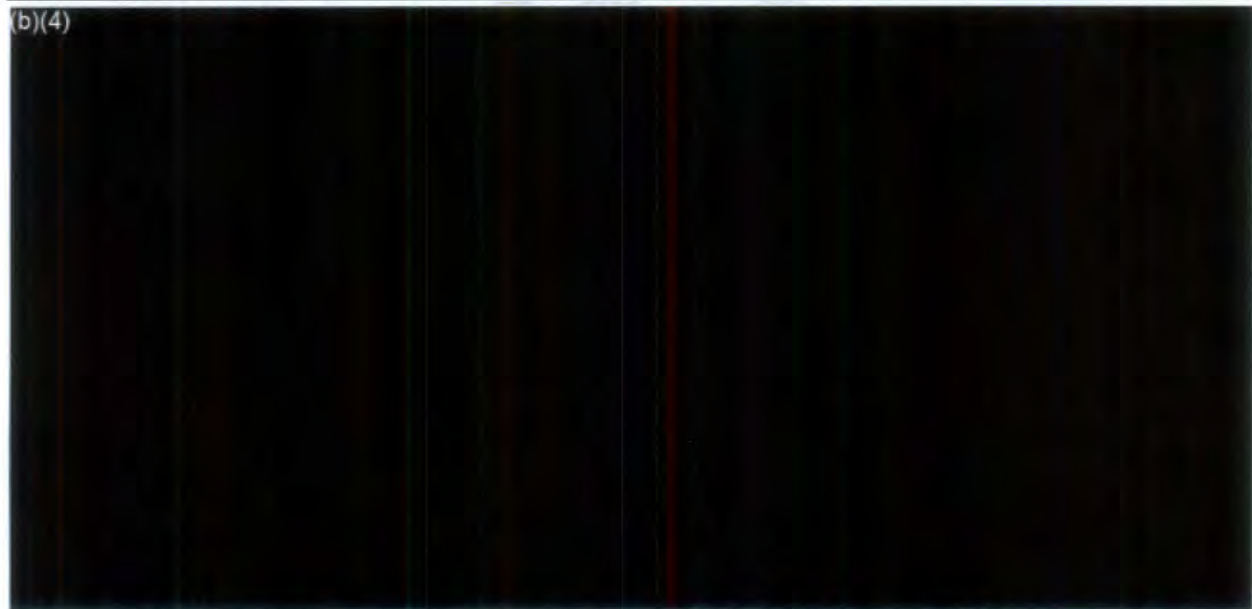
A large black rectangular redaction box covering the majority of the page's content.

Upon sending the RFD email, the following screen will appear. The Status of the request will change to **Request for Docs Sent** and the tab on the left column will read **Request for Documents (0/1)**.

(b)(4)

A large black rectangular redaction box covering the majority of the page's content.

Navigate to the **Request Information** screen and change the **Review Status** to **Action: Intake 2 Coordinating Response**. Select **Assign Users** from the left panel. List your name as the **Request Owner** and ensure that the **Primary User** is **Queue, FOIA Intake 2**. Add an **Assignment Note** (if necessary).

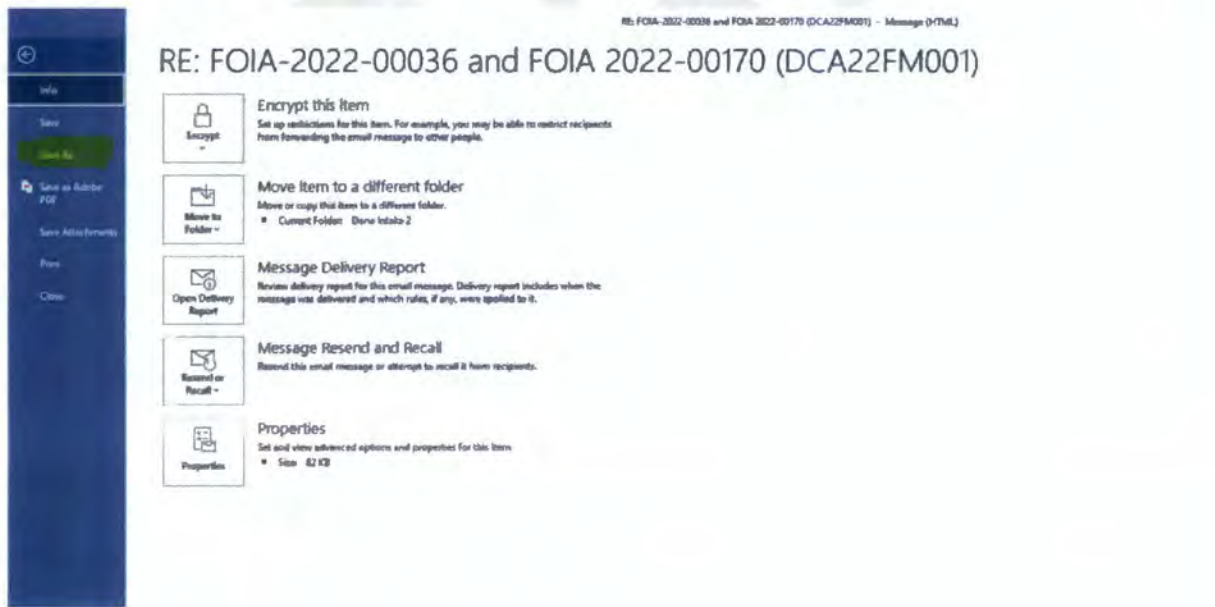


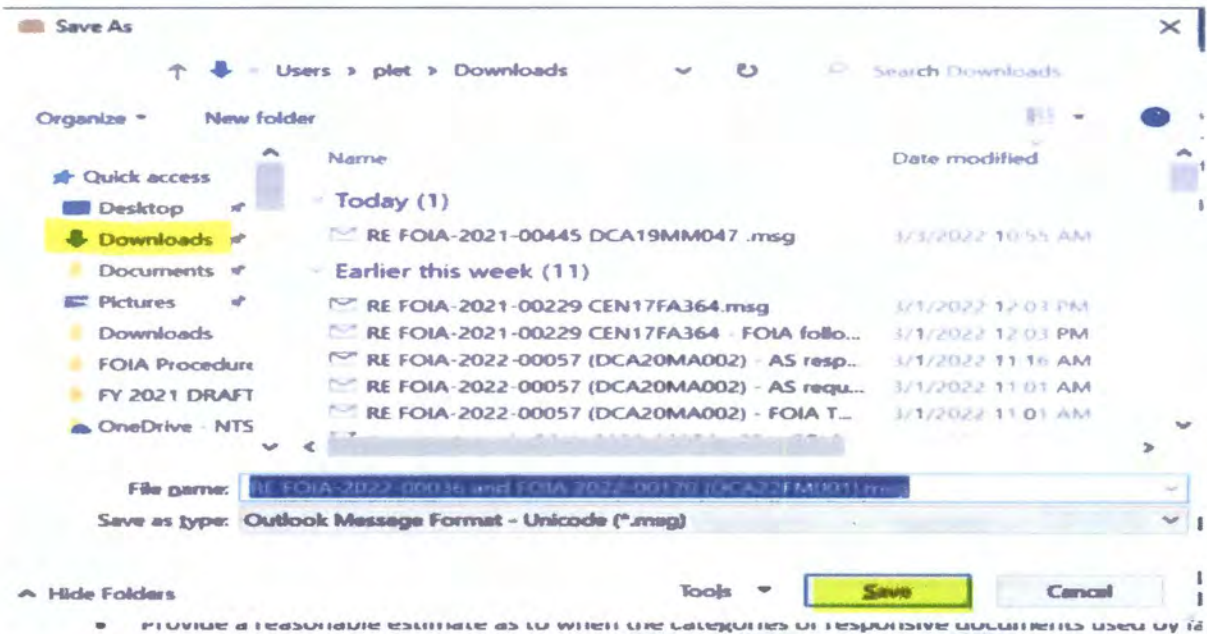
The request will remain in the **FOIA, Intake 2 Queue** until the FOIA response(s) is received. Don't forget to record your time on the **Cost Sheet** under **Fees/Billing**.

#### **IV. Receiving Staff Responses**

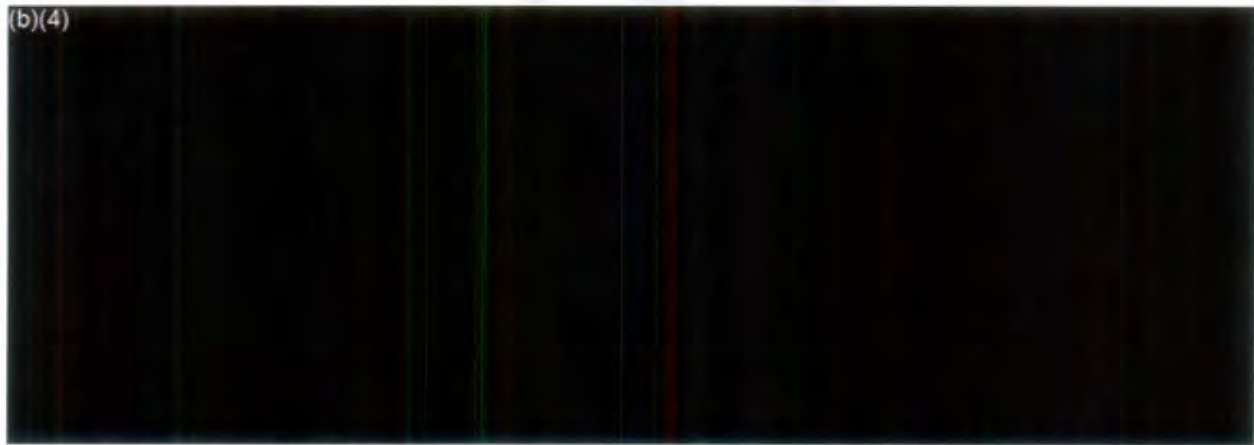
Staff e-mail responses will appear in the **Intake 2 e-mail folder** of the **FOIA Inbox**. You can either save electronic e-mail responses to a location on your computer (i.e.,

Documents, Downloads or Desktop folder) to upload the e-mail response to the **Correspondence Log** of the FOIA request or use the drag and drop feature.

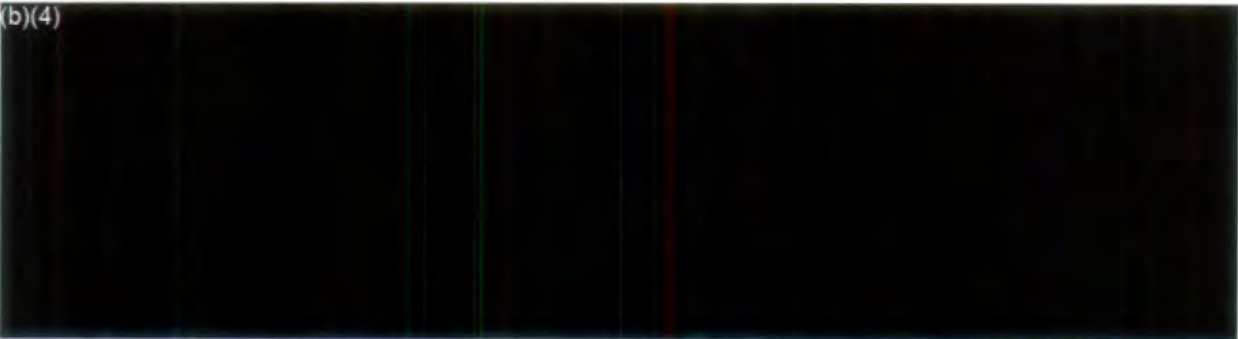




1. Once the e-mail is saved, return to the FOIA request you are working on and click **Correspondence**.



2. Click **Receive Correspondence**.



3. Select **Staff Email Response** from the **Receive Correspondence** tab of the **Correspondence Log**. Modify the description of the **Subject** under **Receive Correspondence** to correspond with the e-mail or other correspondence you're uploading, i.e., "IIC/Staff Response, Partial IIC Staff/Response", GC Staff Response, etc.



4. Identify the **Received Mode** in which the **Correspondence** was received. Then click **Save**.



5. After the email is uploaded, click the **Request for Documents** tab on the left side.



6. At the initial **Request for Documents** screen, select **Take Action** to change the status of the request to **Request for Documents**.

(b)(4)



7. Choose a **Status** based on the following criteria:

- i. **Completed:** The IIC/FOIA contact has provided documents in response to our inquiry.
- ii. **Denied in Full:** The investigation is on-going
- iii. **Documents Located:** The IIC/FOIA contact located responsive documents
- iv. **No Documents Located:** The IIC/FOIA contact does not have any documents or did not investigate the accident/incident.
- v. **Partial Documents Found:** The IIC/FOIA contact located some documents, but still searching.

(b)(4)



8. If completed, click the "**Completed**" check box. Enter the completed date and click "**Save**".

(b)(4)



9. After sending a **Request for Documents**, the **Request for Documents** tab is updated to read **Request for Documents (1/1)**.

**\*Make sure to follow-up with the IIC/FOIA contact until all responsive documents to the FOIA request are received.**

(b)(4)



10. Click the **Request Information** and note in the **Comments** section that the **RFD** is complete.

(b)(4)

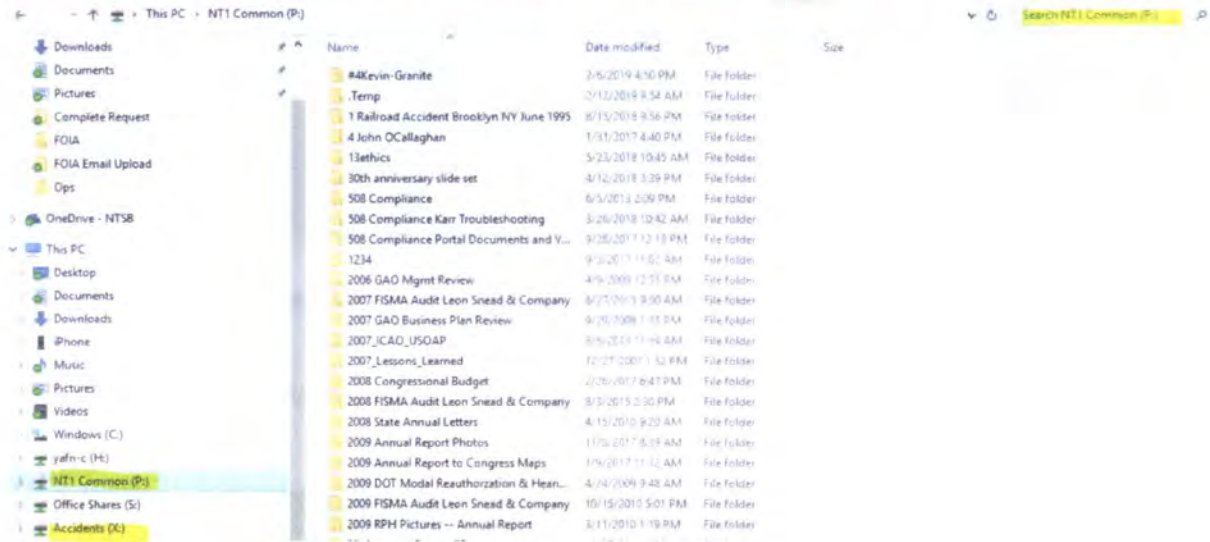


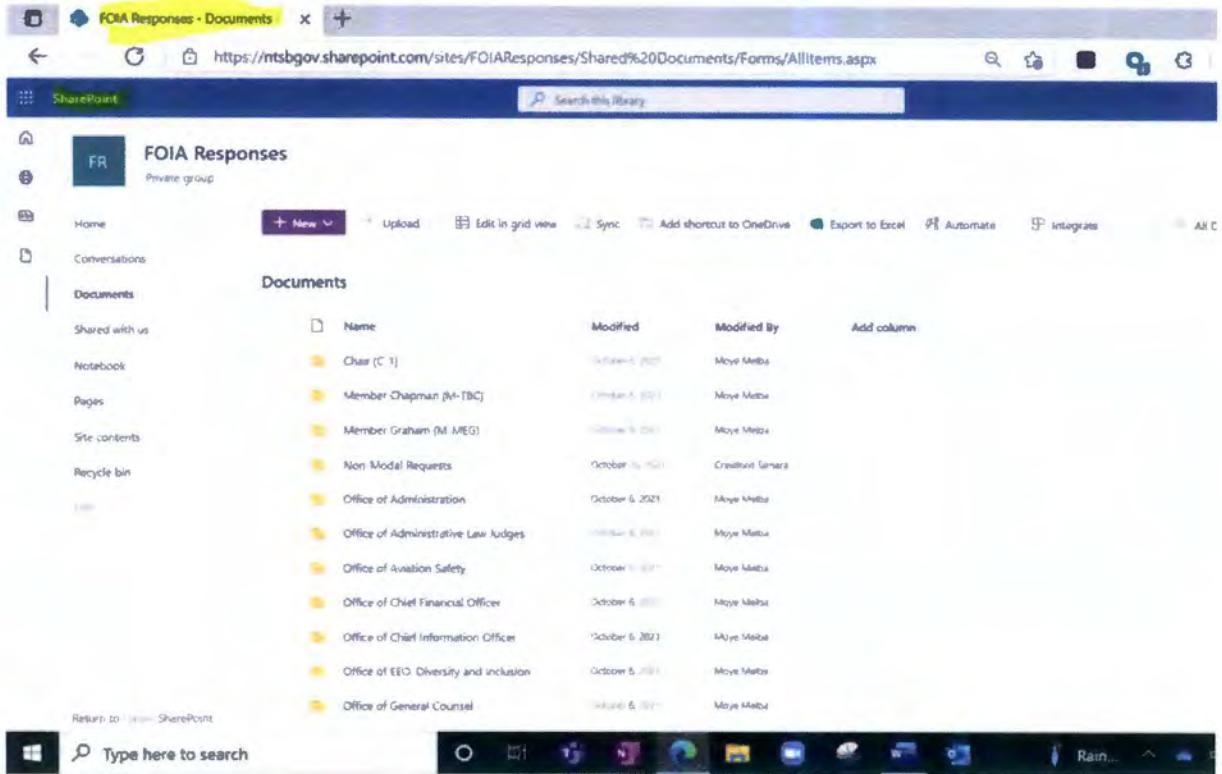


## V. Receiving Responsive Documents

Documents may be received electronically or in hardcopy. Scan hardcopy records into FOIAXpress.

Upload electronic documents from base location. (You can locate the link or file location of the responsive documents in the Staff Email Response that is uploaded to Correspondence Log of the FOIA request or noted in the Comments section of the Request Information Screen). **Note: FY 2022 cases are uploaded to the SharePoint drive. Cases from prior fiscal years are located on the Accidents drive.**



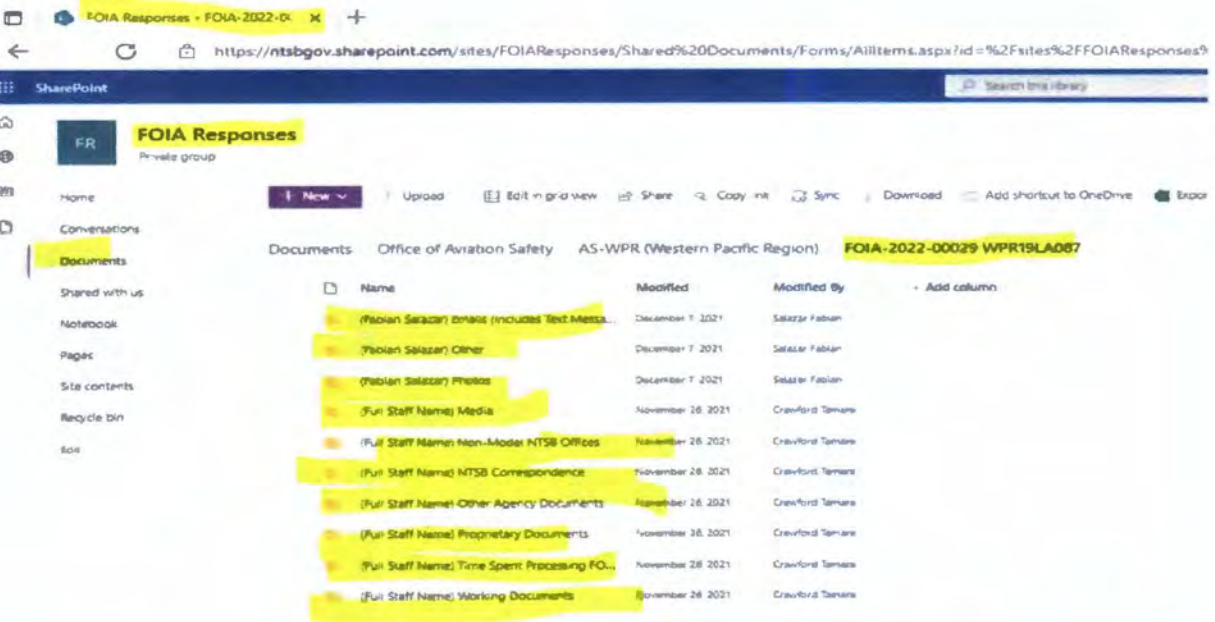
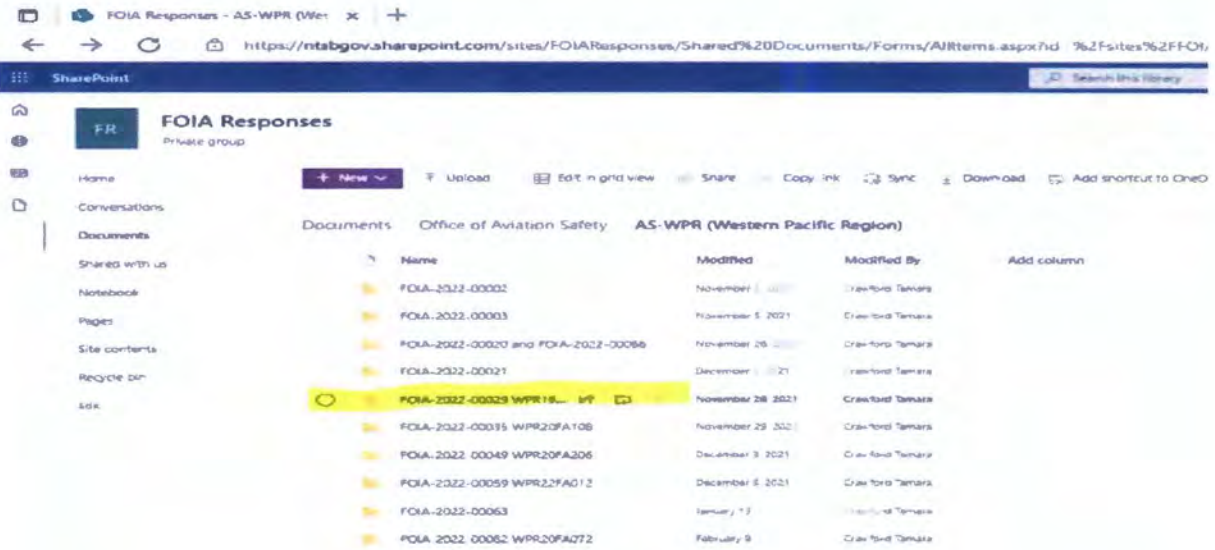


## Retrieving and Uploading Records from SharePoint

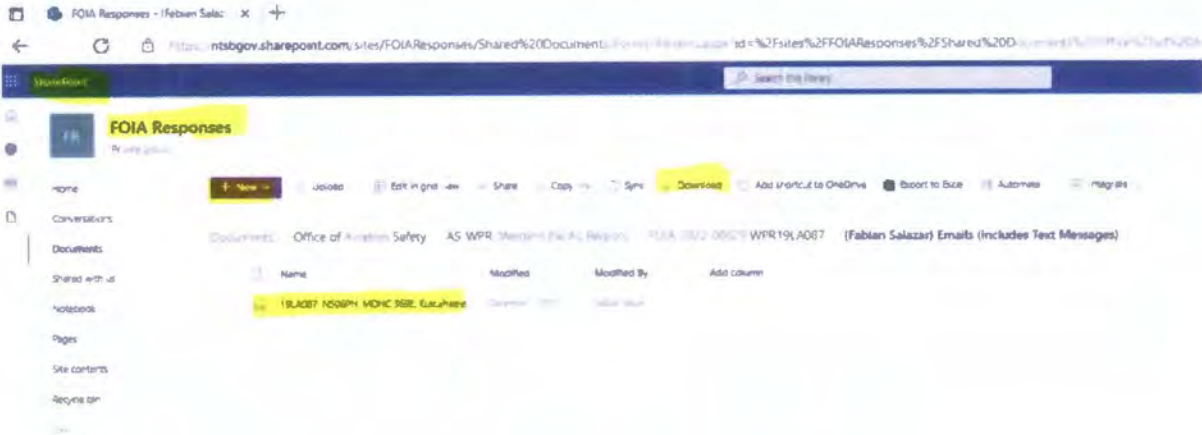
1. Go to SharePoint location and select the FOIA Responses folder.







3. Select Download. Save document to a location on your computer to upload to FOIAXpress through EDR or Document Management.



## VI. Adding Documents to Review Log

Scan hardcopy or electronic records into the **Review Log** of FOIAXpress following the instructions below.

1. Open a Request for which you want to add documents to the Review Log.
2. Click **Add/Search/View Documents**. The **Add/Search/View Documents** screen will be displayed as show below.



3. Click **Add Documents** (add documents from local drives above) to display the **Add Documents** screen. The sample below shows the **Add Documents** screen, but note, your options may differ depending on the location in which the records are stored.

Note: You can also use the Drag and Drop feature to add files for uploading.

FOIAXpress does not accept certain file formats such as video files. These types of files or other files types not accept for direct uploading to the database must be

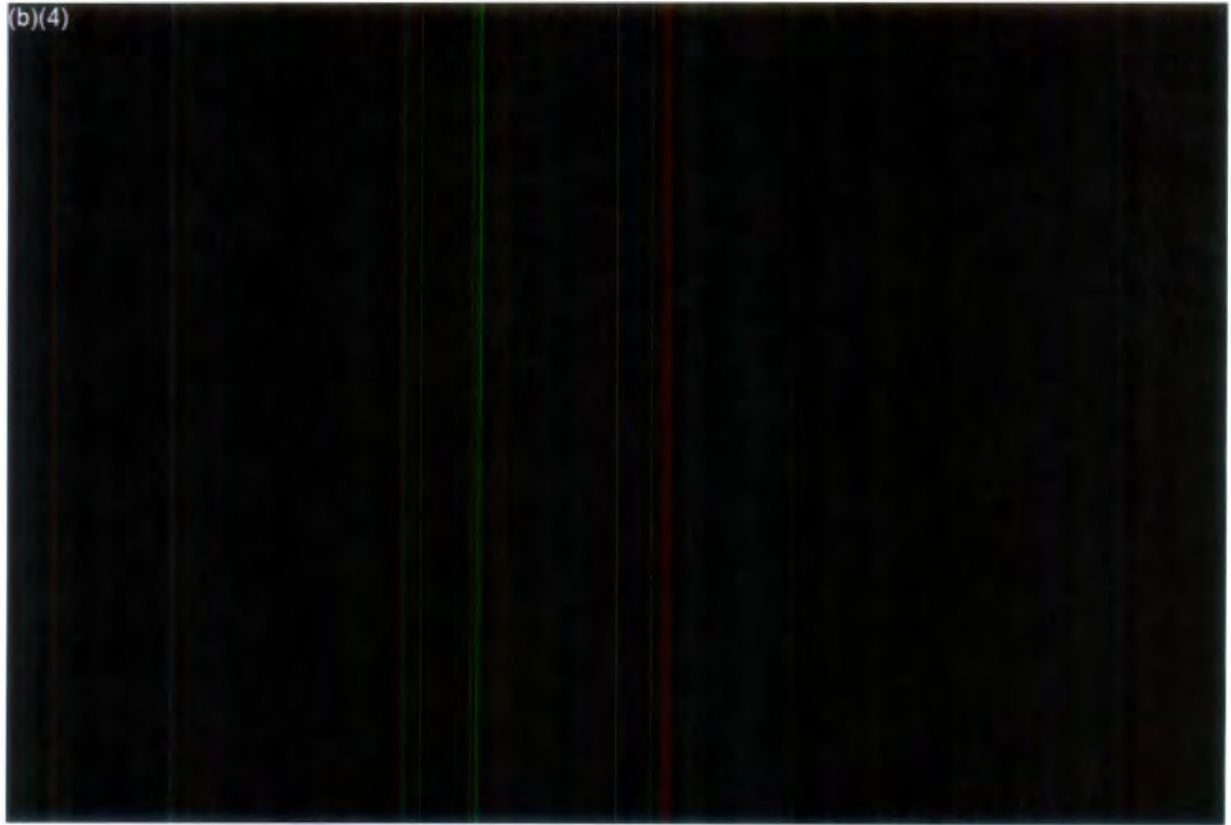
uploaded to FOIAxpress using the Native format: *Document Format (Image/Native)*. **Redaction is disabled in native format. Please note in the Comments section if a file is not accepted for uploading to the database.**



4. Click **Add**. The request status will change because of this action and the program will prompt if this change is OK before proceeding. After confirming, a verification message will be displayed as shown below.
5. Click **Yes**. The **Job Progress** window will be displayed shown below.



After the job is completed, the **Job Progress** window will close automatically, and the added documents will be displayed in the Review log.



#### **VI.A. Uploading Documents to EDR**

1. Open a Request for which you want to add documents to EDR.
2. Select Electronic Document Review from Left Panel.
3. The select From Local Disk/Network.

(b)(4)



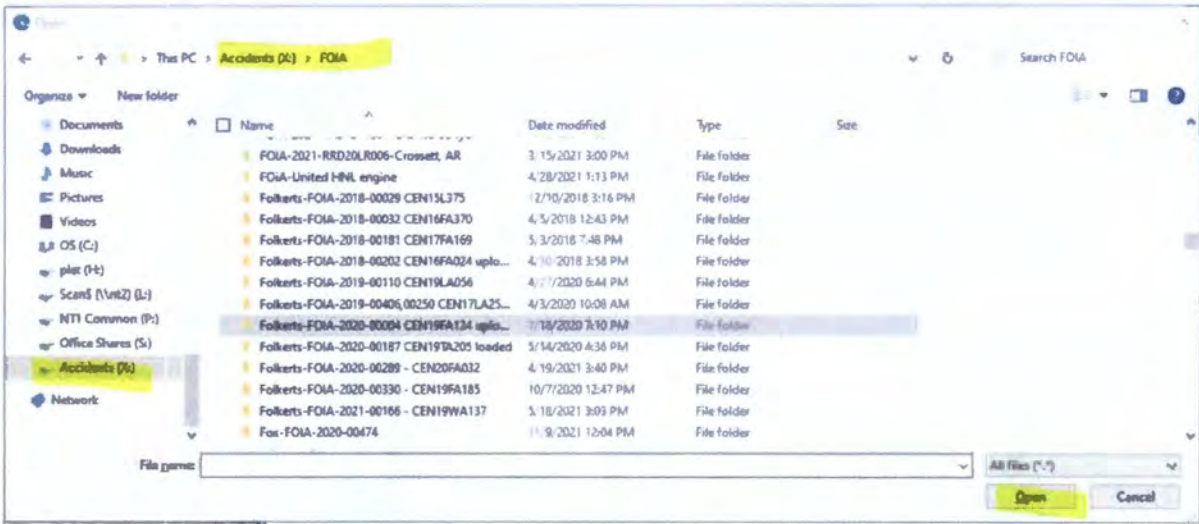
4. Click **Select**.

(b)(4)



5. Locate and select the files you want to upload, then click **Open**. The selected files appear on the *Select files to be uploaded screen*. If you want to remove the file, click Remove next to the file name. **Note: Repeat this step until all the file folders including those within subset folders are selected.**





6. Click **Upload** when you have completed selecting the files to upload.



7. A confirmation message appears. Click **OK** to confirm the files. The Step 1 screen appears again.

8. Click **Next**. The screen will move to step 2.

(b)(4)



9. Click **Finish**. The system will start uploading the file into the designated location provided during EDR setup.

(b)(4)



(b)(4)



10. Once the ingestion is complete, the confirmation screen appears as shown below:

(b)(4)



**VII. Assign request to FOIA Processor or FOIA Analyst according to the FOIA Matrix.**

1. Select **Assign Users**.



2. Change the Primary User by clicking the **button with three dots** in the screenshot below and check the **Send Email Notification** box beside the Primary User field.



3. Double-check that the **Secondary Users** and **Primary User** are the same. If there are more **Secondary Users** than **Primary Users** delete the **Secondary Users**.

(b)(4)



4. Once documents are uploaded to the FOIA case, upload the Non-docket Submission to the Correspondence Log of the case, naming it Non-Docket Submission Form. Add staff hours spent processing request under Fees/Billing. Assign the request to "FOIA Processor Queue". Instructions below.

#### VIII. Finalizing the Intake 2 Process

1. Change the **Review Status** to **Documents ready for review**. Be sure to place comments in the **Comments** section of the **Request Information** screen to indicate action or next action.
2. Assign request to **FOIA Analyst Queue** or **Leave in the Intake 2 Queue**.
3. Set **Multi-track type** to **Simple** for items a, b, c, and e below under Step 7.
4. Set the **Multi-track type** to **Complex** for item 3d (unless there are very few pages to process. If this is the case, set the **Multi-track type** to Simple).
5. Select **Assign Users**.
6. Make sure your name appears as the Request Owner.
7. Change the **Primary User** accordingly based on the following FOIA response:
  - a. **On-going** – Action: 7A – **FOIA Analyst Queue**
  - b. **No records** – Action: Close Request – **FOIA Analyst Queue**
  - c. **Did not investigate** – Action: Close Request – **FOIA Analyst Queue**

- d. **Documents located** – Remains in FOIA Intake 2 until documents are uploaded to the database - **Documents Received and Ready to Upload** – **FOIA Intake 2**
- e. **No other records** (other than public docket or what was already provided) – Action: Close Request - **FOIA Analyst Queue**



**Note: The request remains in Intake 2 only when we're still waiting for a response from staff/IIC or when documents need to be uploaded to FOIAXpress.**

You may also check the **Send Email Notification** box if you want to send an assignment note/message to users.

- 8. Navigate to the Request Information screen and update the **Review Status** to either of the following statuses:
  - a. **On-going** – **Action: 7A Response**
  - b. **No records** – **Action: Close Request**
  - c. **Did not investigate** – **Action: Close Request**
  - d. **Documents located** – **Action: Documents Received and Ready to Upload** (requests remain in – FOIA Intake 2) Documents received and ready to upload (if we received responsive records).

- e. **No other records** (other than public docket or what was already provided)  
– **Action: FOIA Analyst Review**

**Note for Documents Located: When staff upload documents to a drive, note this in the Comments section of the request by typing the following: *IIC submitted non-docket here: (copy and paste drive link provided in e-mail)***



**Note: Leave the request in Intake 2 if the following is true** (refer to the FOIA Matric Status)

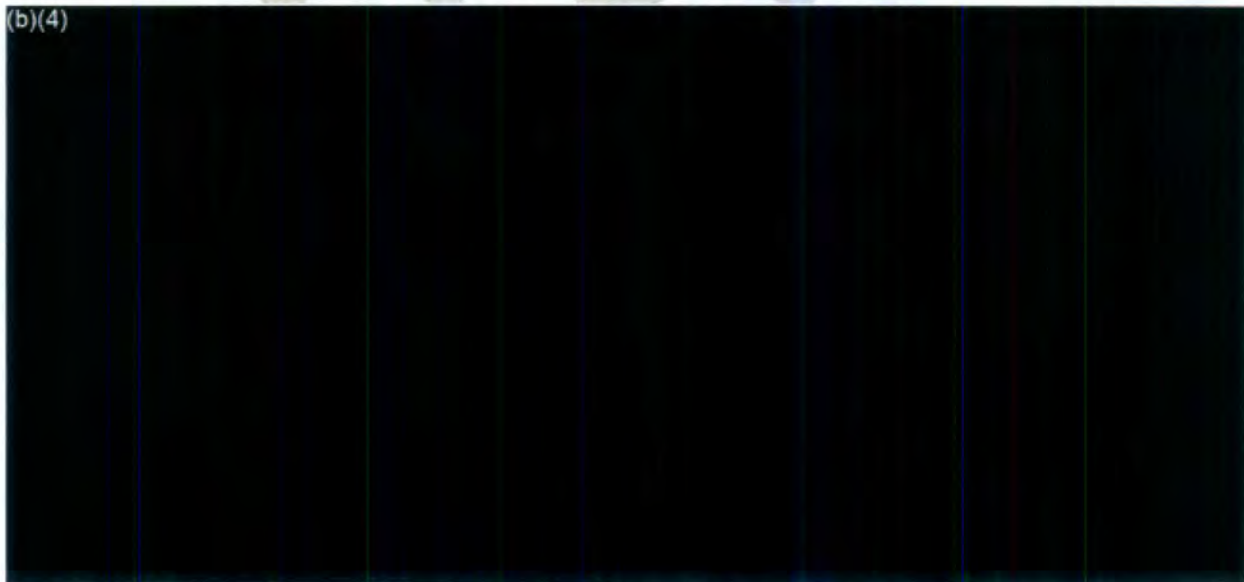
- Still waiting for response from staff
- Documents received and ready to upload (not yet uploaded)

## XI. Completing Final Actions for Simple Requests

1. Select Final Actions from the left side panel.



2. Double click on the Request Description (see highlight below).



3. Select Final Disposition and applicable exemption for Denied in Full or Granted/Denied in Part.



(b)(4)



4. Or Select **Other Reasons** used from the list below and click **Save**.

(b)(4)



5. The **Final Actions** screen will reappear. (For **Discretionary Releases**: Select if a discretionary release of information was made for the request if applicable and if the database prompts you to make this selection).



6. The **Request Status** changes to **Disposition Accepted**. Click **Save**.



## X. Supplemental Information for FOIA Intake 2 - Procedures with Checklist

(Information listed in this section is also referenced in previous sections within this document).

Please note that requests in Intake 2 will either have the Perfected status (green) or the Request for Docs Sent status (purple). Additionally, the Review status should always correspond to the Request status. See FOIA Matric Status document in Teams. **Checklist is on pages 58-59 for Intake 2 Checklist).**

Phase of Request (Request Status)	Condition of the request documents (Review Status)	Purpose of Status
Perfected	Action: Please send RFD	Validated request
Request for Docs Sent	Action: Intake 2 Coordinating Response	Sent RFD to Staff, Awaiting response
Request for Docs Sent	Documents Received and Ready to Upload	IIC/Staff stated they are sending responsive records

## II. Overview of Intake 2 Process

The role of Intake 2 is to contact appropriate staff, retrieve, and upload responsive records for processing of a FOIA request and assignment to the FOIA Processor Queue or FOIA Analyst Queue. A summary of the steps for Intake 2 includes the following, however, **the instructions are only for the green highlighted actions** in this document below:

- Accessing the Intake 2 Queue
- Working the oldest Perfected case
- Checking NTSB's website and Intranet for responsive records
- Sending a Request for Documents to NTSB staff for responsive records
- Retrieving and uploading staff E-mail responses to the Correspondence Log of the FOIA request
- Retrieving and uploading responsive hardcopy or electronic records to the FOIA case (Referrals Only)
- Setting *Review Status* to: *Documents received and ready to upload. Close Request. Action: 7A Response*

- Reassigning FOIA case to *FOIA Processor Queue* or *FOIA Analyst Queue* for further action
- **Note: The request remains in Intake 2 only when we're still waiting for a response or when documents need to be uploaded**

## II. Accessing FOIA Cases Assigned to Intake 2

Select *FOIA Intake 2* from the *Group Queue Assignment* box on the home screen of the FOIAXpress database.



Sort *FOIA Intake 2* by *Received Date* to populate the oldest *Perfected* request in the queue and begin working that request.



Review the FOIA request information to ensure that the Request Description matches the information the requester is seeking in their *Incoming Request Letter*. (Note: If a request is submitted via the Public Access Link (PAL), the requested information is automatically imported to the Request Description box).

*Also review any attached correspondence in Request Descriptions box for additional information regarding the request.*

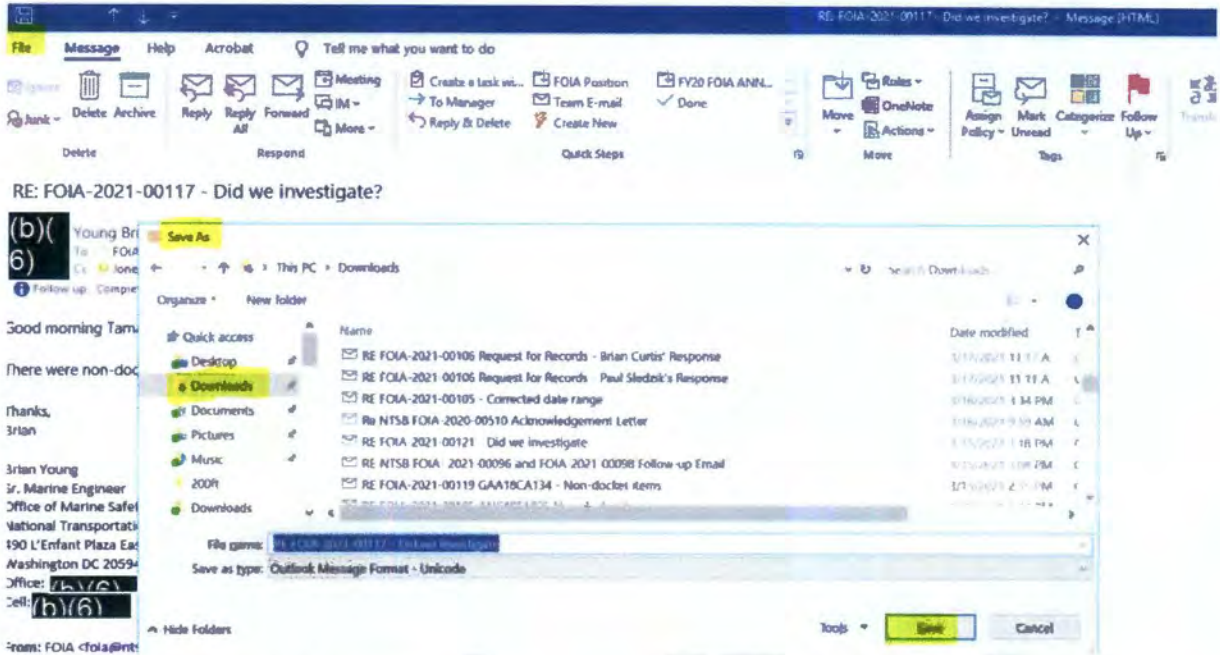
### III. Receiving Staff Responses

Staff e-mail responses will appear in the Intake 2 folder of the FOIA Inbox. Save electronic e-mail responses to a location on your computer (i.e., **Documents, Downloads or Desktop** folder) to upload the e-mail response to the **Correspondence Log** of the FOIA request.

1. Retrieve FOIA Responses from Intake 2 of the FOIA Inbox
2. Highlight the FOIA Number from the subject of the e-mail

The screenshot shows an Outlook email client interface. On the left, the 'FOIA' folder is expanded, showing a list of emails. One email is highlighted with a blue selection bar. The main pane on the right displays the content of the selected email. The email header shows the subject 'RE: FOIA-2021-00117 - Did we investigate?' and the sender 'Young Brian'. The body of the email contains a response regarding non-docket items and a folder creation on the X drive. The email also includes contact information for Brian Young, Sr. Marine Engineer, and a signature block for James Robb.

3. Click File, then Save As and save e-mail to a drive on computer (Downloads/Desktop, etc.).



4. Navigate back to FOIAXpress .

5. Copy/paste the FOIA Request # in the Request Number Tab.



6. Select Correspondence Tab.

(b)(4)

A large black rectangular redaction box covers the majority of the page content. The text "(b)(4)" is visible in the top-left corner of this redacted area.

7. Select Receive Correspondence.

(b)(4)

A large black rectangular redaction box covers the majority of the page content. The text "(b)(4)" is visible in the top-left corner of this redacted area.

**Note: Under the Subject, “Staff Email Response” will appear as one of the selections. You can modify the description of the Subject to correspond with the e-mail or other correspondence you’re uploading.**

8. In the Subject Tab (above) type: *Office name - Staff Email Response – Status* (see list of statuses below)

- On-going**
- No records**
- Did not investigate**
- Documents located**
- No other records** (other than public docket or what was already provided)
- Documents Located**

(Also, be sure to upload completed Non-docket Submission forms to the Correspondence Log separately from the e-mail itself).

9. Select Receive Mode (E-mail).

(b)(4)



10. Select Attach File.

11. Click Save.

After the email is uploaded, click the *Request for Documents* tab on the left side.

(b)(4)



12. Click the line under **Action ID** field (it should turn blue).

13. Select the **Take Action** tab.



(b)(4)



14. The Action date automatically populates as the current date.
15. Select Status – Completed.
16. Make notes in the Comments box – include date staff responded.
17. Due Date auto populates (previously selected for request to be due).
18. Check the check box next to Completed.
19. Click Calendar icon; select date (same as Action Date above)
20. Click Save.

(b)(4)



(b)(4)



21. After acting on the *Request for Documents*, the *Request for Documents* tab is updated to read *Request for Documents (1/1)*.

(b)(4)



22. Navigate back to Request Information screen to add Comment.

(b)(4)



23. In the Comment section indicate action or next action. Add date and type: Uploaded (Name of Office) (Status: i.e., on-going, no records, did not investigate, no other records other than the public docket, or Documents Located here: (copy document file location) (Initials).

24. Click Save.

(b)(4)



**Be sure to go back to the FOIA Inbox mailbox and move the e-mail to the Intake 2 Done folder. (Also mark the e-mail complete prior to moving it from the Intake 2 Inbox).**

#### **IV. Assign request to FOIA Analyst or Leave in Intake 2**

1. Select *Assign Users*.
2. Make sure your name appears as the Request Owner
3. Change the Primary User accordingly based on the following:
  - a. **On-going** – **Action: 7A** – **FOIA Analyst Queue**
  - b. **No records** – **Action: Close Request** – **FOIA Analyst Queue**
  - c. **Did not investigate** – **Action: Close Request** – **FOIA Analyst Queue**
  - d. **Documents located** – **Remains in FOIA Intake 2 - Documents Received and Ready to Upload**
  - e. **No other records** (other than public docket or what was already provided) – **Action: Close Request - FOIA Analyst Queue**

(b)(4)



**Note: The request remains in Intake 2 only when we're still waiting for a response from staff/IIC or when documents need to be uploaded to FOIAXpress.**

Also check the *Send Email Notification* box if you want to send an e-mail to users.

4. Navigate to the Request Information screen and update the *Review Status* to either of the following statuses:
  - f. On-going – **Action: 7A Response**
  - g. No records – **Action: Close Request**
  - h. Did not investigate – **Action: Close Request**
  - i. Documents located– **Action: Documents Received and Ready to Upload (requests remain in – FOIA Intake 2) Documents received and ready to upload (if we received responsive records).**
  - j. No other records (other than public docket or what was already provided) – **Action: FOIA Analyst Review**

**Note for Documents Located: When staff upload documents to a drive, note this in the Comments section of the request by typing the following: IIC submitted non-docket here: (copy and paste drive link provided in e-mail)**

(b)(4)

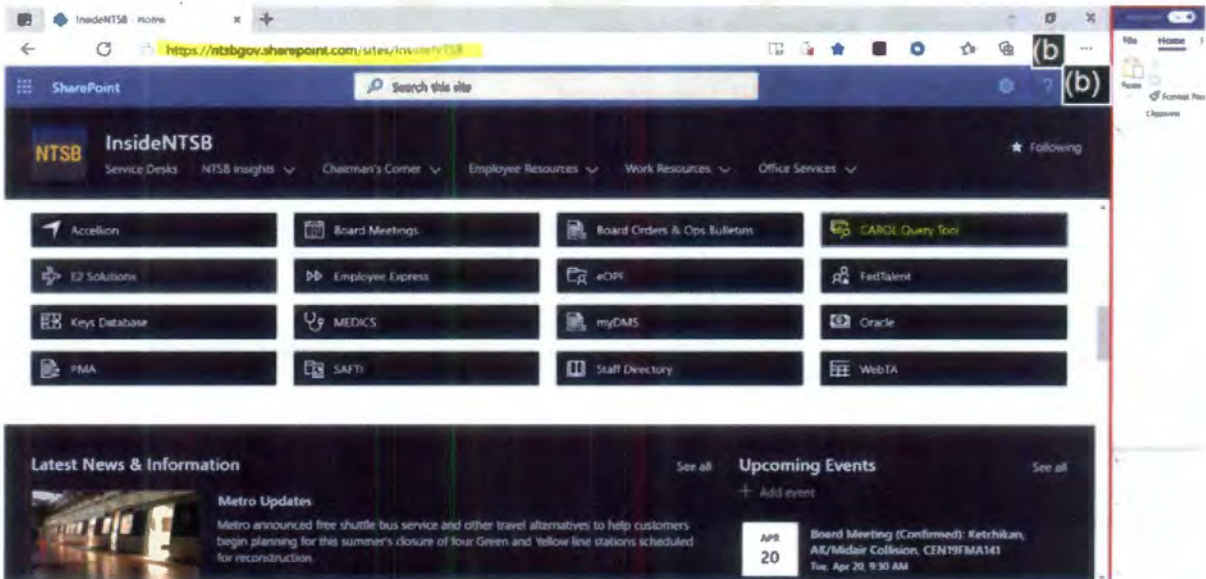
**Note: Leave the request in Intake 2 if the following is true (refer to the FOIA Matric Status)**

- Still waiting for response from staff
- Documents received and ready to upload (not yet uploaded)

**V. Determine if a Public Docket is available.**

For requests involving NTSB's accident investigations, note in the Comments whether a public docket is available by searching CAROL Query on InsideNTSB. (Note: This is especially important when sending a *Request for Documents*).

1. Click on the CAROL Query Tool.



2. Click on Accident Dockets.


InsideNTSB - Home x CAROL Query x +

Not secure | carol.ntsbt.int/carol-main/basic-search

SIMPLE SEARCH ADVANCED SEARCH MY SEARCHES PUBLISHED SEARCHES ⓘ

HELP NTSB HOME CAROL Query

CAROL *Internal Search: Results for internal NTSB use only*



Welcome to CAROL (Case Analysis and Reporting Online), NTSB's Query Tool to find information about accidents and recommendations.

CAROL includes:

- Surface modal data from 1/1/2010 and later.
- Aviation data from 1/1/2008 and later.
- All data for Safety Recommendations.

For aviation investigations before 2008, use [Aviation Database](#).

For the Docket Management System, use [Accident Dockets](#).

To begin your search, select Investigations or Recommendations. Then enter data into any or all the search boxes below.

Search for:  INVESTIGATIONS  RECOMMENDATIONS

3. Enter the NTSB accident number and click Submit Search.

InsideNTSB - Home x CAROL Query x Search Docket - Docket Manag... x CAROL Query x +

https://data.ntsbt.gov/Docket/Forms/searchdocket



Welcome to the NTSB Accident Docket Search

NTSB accident dockets contain factual reports and the evidence investigators consider to develop a probable cause. This search tool works with all modern browsers.

Search Accident Dockets

To find an accident docket, you can search by the:

- NTSB Accident ID number for the investigation (examples: DCA20FH005, CEH18FA310, HNY115UW010, HMD20R004, GAA17CA436, etc.)
- OR
- State and City where the accident happened
- Accident Date
- Transportation Mode (aircraft, railroad, highway, harbor, pipeline, marine, or leave the Mode field blank to search all modes simultaneously)

Search results are sorted by accident date, state and then city.

Clicking on the Accident ID Number in the search results will take you to the docket for the investigation.

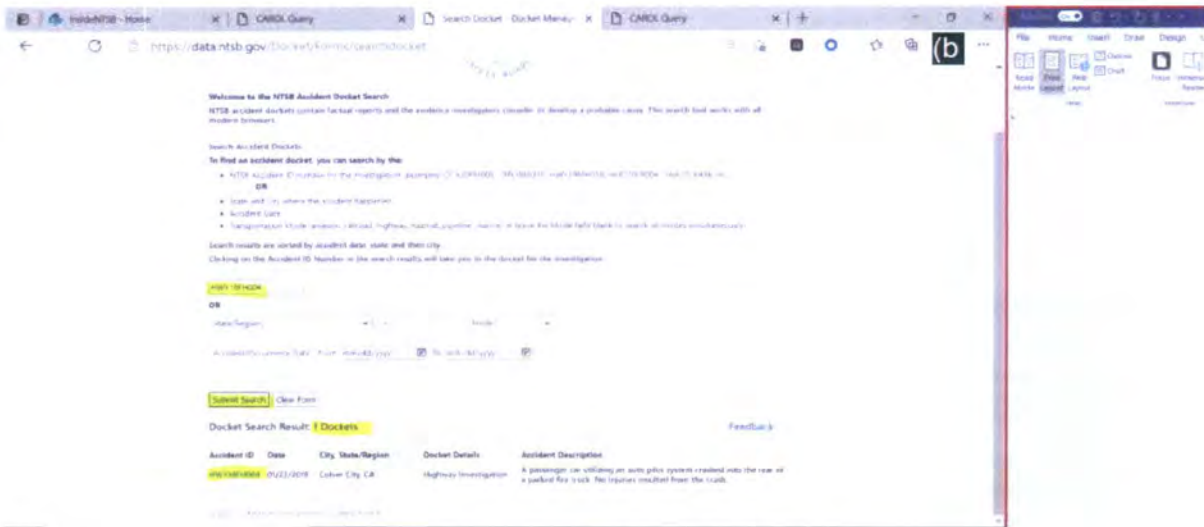
State/Region  Mode

Accident Occurrence Date From: mm/dd/yyyy To: mm/dd/yyyy

**Submit Search** Clear Form

Docket Search Result: 0 Dockets [Feedback](#)

4. See Docket Search Results. If an accident docket is located, the accident link will be listed under the Accident ID. In this instance, a public is available.



5. Indicate in the Comments section if the public docket is available based on the CAROL Query search. Also note if no public docket is available.

### Intake 2 Checklist

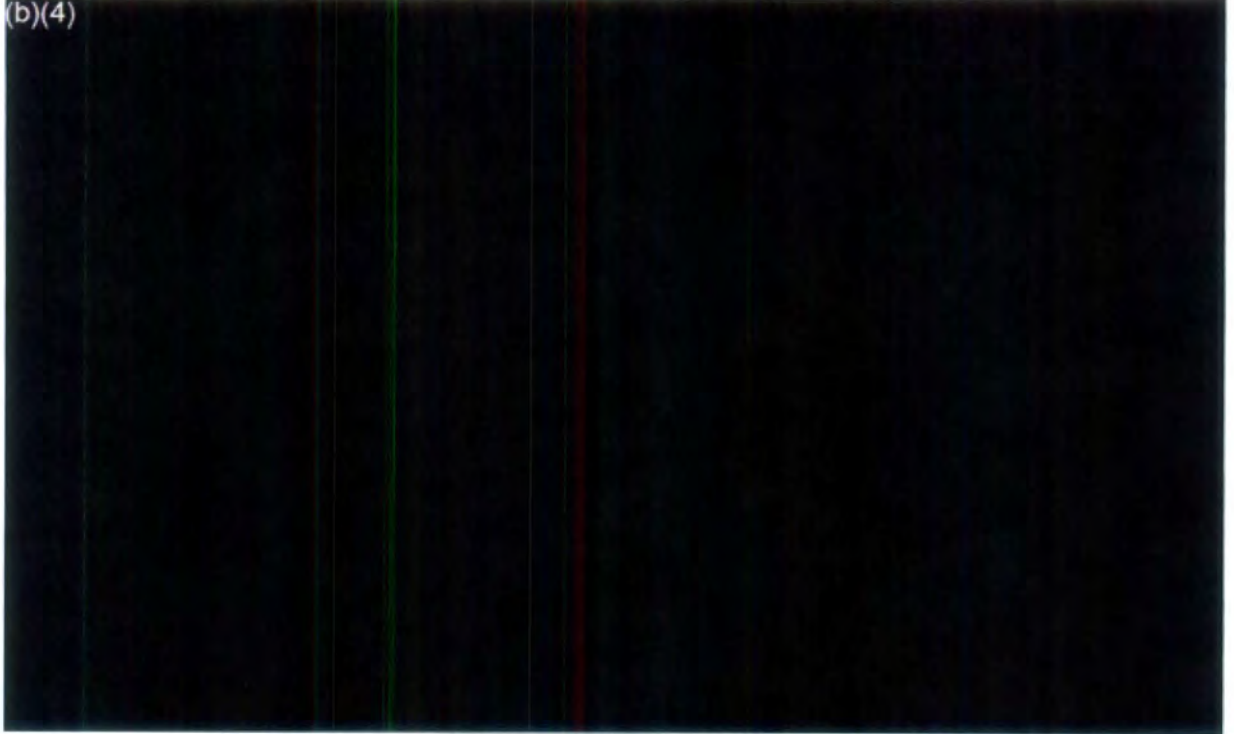
- Email Response Uploaded to Correspondence Log
- Status note added to Comments Section of the Request Information screen
- Action taken on Request for Documents
- Request Status and Review Status match according to FOIA matrix – see below

Phase of Request (Request Status)	Condition of the request documents (Review Status)	Purpose of Status (or Comments)
Perfected	Action: Please send RFD	Validated request
Request for Docs Sent	Action: Intake 2 Coordinating Response	Sent RFD to Staff, Awaiting response
Request for Docs Sent	Documents Received and Ready to Upload	IIC/Staff stated they are sending responsive records



- Request Owner and Primary Assigned properly match according to the FOIA matrix - see below

(b)(4)



## **XI. Other Pertinent/Miscellaneous FOIA Information**

- NTSB's FOIA number is (202) 314-6540
- NTSB's Website: [www.ntsbt.gov](http://www.ntsbt.gov)
- FOIA E-mail Address: [foia@ntsbt.gov](mailto:foia@ntsbt.gov)
- NTSB FOIA FAX Number:

### **Reminder E-mails**

Send a reminder e-mail asking if they were able to locate records if you do not receive a response within the 5-day time frame. Alert FOIA Officer if you have not received a response.

### **On-going Investigations**

The Investigator in Charge (IIC) must confirm in writing that the accident investigation is indeed on-going and answer questions regarding parallel law enforcement investigations. Investigators will still send their non-docket items when the investigation is complete. If there is a current request for records scan in or upload the Non-docket Submission form in the Correspondence Log of the FOIA request. Scan or upload non-docket items via EDR or Document Management and follow the directions for Receiving and Uploading responsive records. If the FOIA request is closed, scan or upload the Non-docket Submission form to the Correspondence Log of the FOIA request. Label hardcopy records with the FOIA number and store in proper fiscal year file cabinet.

### **Completed accident investigations**

If the public docket is "released" on NTSB's website, and the IIC confirms that the investigation is completed, request that they send their non-docket items to CIO-40 (FOIA).

### **Did not Investigate**

If you do not locate an accident in NTSBKeys database or CAROL database, contact the appropriate modal office, depending on the location and mode of the accident to determine if NTSB investigated the accident. **Note: If an accident investigation occurred at a grade crossing, involving both a train and a vehicle, check with RPH and HS respectively to see if the Safety Board investigated the accident.**

### **Public Records**

Any request for public records does not have to be treated as a FOIA request even if a requester cites FOIA in their request. The public availability of records, by definition, excludes these records from the FOIA. Forward the request to the Records Management Division for processing and if already logged in, assign the request to the FOIA Analyst Queue for closing. Note: NTSB publishes the following records for its accident investigations. These records are publicly available and not subject to the FOIA.

- Preliminary Report
- Factual Report
- Final Report
- Published Report
- Hearings/Board Meetings

### **No Records/Other agency records**

Many requests are for records that are not under NTSB's jurisdiction. After ensuring the NTSB has no records and/or we are certain that another agency has jurisdiction over the records a requester is seeking, forward the request to the FOIA Analyst queue for closing.

### **Foreign Investigations**

The NTSB participates in the investigation of aviation accidents and serious incidents outside the United States in accordance with the Chicago Convention of the International Civil Aviation Organization (ICAO) and the Standards and Recommended Practices (SARPS) provided in Annex 13 to the Convention.

In general — Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign aircraft accident investigations; except that —

- (A) the Board shall release records pertaining to such an investigation when the country conducting the investigation issues its final report or 2 years following the date of the accident, whichever occurs first; and
- (B) the Board may disclose records and information when authorized to do so by the country conducting the investigation.

Note, The NTSB assigns an Accredited Representative for foreign investigations and the Accredited Representative shall confirm if the country conducting the investigation issued a final report, and if there are responsive documents if 2 years has passed.

### **CVR/Onboard Recordings/Surface Recordings**

Requests for CVRs, on-board/surface recordings are an open and close type of request. **Aviation:** Contact Research and Engineering, Chief of RE-40, Vehicles Recorders Division (current Chief — (b)(6) ) stating that we have a request for the CVR or specify the type of recording. As a rule, we will not receive the actual recording; RE will mark it with the FOIA number and maintain it in the RE safe.

Surface Recordings: Contact the Modal Office.

### **Clarification on requests**

6. If necessary, change/update the accident information in Custom Fields
7. Re-assign to Intake 2

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Note: We will inform the requester that we are responding to their additional request for information under the first FOIA number received (if that first request is still open).

### **Locating Information Requester is Seeking**

Requesters may not always provide all the necessary information (i.e., the date and location of the accident) to locate the records they seek. In this instance, certain keywords provided in their request description (such as “TWA 800”) can aide in the search for the records.

Use these keywords to search the FOIAXpress database (for other requests with this subject), the NTSB website, and other databases such as NTSBKeys and CAROL Query.

If you do not locate a record of an accident in these databases, try entering a date range (i.e., the entire month, or keywords) along with the location of the accident. For aviation accidents, enter the aircraft registration number in the Description box.

**Other search tips for NTSBKeys:** *There is a unique one to one record match for the NTSB Number or Project ID; otherwise selecting more fields for the search will return fewer records. Also, you can enter a word, sentence or any part of a word or sentence in the non-dropdown fields. Also, if you are searching for a non-investigative project, you must enter a project type (other than investigation)*

Inform FOIA Analyst if you are unable to locate a record of the accident in the Comments Section of the Request Information screen. We will reach out to the requester directly for clarification.

### **Modified Requests**

1. Do not make a new request for records if the requester modifies a current request.
2. Note the modification in the Comments section and update the Request Description with the new/modified information.
3. Acknowledge the request for the modification stating:
  - a. *[Mr. Ms. \_\_\_], We received your [name correspondence, e-mail, letter, FAX, etc.] stating you wish to modify your request. We updated your request to include [state information] as stated in your [name correspondence] and will process your request accordingly.*
  - b. *Add Closing: Thank you... [Your signature, FOIA Requester Service Center, (202) 314-6540]*
4. Next, upload this e-mail to the Correspondence Log naming it “Modified Request *[name correspondence, e-mail, letter, FAX, etc.]* from Requester”.
5. Make a note in the Comments section of the Request Information screen stating, *[Date Requester sent e-mail to modifying request] - See Correspondence Log initials*].

### **Consultation and Referrals**

A consultation is when an agency locates NTSB documents and refer those documents to us for an NTSB release determination under the FOIA. In this instance, our reply would be directly to the agency and not the requester.

Therefore, prior to logging in a consultation request, alert the FOIA Analyst. We will contact that agency to let them know that it is our preference to treat this as a referral instead of a consultation and to provide the incoming request if not included with the consultation. We will also provide them with a copy of our response to the requester.

A referral is basically the same with an exception. When an agency locates NTSB documents and refer them to us to determine its release under the FOIA, we reply directly to the requester and not the agency referring the documents. This is the only difference.

### **Request Descriptions for Referral Requests**

It is not necessary to include the information the requester seeks from the referring agency in the Request Description box.

Instead, add the following to the Request Description box: *[# of pages of referral documents from (name of agency)]*.

### **Requests for Status**

If you receive a request for status by mail, E-mail or FAX, upload to the Correspondence Log (you can name it "Request for Status") and e-mail (b)(6) stating that requester is seeking a status of their request. Also note in the Comments section: *[Date, Requester seeking status, alerted FOIA Analysts (initials)]*.

### **Duplicate Requests**

It is not necessary to make a new request for duplicate records received by mail, e-mail, and FAX. Instead upload the duplicate request to the Correspondence Log, of the first/original request, and name it "Duplicate Request".

Make a note in the Comment sections: *{Date} Received duplicate request {initials}*.

**For duplicate requests received via PAL or the National FOIA Portal**, update the first/original request with the additional information the requester is seeking and note this information in the Comment section of both requests.

Follow the steps listed below for the duplicate request.

Assign the duplicate request to the FOIA Analyst queue for closing as follows:

- *Request Owner: Your Name*
- *Primary Assigned: FOIA Analyst Queue*
- *Review Status: Action: Close Request*
- *Comments: {Date, Duplicate request of and state FOIA #, Initials}*

4. Continue with adding the applicable information and save the request.

(b)(4)



5. Leave the Appeal in the Assigned status and assign it to the FOIA Officer's Primary Assignment (b) (6) User).
6. Send an acknowledgment letter if the appeal was received by e-mail, FAX or hardcopy.

3. Select Create Appeal.

(b)(4)



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## Supplemental Information for Intake 1 Procedures 1.2

### Instructions for Creating an Appeal from the Appealed Request

1. Type in FOIA # in which the requester is appealing in the Request # field.
2. Click on the Appeals tabs - left side panel of the FOIAXpress database.

(b)(4)



- **(Full Staff Name) Other Agency Documents** - Records from other government agencies
- **(Full Staff Name) Working Documents** - Working notes and other materials related to the investigation. Mark DRAFT if it is a working document
- **(Full Staff Name) Drafts** - Separate drafts from other notes
- **(Full Staff Name) Photos** - Non-docket photos/Mark graphic if applicable (original format)
- **(Full Staff Name) Non-Modal NTSB Offices** - Items from non-investigative NTSB offices
- **(Full Staff Name) Emails** - E-mails and Text messages
- **(Full Staff Name) NTSB Correspondence** - Internal agency correspondence
- **(Full Staff Name) Charts and Maps** - Charts, maps, and other similar items
- **(Full Staff Name) Media** - electronic media
- **(Full Staff Name) Other** - All other records

3. 3. **Fill out the document in the final folder: Time Spent Processing FOIA Request**

- **(Full Staff Name)Time Spent Processing FOIA Request**

\*Only create additional subfolder as needed if different staff are providing information. Follow the naming convention as stated above for any new subfolder. Only provide existing information. **(NO DUPLICATES)**.

**\*\*DO NOT INCLUDE DOCUMENTS THAT ARE AVAILABLE ON THE NTSB PUBLIC WEBSITE OR AVAILABLE IN THE PUBLIC DOCKET.**

**Do not speak with FOIA requesters or other persons who inquire about information that you may have; instead, refer them to the FOIA Office.**

Thank you.

[FOIA Analyst Name]

[Contact Info]

Please note the 2014 amendments to the Federal Records Act provides that government employees may not use a non-official e-mail account for official business unless you copy your official account or forward any such message to your official account within 20 days. If you have any records responsive to the request on a non-official email account that were not copied into your official email account, please provide them to the FOIA Office as part of the search response. Do not hesitate to contact the Records Management Division FOIA office (202-314-6540) if you have any questions.

Greetings,

We searched NTSBKeys and did not locate a record of this accident investigation. Did NTSB investigate an accident on [CUSTOMFIELD2 ], in [CUSTOMFIELD3] (see attached)?

Please respond no later than [REQFORDOCSDUEDATE].

Do not hesitate to contact the Records Management Division FOIA office (202-314-6540) if you have any questions.

Thank you,

[FOIA Analyst Name [REQUESTOWNER]

Contact Info]

Please note the 2014 amendments to the Federal Records Act provides that government employees may not use a non-official e-mail account for official business unless you copy your official account or forward any such message to your official account within 20 days. If you have any records responsive to the request on a non-official email account that were not copied into your official email account, please provide them to the FOIA Office as part of the search response.

### **Foreign Investigations Memo**

Greetings,

Attached is a FOIA request [CASENUMBER] for the above [CUSTOMFIELD1] accident, in which you are listed as the accredited representative.


Has the [name] government issued its final report regarding this accident investigation?

Are there responsive records in your possession regarding this accident investigation?

If so, please follow the instructions below to upload responsive records to the FOIA Office SharePoint site.

### **Organizing Non-Docket Items**

1. Click this link to access the FOIA folder [FOIA-2022-0TEST2](#)

2. The following sub-folders are provided as needed. By clicking the  tab you can create a new subfolder.\* To identify your responsive documents\*\*, rename your subfolder with your **full staff name first then the folder name as shown below:**

- **(Full Staff Name) Proprietary Documents** - Records that may be confidential business received in the course of an investigation

- **(Full Staff Name) Other Agency Documents** - Records from other government agencies
- **(Full Staff Name) Working Documents** - Working notes and other materials related to the investigation. Mark DRAFT if it is a working document
- **(Full Staff Name) Drafts** - Separate drafts from other notes
- **(Full Staff Name) Photos** - Non-docket photos (original format)
- **(Full Staff Name) NTSB Offices** - Items from **non-investigative** NTSB offices
- **(Full Staff Name) Emails\*\*** - E-mails and Text messages
- **(Full Staff Name) NTSB Correspondence** - Internal agency correspondence
- **(Full Staff Name) Charts and Maps** - Charts, maps, and other similar items
- **(Full Staff Name) Media** - electronic media
- **(Full Staff Name) Other** - All other records

3. **Fill out the document in the final folder: Time Spent Processing FOIA Request**

**(Full Staff Name)Time Spent Processing FOIA Request**

\*Only create additional subfolder as needed if different staff are providing information. Follow the naming convention as stated above for any new subfolder. Only provide existing information. **(NO DUPLICATES)**.

**\*\*DO NOT INCLUDE DOCUMENTS THAT ARE AVAILABLE ON THE NTSB PUBLIC WEBSITE OR AVAILABLE IN THE PUBLIC DOCKET.**

**Do not speak with FOIA requesters or other persons who inquire about information that you may have; instead, refer them to the FOIA Office.**

Please reply to this email when all responsive documents from you and your group are uploaded.

Respond no later than [REQFORDOCSDUEDATE].

If you need more time, let us know.

Thank you,

[FOIA Analyst Name [REQUESTOWNER]]

[Contact Info]

**Please note the 2014 amendments to the Federal Records Act provides that government employees may not use a non-official e-mail account for official business unless you copy your official account or forward any such message to your official account within 20 days. If you have any records responsive to the request on a non-official email account that were not copied into your official email account, please provide them to the FOIA Office as part of the search response.**

**No Record of Accident Memo**

\*Only create additional subfolder as needed if different staff are providing information. Follow the naming convention as stated above for any new subfolder. Only provide existing information. (NO DUPLICATES).

\*\*DO NOT INCLUDE DOCUMENTS THAT ARE AVAILABLE ON THE NTSB PUBLIC WEBSITE OR AVAILABLE IN THE PUBLIC DOCKET.

Do not speak with FOIA requesters or other persons who inquire about information that you may have; instead, refer them to the FOIA Office.

Please respond no later than [REQFORDOCSDUEDATE].

If a longer response time is needed, or if you have any questions, do not hesitate to contact the Records Management Division FOIA office at (202-314-6540).

Thank you.

[FOIA Analyst Name [REQUESTOWNER] , Contact Info]

Please note the 2014 amendments to the Federal Records Act provides that government employees may not use a non-official e-mail account for official business unless you copy your official account or forward any such message to your official account within 20 days. If you have any records responsive to the request on a non-official email account that were not copied into your official email account, please provide them to the FOIA Office as part of the search response.

### Non-modal requests Memo

Greetings,

Attached is a copy of the above for [REQUESTDESCRIPTION].

Please follow the instructions below to upload your responsive records to the FOIA Office SharePoint site.

1. Click this link to access the FOIA folder [FOIA-2022-0TEST2](#)
2. You should make the following sub-folders, as needed\*. Click



the  tab to create a subfolder. To identify your responsive documents make sure you put the staff name first then the folder name:

- o **(Full Staff Name) Proprietary Documents** - Records that may be confidential business received in the course of an investigation

provide them to the FOIA Office as part of the search response. Do not hesitate to contact the Records Management Division FOIA office (202-314-6540) if you have any questions.

### **Completed Investigations Memo**

Greetings,


We have a FOIA request [CASENUMBER] (attached) for the above [CUSTOMFIELD1] accident, which you are listed as the IIC.

Our review shows that a public docket is available. Are there any responsive non-docket items in accordance with the records the requester is seeking their request?

If so, please see the instructions below to upload responsive documents. to your office FOIA Share Point Folder.

#### **ORGANIZING NON-DOCKET RECORDS:**

1. Click this link to access the FOIA folder [FOIA-2022-0TEST2](#)

2. The following sub-folders are provided as needed. By clicking the  tab you can create a new subfolder.\* To identify your responsive documents\*\*, rename your subfolder with your full staff name first then the folder name as shown below:

- (Full Staff Name) Proprietary Documents - Records that may be confidential business received in the course of an investigation
- (Full Staff Name) Other Agency Documents - Records from other government agencies
- (Full Staff Name) Working Documents - Working notes and other materials related to the investigation. Mark DRAFT if it is a working document
- (Full Staff Name) Drafts - Separate drafts from other notes
- (Full Staff Name) Photos - Non-docket photos/Mark graphic if applicable (original format)
- (Full Staff Name) Non-Modal NTSB Offices - Items from non-investigative NTSB offices
- (Full Staff Name) Emails - E-mails and Text messages
- (Full Staff Name) NTSB Correspondence - Internal agency correspondence
- (Full Staff Name) Charts and Maps - Charts, maps, and other similar items
- (Full Staff Name) Media - electronic media
- (Full Staff Name) Other - All other records
- 

3. Fill out the document in the final folder: Time Spent Processing FOIA Request  
(Full Staff Name)Time Spent Processing FOIA Request

documents\*\*, rename your subfolder with your full staff name first then the folder name as shown below:

- o **(Full Staff Name) Proprietary Documents** - Records that may be confidential business received in the course of an investigation
- o **(Full Staff Name) Other Agency Documents** - Records from other government agencies
- o **(Full Staff Name) Working Documents** - Working notes and other materials related to the investigation. Mark DRAFT if it is a working document
- o **(Full Staff Name) Drafts** - Separate drafts from other notes
- o **(Full Staff Name) Photos** - Non-docket photos (original format)
- o **(Full Staff Name) NTSB Offices** - Items from **non-investigative** NTSB offices
- o **(Full Staff Name) Emails\*\*** - E-mails and Text messages
- o **(Full Staff Name) NTSB Correspondence** - Internal agency correspondence
- o **(Full Staff Name) Charts and Maps** - Charts, maps, and other similar items
- o **(Full Staff Name) Media** - electronic media
- o **(Full Staff Name) Other** - All other records

3. Fill out the document in the final folder: Time Spent Processing FOIA Request

**(Full Staff Name)Time Spent Processing FOIA Request**

\*Only create additional subfolder as needed if different staff are providing information. Follow the naming convention as stated above for any new subfolder. Only provide existing information. **(NO DUPLICATES)**.

**\*\*DO NOT INCLUDE DOCUMENTS THAT ARE AVAILABLE ON THE NTSB PUBLIC WEBSITE OR AVAILABLE IN THE PUBLIC DOCKET.**

**Do not speak with FOIA requesters or other persons who inquire about information that you may have; instead, refer them to the FOIA Office.**

Please reply to this email when all responsive documents from you and your group are uploaded.

Respond no later than March 10, 2022. If you need more time, let us know.

Thank you.

[[REQUESTOWNER] [FOIA Analyst Name, Contact Info]

Please note the 2014 amendments to the Federal Records Act provides that government employees may not use a non-official e-mail account for official business unless you copy your official account or forward any such message to your official account within 20 days. If you have any records responsive to the request on a non-official email account that were not copied into your official email account, please

## XII. RFD Memos

### FOIA Notification Request Memo

Greetings,

Attached is a FOIA request FOIA-2022-00083 for the above accident, which you are listed as the IIC. The requester is seeking photos and videos.

Our review shows that the investigation is on-going. If so, please answer the following questions.

- If yes, based on your current knowledge, is there a parallel a law enforcement investigation related to the accident (e.g., FBI, state and local law enforcement, FAA enforcement, USCG enforcement)?
  - If so, is the law enforcement investigation ongoing?
- Based on your current knowledge, are any of the records that are responsive to the FOIA request being used by the law enforcement investigation?
  - If so, identify or categorize the documents.
- Provide a reasonable estimate as to when the categories of responsive documents used by law enforcement will be released in the NTSB public docket.
- Provide a reasonable estimate as to when the public docket will be opened.
- 

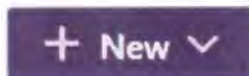
For purposes of a potential appeal, the FOIA Office needs for you to preserve all responsive records (non-docket items) concerning the attached FOIA request regarding this investigation.

Please upload your responsive records to the FOIA Office SharePoint site within 30 days of the opening of the docket/completion of this investigation. Attached is the Non-docket Submission form, which you and all others submitting responsive records must fill out and upload into the SharePoint folder with the non-docket items once your investigation is completed.

### Organizing Non-Docket Items

1. Once your investigation is completed, please click this link to access the folder: [\[FOIA-2022-0TEST\]](#) to upload your responsive documents concerning the request.

2. The following sub-folders are provided as needed. By clicking the



tab to create a subfolder.\* To identify your responsive



Please consult with FOIA Analysts prior to contacting requesters directly if you need clarification regarding a request.

### **IIC/Staff E-mail Response**

The IIC must confirm the status of the investigation in writing as either completed or on-going, and in cases of non-accident-related requests, upload the staff/IIC's e-mail response into FOIAXpress utilizing the instructions above.

### **FOIA Staff Access/Resources**

- InsideNTSB
- Drives/SharePoint – FOIA Responses
- TEAMS – FOIA Team General folder
- The FOIA Inbox
- The FOIA Database
- FOIA Matric – Rules of the Queues
- PII Redaction List
- MyDMS – OOU/CUI items
- Aviation Accident Database
- Public dockets
- Carol Query database
- SAFTI
- NTSBKeys database
- CFR – Part 800, Part 801 and Part 821

### **NTSB uses FOIA Exemptions (b)(3) through (b)(7)(a)**

- Signatures – strike through only, do not redact signatures for public officials or heads of agencies, etc.
- Proprietary Records – manuals, drawings, monetary information – (b)(4)
- Deliberative analysis, drafts, preliminary information – (b)(5)
- Other agency records – do not redact; refer to that agency – Other Reason – Refer Document
- Non-responsive records – do not upload to Review Log from EDR
- Duplicate records – do not upload to Review Log from EDR
- Direct business email addresses/telephone numbers and other personal information on redaction list - (b)(6)