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DEPARTMENT OF HOMELAND SECURITY
UNITED STATES SECRET SERVICE
WASHINGTON, D.C. 20223

Freedom of Information Act Program
Communications Center
245 Murray Lane, S.W., Building T-5
Mail Stop 8205
Washington, D.C. 20223

Date: June 17, 2022

Email

File Number: 20220423

Dear Requester:

This is the final response to your Freedom of Information Act (FOIA) request, originally received by the United States Secret Service (Secret Service) on May 23, 2022, for information pertaining request a copy of each (internal) FOIA Standard Operating Procedure (SOP) at the USSS FOIA Office. Please apply the foreseeable harm test, and discretionary release of what might otherwise be considered records exempt under b(5), and the presumption of openness.

After a detailed review of all potentially responsive records, 45 page(s) were released and 23 page(s) were withheld in their entirety. After considering the "Foreseeable Harm" standard, outlined in Title 5 U.S.C § 552(a)(8)(A)(i) and Department of Justice guidance, exemptions under FOIA Statute Title 5 U.S.C. § 552, and/or the PA Statute Title 5 U.S.C. § 552a, have been applied where deemed appropriate.

Enclosed are the documents responsive to your request, as well as a document that explains the exemptions in more detail. Withheld information is pursuant to the exemptions marked below.

Section 552 (FOIA)

<input type="checkbox"/> (b) (1)	<input type="checkbox"/> (b) (2)	<input type="checkbox"/> (b) (3) Statute:		
<input type="checkbox"/> (b) (4)	<input checked="" type="checkbox"/> (b) (5)	<input checked="" type="checkbox"/> (b) (6)	<input type="checkbox"/> (b) (7) (A)	<input type="checkbox"/> (b) (7) (B)
<input checked="" type="checkbox"/> (b) (7) (C)	<input type="checkbox"/> (b) (7) (D)	<input type="checkbox"/> (b) (7) (E)	<input type="checkbox"/> (b) (7) (F)	<input type="checkbox"/> (b) (8)

The following checked item(s) also apply to your request:

[] Some documents, and/or information contained within a document, originated with another government agency(s). Approximately page(s) were referred to that agency(s) for review and direct response to you.

[] Fees: In the processing of this FOIA request, no fees are being assessed.

[] Other:

If you deem our decision an adverse determination, you may exercise your appeal rights. Should you wish to file an administrative appeal, your appeal should be made in writing and received within ninety (90) days of the date of this letter, by writing to: Freedom of Information Appeal, Deputy Director, U.S. Secret Service, Communications Center, 245 Murray Lane, S.W., Building T-5, Washington, D.C. 20223. If you choose to file an administrative appeal, please explain the basis of your appeal and reference the case number listed above.

Additionally, you have the right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Please note that contacting the Secret Service's FOIA Program and/or OGIS **is not** an alternative to filing an administrative appeal and **does not** stop the 90-day appeal clock. You may contact OGIS at: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001. You may also reach OGIS via e-mail at ogis@nara.gov, telephone at 202-741-5770/toll free at (877) 684-6448, or facsimile at (202) 741-5769.

If you need any further assistance, or would like to discuss any aspect of your request, please contact our FOIA Public Liaison Kevin Tyrrell, at (202) 220-1819. Alternatively, you may send an e-mail to foia@uss.dhs.gov.

FOIA File No. 20220423 is assigned to your request. Please refer to this file number in all future communication with this office.

Sincerely,



Kevin L. Tyrrell
Freedom of Information Act Officer
Office of Intergovernmental and Legislative Affairs

Enclosure:
FOIA and Privacy Act Exemption List

UNITED STATES SECRET SERVICE
FREEDOM OF INFORMATION ACT (FOIA) PROGRAM



STANDARD OPERATING PROCEDURES

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INTRODUCTION

This Standard Operating Procedure (SOP) document is designed to guide Freedom of Information Act (FOIA) Analysts within the United States Secret Service FOIA Office (USSS).

USSS FOIA OFFICE is responsible for ensuring Department-wide compliance with FOIA. Its duties include tracking and reporting on FOIA requests, as well as receiving and responding to them. This document discusses USSS FOIA OFFICE's role as well as that of the individual analyst.

FOIA Analysts must receive FOIA and Privacy Act (PA) requests, understand whether the requests are correct and complete, forward the requests to the correct office or facility, and in many cases determine how to respond to these requests, all in compliance with the FOIA and/or the Privacy Act (PA). Other duties include conducting correspondence with FOIA requesters as well as internal stakeholders. Individual Analysts are assigned additional duties related to, but not limited to, appeals, litigation, training, records management, FOIA webpage management, and proactive disclosure; this document does not address these collateral duties.

FEDERAL AUTHORITIES

- The Freedom of Information Act (5 U.S.C. § 552 (2006), amended by OPEN Government Act of 2007, Pub. L. No. 110-175, 121 Stat. 2524)
- The Privacy Act of 1974 (5 U.S.C. § 552a)
- The Electronic Freedom of Information Act Amendments (P.L. 104-231)
- 6 CFR Chapter 1 and Part 5, Freedom of Information Act and Privacy Act Procedures

DEFINITIONS

- ❖ Action Office – As used by the e-FOIA tracking system and in this SOP, the “Action Office” is the USSS organizational component that maintains the information that is the subject of a FOIA request.
- ❖ Request Type – Refers to both the statute under which a requester issues a request for access to USSS records, and to the source from which the Action Office receives the request. The five request types are:

- FOIA – Requests are assumed to be made under FOIA if USSS cannot respond solely under the PA.
- FOIA/PA – Requests are deemed to be of this request type that are either:
 - For agency records that are protected by the PA but that are also exempted from first party right of access, and are therefore processed under FOIA, or
 - Agency records that are not protected by the PA.
- Referral – Requests for records to another federal agency or other USSS component and referred to USSS Privacy Office for processing and direct response to the requestor. The originating agency may or may not include records containing USSS equity in the referral. These will be handled in the same manner as FOIA requests, either directed to the correct component or logged into FX if processed by the Privacy Office.
- Consultation – Requests to another federal agency or other USSS component, along with records found during the search, which contain USSS equity, for processing and response back to the other federal agency or USSS component. These should be forwarded to the correct USSS component or entered into FX as a Consultation depending on the equity contained in the records.

A request type of Consultation should ONLY be used when USSS is the recipient of the Consultation. When USSS initiates a Consultation and sends it to another federal agency (or component) for input, the request type entered into the e-FOIA tracking system should be the actual type of the request (i.e., either FOIA or FOIA/PA).

- ❖ Requester – An individual who submits a FOIA request.
- ❖ Received Mode – The manner in which the FOIA request was received (mail, email, phone, or other).
- ❖ Delivery Mode – The manner in which USSS’s response is sent to the requester (mail, email, phone, or other).
- ❖ Requested Date – The date the request was made.
- ❖ Received Date – The date that the request was received by any USSS component designated to receive FOIA requests in USSS’s FOIA implementation regulations.
- ❖ Triage and Intake Group (Intake Team) – Responsible for initial receipt and analysis of incoming requests, Out for Approval and closing of requests sent to the USSS.
- ❖ Unusual Circumstances – an agency can extend the twenty-day time limit for processing a FOIA request if it tells the requester in writing why it needs the extension and when it will make a determination on the request. The FOIA defines “unusual circumstances” as (1) the need to search for and collect records from separate offices; (2) the need to search for, collect, and examine a voluminous amount of records “demanded in a single request” and (3) the need to consult with another agency or two or more agency components. If the required extension exceeds ten days, the agency must allow the requester an opportunity to

modify his or her request, or to arrange for an alternative time frame for completion of the agency's processing.

- ❖ Tolling - (i.e. stopping the clock) is limited by the OPEN Government Act to two circumstances: (1) one time to obtain "reasonably requested" information from the requester (although an agency may contact the requester as many times as necessary during that time in order to facilitate the processing of the request); and (2) as "necessary" to clarify fee-related issues with the requester.

USSS OFFICE FOIA CASE PROCESSING GENERAL WORKFLOW

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ROLES AND RESPONSIBILITIES

✚ TRIAGE AND INTAKE DUTIES (Intake Team)

1. Analysts are expected to log into FOIAXpress (FX) each workday, whether in the office or teleworking.
2. The Intake Team will check the FOIA voice-mailbox daily by 8:00 am.). Messages left after hours will be returned on the next business day. Messages may be deleted once the information is noted and the issue is resolved.. To access to the voice-mailbox:press any button next to a “main line” number, press the voice mail button, enter FOIAUNIT#.
3. The Intake Team will collect, copy and upload incoming FOIA/PA requests received by mail, email and fax into FOIAXpress daily. For requests received by mail, the Intake Team member will copy and upload the envelope as well as the request. The envelope provides the date received and the return address, which is critical information to input into FOIAXpress. In addition to FOIA/PA requests, the incoming correspondence may contain: appeals, consults, referrals, litigation documents, status inquiries, a notarized statement, personally identifiable information to perfect a request, classified information, misdirected FOIA/PA requests, or other correspondence.
 1. REQUESTS: The Intake Team member will input all new FOIA/PA requests utilizing the checklist in Appendix .
 - a. All requests are to be entered into FOIAXpress within 2 business days.
 - b. The Intake Team will enter the date the FOIA request was received in FOIAXpress. FOIA requests received after 5 PM Eastern will be dated as received the following business day. The date the request is received is particularly important for FOIA requests, as it starts the twenty working day period for responding to FOIA requests.
 2. NOTARIZED STATEMENT AND PII TO PERFECT A REQUEST
 - a. The Intake Team member will stop the clock for unperfected requests when additional information is needed from the requester for the request to be perfected. (See Appendix)
 - b.
 3. APPEALS: The Intake Team member will provide the point-of-contact in the Office of Chief Counsel with all the request information utilizing the Appeals Checklist in Appendix .
 4. CONSULTS/REFERRALS: The Intake Team member will input consults and referrals in accordance with Appendix .
 5. MISDIRECTED REQUESTS: The Intake Team member will input misdirected requests in accordance with Appendix .
 - a. All misdirects are to be entered into FOIAXpress and transferred to the proper component(s) within 2 business days.
 6. **CLASSIFIED INFORMATION: When there is an inner envelope with markings such as “Confidential” or “Secret” the Intake Team member will NOT OPEN THE INTERNAL ENVELOPE but will pass it on to a FOIA**

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team member with THE PROPER SECURITY CLEARANCE. If a FOIA team member with the proper security clearance is not available, the Intake Team member will ask an alternate USSS staff person with the proper security clearance to secure the packet in the safe then inform the Chief Disclosure Officer that the envelope is in the safe. .

- a. Do not upload any classified material to FOIAXpress.
- b. If there is a spillage of classified information, notify your manager and the Security Operations Center. Provide them with the FOIAXpress case number and the location of all classified information that needs to be deleted.

6. Other Correspondence:

- c. **Mandatory Declassification Reviews:** See the Section on Handling Specific Types of Requests.
- d. **Request for the Amendment of Information in a PA System of Records:** Forward these requests to the Privacy Officer at the component that oversees the specific system of records involved. Keep a copy of the request and transfer email in a folder within the "Incoming FOIA Correspondence" folder

7. After the request information is fully entered into FOIAXpress, the Intake Team member will reassign the request to the next Intake Team member to conduct the search for responsive records.–The Intake Team member will 1) select the FOIA staff person and 2) check the box that triggers an email notification so that the person is alerted of the reassignment. When asked if you want to change the FOIA number, select "No." Please see **Section, "Tasking Offices for Records"** for instructions to conduct the search for responsive records.

8.

9. Other Requests/Consults/Litigation

Check for duplication within FX. Upload new requests containing equities that our office processes, or unperfected requests to FOIAXpress (FX) within two business days. These include consults from other agencies:

- a. Search for the requester.
 - If found, verify that all information is correct and make necessary changes. All possible fields need to be completed including, but not limited to phone and fax numbers, and email addresses.
 - If not found in FX, create requester:
 - i. Enter "Prefix." This field merges into the Acknowledgement and Final letter templates.
 - ii. Enter "First Name" and "Last Name"
 - iii. Enter the "Organization" and "Job Title" if applicable
 - iv. Research and enter "Default Category" for requester type

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- v. Complete the address information. Note that this information merges into the Acknowledgment and Final letter templates and needs to be correct
- vi. Complete as much of the Contact Information as possible, phone numbers and email addresses.
- vii. Ensure the information is complete and accurate.
- b. Once the requester is in FX, create a new FOIA case
 - Request Information Tab:
 - i. Highlight the requester, choose “Create Request”
 - ii. Action Office = “HQ”
 - iii. Request Type = “HQ FOIA” or “HQ Consult” or “HQ Litigation”. Use of “HQ Privacy Act” will be very rare. [NOTE: “HQ FOIA” includes regular FOIA requests as well as those cases where we process under both the FOIA and PA. “HQ Consult” means that the component or agency that forwarded the consult wants us to respond back to them, not to the requester. If the component or agency that sent the request asks that we respond directly to the requester, then we treat the case as a FOIA request, not a consult.
 - iv. Check Requester Category
 - v. Enter “Received Mode”
 - vi. Enter “Requested Date”
 - vii. Enter “Received Date”
 - viii. [NOTE: It will be the responsibility of the assigned Analyst to enter the “Expedite Request” information and to determine if the request meets the threshold.]
 - ix. Make comments regarding the request that might help the Analyst
 - Other Information Tab:

This tab is used for capturing information related to consults, referrals, and to capture keywords within the request in order to determine how many previous requests were received for the same records.

 - i. If the case is a consult and you will be responding back to a component or agency, enter the component or agency information under the “General Information” tab, but capture the information regarding the initial requester on the “Other Information” tab;
 - ii. If the case is a referral and you will be responding directly to the requester, enter the initial requester’s information under the “General Information” tab, but note the name of the referring agency or component on the “Other Information” tab;
 - iii. Keywords should be entered into the ‘a2d’ section.
 - Request Information Tab:

- i. Type a full description of what records the requester seeks; the description needs to be almost verbatim from the request, even if it is a lengthy request, and list the time period of the records sought, and any other parameters the requester specifies in the request that would normally go into the acknowledgment and final letters. Note that this field will merge into the acknowledgment and final letter templates. Do not begin the paragraph with a capital letter or include a period at the end of the sentence as these are already in the template
- ii. Upload a copy of only the initial request/envelope by either attaching a pdf using the paper clip, or by scanning the request/copy of envelope using the scan button on the page; ensure the attached request is legible and rotated correctly for viewing. Note that if you attach anything else on this page, it will override the original attachment. Only one item can be attached in the “Request Description” tray.

IMPORTANT NOTE: Do not include unprocessed, referred pages in this portion of FX or referral memos. You will later have the option of emailing the original request to the requester when you send a letter. Whatever is attached at the “Request Information” tab will get emailed to the requester if you opt to attach the original request when you email the requester!!!!

If there are referred records that are NOT classified, a folder for them should be created in Document Managements File Cabinet, and the referred pages scanned in and linked to the case in the “Review Log.” Transfer memos from other offices or agencies should be uploaded in the “Correspondence” “Received” section of FX and should be given a descriptive name, for example “Referral Memo from DOJ”

- Fee Information Tab
 - i. Enter the amount that the requester is willing to pay
 - ii. [NOTE: It will be the responsibility of the assigned Analyst to enter the “Fee Waiver Requested” information and to determine if the threshold is met.]
- c. Save the information. Once the case is saved, add case notes. Case notes should include information about Congressional and Classified cases as discussed in those sections. Notes should also include an outline regarding the analysis on why the case was uploaded to FX rather than just transferred to another component; information that you found during

research of the case, or through past experiences locating certain records. Pdf's of your research could be uploaded into the "Correspondence Received" section of FX and a case note included letting the analyst know to refer to that pdf. Assign the request to Queue (01) HQ New Cases For Further Review

FOIA Processors

The Processor is responsible for a multitude of tasks to ensure the office operates efficiently and in compliance with FOIA/PA regulations and USSS policy, while following direction set forth by the President and the Attorney General to ensure transparency of Government operations, in order to provide excellent customer service. They are assigned cases on a rolling basis as received (i.e. daily). The following list outlines some of the general Analyst duties.

- Work on each assigned case and update the notes in FOIAXpress with any action or progress on the case. Case notes should describe in detail the action that was taken on the request and should capture anything not captured elsewhere in FX, such as, but not limited to, telephone conversations with the requester and/or offices tasked to search for records, notes on why certain offices were tasked and not others, decisions as to why certain conclusions were made related to withholding information, etc.
- Use FX to redact records. Notes regarding why certain redactions were made, what records were consulted on by other agencies/components, etc. should be included while redacting records. These can be removed from the final product that is released to the requester but will serve as reference in appeal and litigation.
- Use Redaction Flags for each page reviewed.
- Draft letters to requesters in FX.

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- All Analysts should seek guidance when a process, procedure, or system's use is unclear.
- Reference the FX online manual provided by AINS, as well as procedures outlined in this guide. The FX online manual is available in FX under the Help Tab.
- Provide input on improving workflows and procedures in the office.
- Meet the deadlines set out under the "Time Limits" section of this SOP.

❖ Time Limits & Requester Notification

When an agency receives a proper FOIA request, it has twenty working days in which to make a determination on the request. The OPEN Government Act of 2007 amended the time period provision by setting statutory rules regarding when the time

period commences and addresses tolling. An agency has ten calendar days in which to determine whether or not to grant a request for expedited processing.

The twenty-day time period begins on the date the request is first received by the appropriate agency component (or office), but no later than ten days after the request is first received by any component within the agency that is designated by the agency's regulations to receive FOIA requests. If a requester mistakenly sends a FOIA request to the wrong FOIA office within the agency, that office is obligated to route the "misdirected" request to the appropriate component. The request is to be logged into FX, and then sent to the proper component within two days of receiving the request. If the initial receiving component fails to route a misdirected request to the proper component within ten days, the proper component's twenty-day time period to make a request determination begins to run nevertheless (provided the request is otherwise a proper FOIA request).

An agency's failure to comply with the time limits for either an initial request or an administrative appeal may be treated as a "constructive exhaustion" of administrative remedies and allows the requester to immediately seek judicial review.

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On the rare occasion that a deadline cannot be met, notes should be added to the case folder and action should be completed within a day or two of the initial deadline. For example, a processor who calls a requester for clarification or to narrow the scope of the request may decide to wait an extra day or two for the requester to call back. If the requester does not call back within a day or two, the processor should then take the appropriate action which might include a letter to the requester asking for more information.

The OPEN Government Act of 2007 also requires agencies to provide requesters with individualized tracking numbers for requests that will take longer than ten days to process, and to maintain a telephone line or Internet service to provide requesters with request status information, such as the date the agency originally received the request that the estimated date of completion (codified at 5§ 552(a)(7)). Several components of USSS have opted to provide the status of FOIA requests, including the original receipt date and the estimated date of completion, online. This

information is generated from FX data entry. The original received date automatically generates a preliminary estimated date of completion which is dependent on whether the request is designated as simple, complex, or expedited.

❖ **Safeguarding Sensitive PII**

Understand how to safeguard Sensitive Personally Identifiable Information (PII); the *"How to Safeguard Sensitive Personally Identifiable Information"* factsheet can be found on the Privacy Office web page. Examples of Sensitive PII include: Social Security numbers (SSN), financial account numbers, and biometric identifiers (e.g., fingerprint, iris scan). Other data elements such as account passwords, and medical information, in conjunction with the identity of an individual, are also considered Sensitive PII. The context of the PII may also determine its sensitivity, such as a list of employees with poor performance ratings.

❖ **Emailing Sensitive PII:**

- ***Within USSS:*** Though USSS policy allows you to email Sensitive PII without protection to a recipient with an official need to know, some components do require encryption. In the *"How to Safeguard Sensitive Personally Identifiable Information"* factsheet, the USSS Privacy Office strongly recommends that Sensitive PII be redacted, password-protected, or encrypted if you are emailing within USSS.
- ***Outside USSS:*** Email Sensitive PII within an encrypted attachment with the password provided separately by phone, email, mail, or in person. Before emailing Sensitive PII, confirm that you have the correct email address.
- ***Never email Sensitive PII to your personal email accounts:*** Personal computers should not be used to access, save, store, or host Sensitive PII. Each component has different procedures for accessing the USSS network remotely, so check with your Help Desk.

FOIA & PA REQUESTS

1. Life Cycle of a Typical Request in FX

The following steps are an example of the typical life cycle of a request from the time it is received until the final action is taken. It is important to remember that the case documentation within FX needs to be complete and accurate as the information is used not only for reporting purposes at the end of the year, but also in the event of an appeal or litigation. It is imperative that Analysts develop disciplined, detailed habits maintaining their assigned cases so that any other Analyst would be able to pick up one of their cases in the future and still be able to provide the proper documents to the requester. Customer service is paramount; please pay attention to detail.

- A. Request for Documents – FX tracks where the search was conducted, which offices responded to the search request and the details outlining if records were found.
- B. Document Management – Once documents are received, the Analyst will create a folder in the File Cabinet using the naming conventions discussed in Appendix C.
- C. Add all responsive documents to the FOIA request case file by adding the documents to the review log.
- D. Draft final response letter in correspondence.
- E. Once the documents are processed and the final review has been approved by the program offices and Disclosure Officer, the file can now be added to the request folder in preparation of delivery.
- F.
- G. Final Actions – Choose the disposition of the case, ensuring the correct multi track is selected, all of the proper exemptions are claimed and the date is recorded.
- H. Estimate Cost – Enter the information regarding length of search and review.
- I. Billing – Create Invoice, if processing costs exceed the minimum.
- J. Payments – If payment is due before records can be released, record any payments received.
- K. Document Delivery – Ensure final response letter is signed and dated, upload all records going out to the requester, ensure proper email address is uploaded to send records electronically. Record method of how the documents were delivered.
- L. Close Request – Choose date of closure; request falls off your “Assigned Cases” list.

2. General FOIA Procedures

- ❖ Open assigned case. Check accuracy of requester information (ensure perjury statement is complete if needed) and requester category. Open attached request and review case notes in the event the Intake Team provided background on the case.
- ❖ Determine the requester fee category based on guidance provided by our agency FOIA regulations (section 5.11) and recent case law. Analysts should include notes regarding how fee category decisions were reached especially if their assessment differs from the requesters.
- ❖ Determine whether the requester asked for expedited handling or a fee waiver. If either is requested, the analyst will complete the appropriate section(s) of the *Fee Waiver Request/Request for Expedited Processing* form, upload a copy of the completed form into the “Correspondence Received” section of FX, and enter the information into FX on the appropriate tabs to show if either or both the fee waiver (“Fee Information” tab) or request for expedited processing (“General Information” tab) were granted or denied. Forms can be found in Appendix G.

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❖ Determine key words associated with each request and enter them in FX under the “Other Information” tab; scroll down on that tab and enter the key words in the “Keywords ‘a2d’ Purposes” box. See Appendix F for examples of determining key words for (a)(2)(d) compliance purposes.

❖ For requests for voluminous quantities of emails, contact the requester to see if they would consider accepting the emails without the names. Once they receive the response to their request, they can always submit a FOIA request for a particular email from the release and ask for the names. This would provide them a quicker response and help free up the analysts to process other requests. Do not narrow the scope without approval from the requester.

❖ **Perfecting Requests**

Review the request to determine if it is perfected or not.

A. **Unperfected Requests**

- i. Open the “Correspondence” “Send” screen,
- ii. Choose the appropriate Acknowledgment-NMI template to load,
- iii. Type the subject of the letter in the Subject line and be aware that this information should be as detailed as possible in order to locate this document in the future,
- iv. Choose “Customize and Save” as this will load the letter so that you can make necessary changes,
- v. Make necessary changes to the letter and select “Save.” If you do not save at this point, you will lose the letter.
- vi. Once the letter has been edited and is ready to be emailed, open “Correspondence” and “Send,”
- vii. Choose “Requester Email” radio button,
- viii. Choose the “Pending Letter” radio button,
- ix. Choose the correct letter under the “Select Letter Template” drop down menu,
- x. Select the proper “Email Template”
- xi. Select “Prepare Email” (If you are mailing a hard copy, choose “Customize and Save” print a copy of the letter to mail and then skip to xvi below).
- xii. Choose “Action Office Email” radio button,
- xiii. Edit Subject line and the body of the email if necessary,
- xiv. Ensure letter is correct,
- xv. You can also attach the original request by checking “Attach from Request Correspondence Log.” The document that was attached on the “Request Information” tab will be sent.

It is important to note that you will not be able to preview the document before emailing, so ensure that the original request does

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not include unprocessed pages referred by another agency for direct response to the requester.

- xvi. No one who is not assigned to your case will be able to access any of the draft letters within the case, so you will need to make sure a copy has either been emailed, or if you print and mail the letter, attach a signed pdf copy of the letter to the “Correspondence” “Received” area within FX. That way, if a requester calls to find out about the status of their request, anyone in the office would be able to search for the case and determine what letters have been sent. If you email the letter, upload a copy of the transmittal e-mail to “Correspondence” “Received”.
 - xvii. If you mail the letter, make a new note in the notes section of the USPS tracking number.
 - xviii. Stop the clock by going to “Actions” “Stop the Clock.” Choose “On Hold-Other” reason from the drop down and choose the date that the clock stopped. Type the reason why the request is on hold in the notes section.
 - xix. On the “Stop the Clock” screen you can choose to Create and Alert; if you do not choose to create the alert on this screen, go to “Alerts,” choose “New” and in the “Task” drop down choose “On Hold – Other – Stop Clock”. Be sure the reminder box is checked and choose the date when the action needs to be completed. Type in a description on why you set the hold because on the day the alert shows up, this message will appear to let you know what you were waiting for. Choose “Save.”
 - xx. The request remains unperfected until you receive the required information. If you receive the information, go to the next section which addresses perfected requests. If you do not receive the required information by the required date, close the request at that time.
- B. Perfected Requests**
- i. In order to send an acknowledgment letter, open the “Correspondence” “Send” screen,
 - ii. Load the Standard Acknowledgment template,
 - iii. Type the subject of the letter in the Subject line and be aware that this information should be as detailed as possible in order to locate this document in the future,
 - iv. Choose “Customize and Save” as this will load the letter so that you can make necessary changes,
 - v. Make necessary changes to the letter and select “Save.” If you do not save at this point, you will lose the letter.

- vi. Once the letter has been edited and is ready to be emailed, open “Correspondence” and “Send,”
- vii. Choose “Requester Email” radio button,
- viii. Choose the “Pending Letter” radio button,
- ix. Choose the correct letter under the “Select Letter Template” drop down menu,
- x. Select the proper “Email Template”
- xi. Select “Prepare Email” (If you are mailing a hard copy, choose “Customize and Save” print a copy of the letter to mail and then skip to xvi below).
- xii. Choose “Action Office Email” radio button,
- xiii. Edit Subject line and the body of the email if necessary,
- xiv. Ensure letter is correct,
- xv. You can also attach the original request by checking “Attach from Request Correspondence Log.” The document that was attached on the “Request Information” tab will be sent.

It is important to note that you will not be able to preview the document before emailing, so ensure that the original request does not include unprocessed pages referred by another agency for direct response to the requester.

- xvi. No one who is not assigned to your case will be able to access any of the draft letters within the case, so you will need to make sure a copy has either been emailed, or if you print and mail the letter, attach a signed pdf copy of the letter to the “Correspondence” “Received” area within FX. That way, if a requester calls to find out about the status of their request, anyone in the office would be able to search for the case and determine what letters have been sent. If you email the letter, upload a copy of the transmittal e-mail to “Correspondence” “Received”.
- xvii. If you mail the letter, make a new note in the notes section of the USPS tracking number.
- xviii. Go to “Perfect Request” and with the “Perfected” radio button checked, select “Save.”

❖ **Tasking Offices for Records**

For many reasons, it is important to track within FX the program offices that were tasked to conduct a search for responsive records. .

- A. The Intake Team member will use the "Request for Documents" section for this purpose only and should not use it to transfer misdirected requests or consultations.
- B. The Intake Team member will email the Records Request Form to the program office together with a copy of the FOIA request.
- C. In turn, the program office FOIA point-of-contact (POC) will conduct a search and return the completed search form to the FOIA Analyst who will upload it and any accompanying documents to the Correspondence Log. The Intake Team member will contact the program offices to conduct the search in accordance with (either Appendix).

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❖ Search Tasking Follow up

- A.
- ~~A.~~B. The Intake Team member will follow up on any outstanding search tasks with the program offices weekly.
- ~~B.~~C. In FOIAXpress, select the Request for Documents for follow up. Select "Send Email/Reminder." Edit the subject line and type an email message with specificity such that the program office will be able to identify the case.
- ~~C.~~D. If no response is received from the program office after two follow ups, notify the team lead so a supervisor can follow up with the program office.

❖ Receiving Records

When we receive documents from a program office, the documents need to be de-duped, checked for responsiveness and uploaded into the Filing Cabinet and the Review Log within FX. Once uploaded, the documents can be redacted and reviewed multiple times by adding review layers.,

Discovery Accelerator (DA)

When requesters are seeking email correspondence, the Intake Team member will draft and send the Records Request Form to the point-of-contact (POC) in CIO (Chief Information Officer).

1. The Intake Team member will provide the CIO POC with search terms, Boolean connectors, and email addresses to be searched. The CIO POC will put the emails in Discovery Accelerator.
2. When the emails are in Discovery Accelerator, Intake Team members will check the emails for responsiveness and duplicates.

3. Afterward, an Intake Team member will notify CIO to extract the final set of emails from Discovery Accelerator and drop them into a folder on our shared drive. Once the emails are on the shared drive, they are ready to be uploaded into FOIA Xpress.

4. An Intake Team member will upload the emails into FOIAXpress and reassign the request to the Processor Team Lead to assign to a processor for redactions.

A. Create the Document Folders in Document Management

- i. Select “File Cabinet”
- ii. Select “Document Management”
- iii. Choose “New”
- iv. Name the folder using the Document Management naming conventions outlined in Appendix C; generally, the folder will be the FOIA case number.
- v. Choose “Save”
- vi. Careful consideration should be given in determining and creating sub-folders for each request, and creation of these sub-folders should be completed before scanning in documents. For example, creating a folder for each office that provided records might be useful if there is a later appeal, or if there are quite a few non-responsive records (such as emails from an employee’s spouse about the deep cleaning, water extraction method used on their home carpets when the records search was regarding the BP Oil Spill), you may want to break those out from the responsive records. If you do not create at least one sub-folder before uploading documents, you will not be able to create sub-folders in the future. If at least one sub-folder is created you will be able to create more sub-folders at a later date, but you will need to unload any review layers and/or remove the documents from the review log of any case you link the documents to. It would be easier to create extra sub-folders before uploading documents, and giving them generic names; you will be able to rename the sub-folders later as well as delete extra folders.
- vii. Scan or upload the records into the appropriate folder(s) in Document Management. (This can be done after the link between the folder(s) in Document Management is established with the FOIA Case folder; however, it is easier at this point).
- viii. Glance through the pages to ensure that they are oriented in the right direction and replace any pages that are not. This step can also be done later; however, it is easier to do so at this point.

B. Add Documents to the Review Log

Now create a link between the folder(s) in Document Management to the FOIA request case by adding the document folder(s) to the review log. The redactions, processing, and review will occur once this link is established. This can be done at a later date; however, if you add the link to the case folder at this point, the documents will be easier to find when you begin to process

them. There are several ways to link the documents to the review log, one of which follows:

- i. Right click on the folder you just created in Document Management (not the subfolders under it),
- ii. Choose “Add Folder(s) to...Review Log,”
- iii. Enter the ID of the request to which you want to link the documents,
- iv. Click on the “Search Requests” button; this will bring up the request under the “Requests” field,
- v. Select the Folder Name(s) that you want to add at this time; more folders can be added later
- vi. Select “Add Folder(s).”

❖ **Processing Records & Creating a Review Layer**

Since a link was previously established between the documents in Document Management by adding them to the Review Log in the FOIA case file, you can now access and work on the documents directly from the FOIA case file without searching for them in the File Cabinet. To access the documents from the FOIA case file, choose the appropriate FOIA case; select “Actions,” “View Documents,” “In Review Log,” “View.”

- A. Once you begin to make changes to the documents by adding redactions, notes, stamps, highlights, etc., you will be asked to create a review layer. Name the initial review layer “First Review Layer – [Your Name]. If you close out and come back to these records at a later date to make further changes, you will be asked if you want to load an existing review layer. Choose “Yes,” select your review layer, and choose “Load.” When you make changes it will ask if you want to modify the existing review layer or if you want to create a new review layer. Continue to modify the existing layer until you finish this initial processing of the documents; new review layers will be created at a later date. See the section on “Review Process” for further discussion regarding the creation of a new review layer, or “Appendix D – Creating and Naming Review Layers.”
- B. Refer to FX training material for information regarding redaction of records within Document Management.
- C. Process records consistent with the FOIA and Department Policy. Our standard practice should be that when we receive component withholding recommendations, we review their suggested determinations to ensure compliance with the statute and department policy. When there is disagreement we should reach back to the component and attempt to reconcile. If we ultimately conclude that we disagree with the components recommendations, the component should be provided the release package as we intend to release it to the requester and given 24-hrs to review and appeal our determinations to the Senior Director of FOIA Operations.

3. Consultation on Documents

If documents contain equity from other USSS offices, you can email those documents to another office for a consultation review.

- ❖ Access the documents through “Actions,” “View Documents,” “In Review Log,” “View.”
- ❖ Load the proper review layer
- ❖ Check the box(es) to the left of the page(s) you want to send for review
- ❖ Right click on the parent folder
- ❖ Choose “Send/Save for Consultation Review”
- ❖ When the next window pops up, choose the “Review Due Date”
- ❖ Insert a comment
- ❖ Create an alert for yourself so you can follow up
- ❖ You may select a letter template if you want to send a memo to the FOIA Officers and customize it
- ❖ Choose where to send the consultation request; choose the “Location(s) Referred” drop down first and then check which offices within that location where it should be sent. Or, choose “Other Email” and type in the email address(es)
- ❖ Choose delivery method
- ❖ Choose an Email Template and customize it
- ❖ Choose “pdf” under “Format”
- ❖ Fill mode can be changed to Translucent, Transparent, or Opaque
- ❖ Codes can be hidden
- ❖ Choose “OK”

4. Review Process

- ❖ Release packages should be as close to finalized as possible.
- ❖ Draft the proposed final letter within FX, under “Correspondence,” “Send.”
- ❖ Leave yourself as the Secondary User. Do NOT change the case number.
- ❖ The reviewer will open the documents that have been attached to the request by going to “Actions” “View Documents” “In Review Log” and uploading the latest review layer (unless a different review layer is designated.)
- ❖ If/when the reviewer makes a change in any of the pages, and moves to the next page, a window should open asking if they want to modify the existing review layer or if they want to create a new layer. They will create a new review layer and name it “Review Layer #[insert number] – [insert name of the reviewer]”
- ❖ During the review process, request notes should be added to the case to identify who is reviewing the documents, or use the “Change Review Status” feature within FX.
- ❖ The names of the requesters should be spelled correctly, the final letter should contain no spelling errors, the number of pages that are released/withheld should add up, and our contact information should be accurate.
- ❖ The information that is released and/or withheld needs to be consistent throughout the document and with the Department’s policies (e.g., telephone numbers and signatures).

- ❖ Records should be reviewed for any possibility for discretionary release and to ensure that the records included in the release package are in fact responsive to the request.
- ❖ Records should be reviewed to determine if further review is required by FOIA Leadership
- ❖ Once the reviewer completes the review, they will assign the case back to the analyst by reassigning the analyst as the Primary User, checking the box to the right of the name in order to send a notification email to the analyst, and adding a note that the review is complete. The reviewer will change the review status to the appropriate option.
- ❖ The analyst will load the “Review Layer” that was last created by the reviewer; once the analyst starts to make changes to the document and move to the next page, a window should open and ask if they want to modify the existing review layer or if they want to create a new layer. They should create a new layer and if it is the final, name it “Final Review Layer – [insert analyst name]”. For information on review layers, see “Appendix D – Creating and Naming Review Layers.”

5. Out for Approval Process

Once the responsive records are cleared from final internal review they need to be sent to the program offices who provided the records or whose equity is involved. Please refer to Appendix ____.

6. Interim Releases

It is this office’s policy that when working on a request that involves a voluminous amount of material or which involves searches in multiple locations, that whenever feasible, the requester should be provided interim responses rather than waiting until all records are located and processed. Although there are situations where records need to be reviewed in their totality to ensure proper handling, in other cases rolling releases of records are possible. Whenever such rolling releases are possible we should make them to facilitate access to the requested records.

7. Final Release

Once the documents are processed, reviewed, and ready for release, it is time to access them in Document Management and to add them to the request folder. Be absolutely certain that the proper review layer is loaded.

❖ Draft Final Response Letter

- a. In order to send a final letter, open the “Correspondence” “Send” screen,
- b. Load the correct final letter template,
- c. Type the subject of the letter in the Subject line and be aware that this information should be as detailed as possible in order to locate this document in the future,

- d. Choose “Customize and Save for Final Response” as this will make the letter available when you go to deliver documents,
- e. Make necessary changes to the letter so that it is in final, signed format, and select “Save.” If you do not save at this point, you will lose the letter.
- f. The letter will be available when you go to Deliver Documents (outlined below after taking final actions and making the billing determinations).

❖ **Add Documents and Final Review Layer to FOIA Case Folder**

- a. Select the FOIA case
- b. “Actions”
- c. “View Documents”
- d. In Review Log”
- e. “View”
- f. Right click the folder
- g. Add the final review layer that was approved
- h. Choose “Add Folder(s) To”
- i. “Request Folder”

Refer to the FX training material for more information regarding the following actions:

- ❖ **Final Actions** – Choose the disposition of the case and record that date.
- ❖ **Estimate Cost** – Enter the information regarding length of search and review.
- ❖ **Billing** – Create Invoice, if processing costs exceed the minimum.
- ❖ **Payments** – If payment is due before records can be released, record any payments received in FX. Any payments, either before or after the release of the documents should be mailed to the DHS Debt Management Center.
- ❖ **Document Delivery** – Use the Document Delivery system to e-mail any response with records. If not using Document Delivery to email, **you still must complete the Document Delivery section with a different delivery mode.** This is the only way that the system can track what records were released and when they were released. **Please note that if the final documents contain Sensitive PII, they must be handled in compliance with our policy on handling Sensitive PII (see that section in the SOP).** Please use the following method to complete deliver documents section:
 - a. Select the case for which you want to deliver documents.
 - b. Under “Actions” select “Deliver Documents.”
 - c. A “Documents Delivery” screen should open displaying the documents that have been added to the request.
 - d. Select the page(s) and/or folders you plan to deliver. Be certain there is a checkmark next to every page you plan to deliver.

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- e. After selecting the pages to deliver, click the “Deliver Documents” icon on the toolbar and the “Document Delivery for Request” screen will open.
 - f. “Document Delivery for Request”
 - i. Choose the final response letter that you plan to send or click on the “Customize and Save” button to open and edit the selected letter format; once you have edited the letter select “Save.”
 - ii. Do not send an invoice unless there are charges.
 - iii. Uncheck review objects unless you created straight line strikethroughs or stamps such as “Best Available Copy.”
 - iv. Delivery mode should be “CD and Diskette” or “Mail” or “E-Mail.” Output Format should be “PDF Tagged (508 Compliant).”
 - 1. If emailing through the Outlook email due to size limitations of FOIAXpress, select “Other”.
 - 2. If you chose to deliver documents through the mail or Other, the system will save a copy of the response letter and the records to the selected output location.
 - v. If you choose “Black and White” the file size is compressed but the pdf can be of poor quality.
 - vi. Insert page numbers.
 - g. After completing the Document Delivery section, the system saves a copy of your Response Letter and Records delivered. Please do not attach these to the correspondence log again.
 - h. Go to your home page and select “My Jobs”
 - i. Find the delivery you want to save to your workstation and click the green arrow on the right; choose the location where you want to save the document.
 - j. If you e-mail your response using Outlook email due to FOIAXPress size limitations, please save a PDF copy of your email sent to the correspondence log.
- ❖ **Close Request** – Choose date of closure; request falls off your “Assigned Cases” list.

HANDLING SPECIFIC TYPES OF REQUESTS

1. FOIA Referrals/Consultations Containing Classified Documents or Mandatory Declassification Review (MDR) Requests

The following SOP is meant to provide basic guidance for safeguarding, transporting, and accounting for classified national security information at or below “Secret” level.

Additional information is provided through the Office of the Chief Security Office training.

The FOIA team reviews referred classified documents associated with FOIA and Mandatory Declassification Review (MDR) requests, tracks them via the log located on the shared drive at “Incoming FOIA Correspondence/Track Control /Administration,” and transfers misdirected referral packets to the correct USSS component. On rare occasions, the FOIA Office may receive classified documents containing equity of components for which the FOIA Office processes. Misdirected classified document referrals will be handled differently as outlined later in this section.

Do not receive “Top Secret” or “SCI” documents in this office; make arrangements with the Senior Director of FOIA Operations to accept these documents so that they can be handled appropriately. If Top Secret/SCI documents are erroneously delivered to our office, immediately contact the Senior Director of FOIA Operations; if the Senior Director of FOIA Operations is not available, consult with a Director to determine how the documents can properly be secured. If no one is available who can help, and the documents have erroneously been delivered, immediately contact the USSS Office of Security Customer Service Center at (b)(5)

Do not open any documents for which you do not have a proper clearance. Classified documents will be kept properly secured, and you must ask the appropriate staff to grant you access to the documents (even if you have the proper clearance). If you do not have the proper clearance you may not access those documents.

Classified documents will be stored only in the approved safe; review will occur only in the approved location; packets referred to USSS component offices will be transported as per USSS Instructions.

While reviewing documents in the designated secure location, adhere to the following requirements:

- ❖ **Transmitting electronic devices may not be brought into the room** (i.e., blackberries, phones, air cards);
- ❖ **The landline telephone in the room must remain OFF** (to be sure, recommend unplugging the device temporarily);
- ❖ **Window shades must be drawn** and position yourself in the most secure spot within the room;
- ❖ **Someone must remain outside the door to ensure only employees with at least a Secret clearance and a need to be in the room are permitted to enter;**
- ❖ **The meeting sponsor must conduct a manual “sound attenuation test”** (i.e., can someone outside the door hear what is being said in the room when someone speaks at a normal volume);

- ❖ **No classified information may be left or stored in the room unattended** and ensure no classified material is left behind when the review is complete.

2. Appeals Remanded for Further Action

Appeals will be remanded through the Appeals Coordinator for either additional information (with a response due to LEGAL or for reprocessing (with a response due to the requester). In either instance, the case will generally be assigned to the original FOIA Analyst.

- ❖ **Appeal Remanded for Additional Information –**
 - If LEGALs need additional documents, such as completed Search Request Forms, the appeals coordinator will ask for those documents. The FOIA Analyst should provide the documentation, or an explanation as to why it is not available, to the Appeals coordinator.
 - If LEGALs need additional information, such as an explanation why a certain exemption was used, the Appeals Coordinator will forward a copy of the LEGAL decision and will ask for an explanation. It is important for the FOIA Analyst to review the entire decision, which consists of a letter to the requester and a memo to the Privacy Office, to determine what additional information the LEGAL need in order to reach a decision. This additional information, or justification as to why a certain exemption was used, can be in the form of a memo or an email and should be sent back to the Appeals Coordinator; however, the LEGAL will read the justification memo or email as it is written so it should be written with this audience in mind. A proper response should cite specific case law and/or reference Code(s) of Federal Regulation as justification why documents were processed as they were. The Appeals Coordinator can provide guidance on researching references; however, the assigned Analyst will be responsible for researching references and providing the justification for the actions taken on a specific case.

3. FOIA Staff

Phones

The Intake Team will check the FOIA voicemail each morning and will respond to any messages left and will answer the FOIA mainline during normal business hours, Monday through Friday 8:00 AM – 5:00 PM.

APPENDIX A – Request Research - Resources

This is a list of some of the resources that can be used to determine which component/office of USSS might have records. (POC List)

APPENDIX B – What Should Be in the Administrative File?

Everything entered into FX comprises the “case administrative file”; in case of appeal and/or litigation the administrative file needs to be current and complete. The file should stand on its own merit; an office determining an appeal or a judge determining a FOIA case will only have the file in front of them to make their determination.

❖ Notes Section:

Notes should be updated daily or at least each day you work on a particular case. We are currently developing a list of notes subjects that should serve as a reminder to include the necessary notes. The following is an example of how we might order these notes:

1 – Case Not Perfected *(If the case is not perfected, detail why and include reason in Acknowledgment letter)*

1 – Case Perfected *(Note why the case is perfected, can a determination be made regarding search terms that will find documents)*

2 – Process Case *(You may conduct research and find out a particular office or offices are involved in a document or program; at this point you may determine what office(s) would process this case. You can make the appropriate notes in section 2 detailing your research and decision)*

2 – Process Part of Case & Refer Part of Case

2 – Refer Case

3 – Requester Fee Category Determination *(Review the request and conduct the proper research in order to make determinations on Fee Category, Fee Waiver and Expedited Processing requests and enter notes into section 3. Be certain to upload a copy of the Fee Waiver/Expedited Processing Form to the Correspondence Send Log when you make this determination)*

3 – Fee Waiver Request Determination

3 – Expedited Processing Request Determination

4 – Search Tasking Determination *(Note why you tasked particular offices for records; this may or may not tie into previous research)*

5 – Phone Log – Requester *(Note each conversation; if you agree on changes in the request, memorialize the agreement in a letter or email)*

5 – Phone Log – Component Office *(Note conversations with component offices in case you need to refer back to the conversation at a later date)*

6 – Follow up Tasking Notes *(Follow up Tasking emails should be captured in FX; use this section only if you need to add an additional note)*

7 – Document Analysis *(Notes related to how you triaged received documents; i.e. did they contain non-responsive material, can some be referred. General overall preliminary notes about the documents before you actually process them)*

7 – Possibility of Interim Release Analysis *(Can you identify documents within the responsive batch that can be quickly processed and released while waiting for consultations on other documents)*

8 – Name Withholding Analysis *(Once the documents are processed, you should make notes regarding withholdings in section 8. If you have a name analysis spreadsheet you should upload a copy to the correspondence received log but also make notes regarding the balance of privacy vs. the public interest in the name)*

8 – Exemptions Withholding Analysis *(These notes should be a clear analysis of why you used various exemptions. DO NOT cite a policy or regulation, you must clearly identify why a record falls under that exemption. In addition, some exemptions require a multi-part test in order to qualify for the exemption; you should enunciate how it meets all parts of the test.*

9 – Other *(Use this section to capture any other section not captured above, or for which there are not Notes Subject Lines for your entry)*

❖ **Correspondence Log Section:**

All correspondence to the requester should be sent via “Correspondence” “Send.” However, you will need to capture incoming emails daily or at least each day you work on a particular case. Load incoming emails into the “Correspondence” “Received” section of FX. At a minimum, the following incoming emails should be uploaded:

- Each search response from component offices – you will need to transfer the fee/time information into the fee section of FX.
- Emails from the requester
- Emails from component offices, for example responses to consultations

❖ **Request for Documents Section:**

This section captures where you searched and follow up tasking emails to those offices. We are not set up for the FOIA POCs to respond through FX, so their responses will be captured in the “Correspondence Received” section when you attach their responses. Properly completing the Request for Documents as outlined in this SOP is an important part of the administrative file.

APENDIX E – FOIA vs Privacy Act Exemptions

FOIA vs Privacy Act Exemptions

FOIA Exemptions		Privacy Act Exemptions	
b1	Information properly classified pursuant to current executive order	=	k1 Properly classified information per FOIA exemption b1
b2	Internal personnel rules and practices	=	k6 Testing and evaluation materials
b3	Information exempted from disclosure by statute	=	k3 Information related to protection of the President
		=	j1 CIA records
b4	Trade secrets, commercial or financial information	=	No comparable Privacy Act Exemption
No comparable FOIA Exemption		=	k4 Required by statute to be maintained and used solely as statistical records
b5	Civil discovery privileges such as deliberative process, attorney work product and attorney client	=	d5 Information compiled in anticipation of civil action or proceeding (attorney work product only, does not cover other privileges)
b6	Personnel, medical, financial, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.	=	No similar exemption, however in some cases information about a third person in an individual's file may not be a record about the individual.
b7	Compiled for law enforcement purposes, the release of which (A) - could reasonably be expected to interfere with law enforcement proceedings, (B) - would deprive a person of a right to a fair trial or an impartial adjudication, (C) - could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) - could reasonably be expected to disclose the identity of a confidential source, (E) - would disclose techniques, procedures, or guidelines for investigations or prosecutions, or (F) - could reasonably be expected to endanger an individual's life or physical safety	=	j2 Principal function criminal law enforcement agency; records compiled during course of criminal law enforcement proceeding
			k2 Non-criminal law enforcement records; criminal law enforcement records compiled by non-principal function criminal law enforcement agency; coverage is less broad where individual has been denied a right, privilege, or benefit as result of information sought.
b7 (D)	Compiled for law enforcement purposes, the release of which could reasonably be expected to disclose the identity of a confidential source	=	k5 Confidential sources in background investigations
			k7 Confidential sources in evaluation materials
b8	Stability reports (financial institutions)	=	No comparable Privacy Act Exemption
b9	Geological data concerning wells	=	No comparable Privacy Act Exemption

❖ **Schedules**

FOIA staff members working in the USSS HQ FOIA Office are expected to comply with OPM and USSS regulations, regarding Telework and work schedules. Requests for Telework and work schedules must be submitted to, and approved by, your supervisor and must be kept current. Supervisors are responsible for certifying timesheets and ensuring office coverage.

The general expectation for attendance and leave includes the following:

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❖ **Telework**

When Teleworking, employees are required to conform to the Privacy Telework Program Policy and to ensure their Privacy Office Telework Agreement is current.

Specifically, when Teleworking, employees are expected to:

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United States Secret Service
Freedom of Information Act & Privacy Acts Program
Liaison Division, Government Liaison & Public Affairs



FOIA/PA PROGRAM
STANDARD OPERATION PROCEDURES

United States Secret Service
Directives System

Manual : Government and Public Affairs
RO : LIA

Section : LIA-03(01)
Date : 03/03/2016



Subject: Freedom of Information Act (FOIA) Compliance

To: All Supervisors and All Manual Holders of the Government and Public Affairs
Manual

Filing Instructions:

- Remove and destroy the Government and Public Affairs Table of Contents (dated 02/08/2013), and replace with the attached revised Table of Contents.
- Remove and destroy section LIA-03(01), Freedom of Information Act (FOIA) (dated 08/04/2009), and replace with the attached new section.
- File this Policy Memorandum in front of LIA-03(01).
- This directive is in effect until superseded.

Impact Statement: This directive has been revised to rename section LIA-03(01) from "Freedom of Information Act (FOIA)" to "Freedom of Information Act (FOIA) Compliance." This directive has been updated to assign responsibilities for carrying out the requirements of FOIA and provides updated procedures for Headquarters and Field Offices.

Mandatory Review: The Responsible Office will review all policy contained in this section in its entirety by or before February 2020.

Questions regarding this policy should be directed to the Liaison Division at

(b)(6); (b)(7)(C)

Faron K. Paramore
AD - Government and Public Affairs

DCP #: GPA 2016-03

FREEDOM OF INFORMATION ACT (FOIA) COMPLIANCE

Purpose

This directive establishes United States Secret Service (Secret Service) policy for compliance with the Freedom of Information Act (FOIA), Title 5, United States Code Section 552 (5 U.S.C. § 552), and assigns responsibilities for carrying out the requirements of the FOIA, as amended.

Scope

This directive applies to all Secret Service employees, contractors, and others working on behalf of the Secret Service.

Policy

It is the policy of the Secret Service to implement the FOIA uniformly and consistently, and to provide maximum allowable disclosure of agency records upon request by any individual. Excluding portions of the records that fall under exemptions, or exclusions, and are not appropriate for discretionary disclosure as outlined in the Act, responsive records must be disclosed to any person or organization. Requests must be processed within the time limits defined by the FOIA. Individuals requesting information will be informed of their rights and procedures to seek administrative appeal, to seek mediation services, offered by the Office of Government Information Services in conjunction with the National Archives and Records Administration, and to seek judicial review of: (1) any partial or total denial of access to records; (2) a fee waiver denial; (3) a determination of requester's category for fee purposes; (4) a no-records determination; or (5) a denial of a request for expedited processing.

Responsibilities

The Freedom of Information Act and Privacy Act (FOIA/PA) Program, Liaison Division, is responsible for establishing internal procedures to effectively administer the FOIA and for making initial determinations regarding the release of information under the Act. The Secret Service Disclosure/Privacy Officer serves as the principal point of contact, and agency representative, for providing regulatory and policy guidance. Additionally, the FOIA/PA Program provides technical advice and assistance to Headquarters Program Offices, and Field Offices, on FOIA-related matters.

In order to assist the public in making FOIA requests to the Secret Service, the FOIA/PA Program is responsible for advising the requester of the proper procedures for requesting information. This includes providing instruction on where to submit requests for information from the Secret Service, under the FOIA. A requester is informed to submit all requests in writing to:

Communications Center (LIA)
Disclosure/Privacy Officer
245 Murray Lane, SW, Building T-5
Washington, DC 20223

Procedures

The FOIA/PA Program plays an important role in safeguarding information maintained by the Secret Service. Therefore, it is important to ensure that all responsive material under goes a thorough examination prior to being forwarded to the requester. Upon receiving a FOIA request, the FOIA/PA Program coordinates a reasonable and adequate search for the requested information. A reasonable search is a good-faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested. This information may be found in any of the Headquarters Program Offices or Field Offices (collectively, "responder"). Once the locations of all records pertaining to a FOIA request are identified, the FOIA/PA Program submits a "Records Request" to the appropriate responder(s) to produce those records. Upon receipt of the request, the responder should adhere to the corresponding procedures outlined in this section.

Since the FOIA requires agencies to respond to requests for information within 20 working days of their receipt, it is the responsibility of all Headquarters Program Offices or Field Offices to respond to official 'Records Requests', received from the FOIA/PA Program, within the established timeframes set forth in this directive. While the Headquarters Program Offices and Field Offices make every effort to comply with the timeframes set forth in this directive, operational requirements, to include domestic or foreign travel, may lengthen their response times. In these instances, requests for extensions are required.

All Secret Service records and files, including all protective and investigative files, are subject to review under the FOIA. Any information obtained, pursuant to an expressed or implied grant of confidentiality, must be clearly identified by the responder, to the FOIA/PA Program, in a memorandum report. This information will assist in the efficient processing of the files and facilitate the appropriate redactions of information.

When a request is submitted, to the Secret Service, for access to information identified as classified in the interest of national security, as mandated by Executive Order 12958, the FOIA/PA Program's Top Secret Control Officer (TSCO) prepares the classified material for Mandatory Declassification Review (MDR). A "Declassification Memo" and a "Record of Transmittal for Classified Documents" are prepared and forwarded to the Program Office responsible for classifying the material. The office responsible for classifying the material is required to review the responsive document(s) to determine whether the document(s), or portions thereof, warrant continued protection in the interest of national security. All recommendations, for the declassification of documents, are forwarded to the Office of the Director for final determinations.

Once records, and related materials, are processed by the FOIA/PA Program, they are considered sanitized. After processing, the sanitized records, and related materials, are forwarded to the appropriate Directorate's office for review. Once the Directorate's office completes its review, a final disclosure determination is made by the Disclosure/Privacy Officer, and the releasable information, along with a written response, is sent to the requester. If applicable, the written response will indicate the type of material withheld, the FOIA exemptions claimed, an estimate of the appropriate number of documents

withheld-in-full, and the requester's right to administratively appeal any denial of information. A requester may appeal denials in writing to:

Communications Center (DEP)
FOIA Appeal
245 Murray Drive, SW, Bldg. T-5
Washington, DC 20223

All FOIA appeals are reviewed, processed, and adjudicated by the Office of Chief Counsel on behalf of the Deputy Director.

Any person who knowingly requests or obtains any record concerning an individual, from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000 [5 U.S.C. § 552(a)(1)(3)].

Procedures for Headquarters

Upon receipt of an official "Records Request" from the FOIA/PA Program, Headquarters Program Offices must:

1. Conduct a complete search of the division's records, covering all areas identified in the "Records Request" form;
2. Locate, retrieve, and forward any responsive materials to the FOIA/PA Program, without delay; and
3. Complete the "Records Request" form in-full, to include a date and signature of the certifying official.

Within 48 hours of receiving the official "Records Request", the responding Program Offices should conduct a search to locate all responsive records, and forward an unsanitized copy of the relevant material, along with a copy of the request, to the FOIA/PA Program. If, during the acquisition of responsive records, the responding Program Offices determine that records are voluminous or are housed at an off-site location, they must notify the FOIA/PA Program and request an extension. However, if no responsive records are found during the records search, the Office should inform the FOIA/PA Program of the "No Records Responsive" status. The FOIA/PA Program should also be notified if the records have been reported as lost or destroyed.

If the requested material is related to the subject of a pending investigation, or if disclosure of the information in a closed file could adversely affect the pending investigation or prosecution, Headquarters Program Offices should contact the FOIA/PA Program prior to forwarding any material.

Headquarters Program Offices receiving a request for records, directly from the requester, should forward the original request to the FOIA/PA Program. Headquarters Program Offices should never contact or respond to the requester.

Procedures for Field Offices

Upon receipt of an Official Mail request to search for records from the FOIA/PA Program, Field Offices must:

1. Begin searching for the responsive records;
2. Provide an Official Message to the FOIA/PA Program, by 12 noon the following day, indicating whether relevant material was found;
3. Forward all responsive records to the FOIA/PA Program, without delay;
4. Document the time it took to fulfill the request.

When relevant records are located by a Field Office, an Official Message notifying the FOIA/PA Program that relevant records have been located must be sent by noon of the following day. The Field Offices should locate all responsive records and forward an unsanitized copy of the original material, to the FOIA/PA Program, immediately, by overnight courier. Any delay in this process should be reported to the FOIA/PA Program immediately. Similarly, if no responsive records are found during the record search, the Field Offices should inform the FOIA/PA Program of the "No Records Responsive" status. The FOIA/PA Program should also be notified if the records have been reported as lost or destroyed.

If the requested material is related to the subject of a pending investigation, or if disclosure of the information in a closed file could adversely affect the pending investigation or prosecution, the Field Office should contact the FOIA/PA Program prior to forwarding any material.

Field Offices receiving a request for records, directly from the requester, should forward the original request to FOIA/PA Program. Field Offices should never contact or respond to the requester.

Procedures for Record Searches

During a records search, the responder must compile all relevant material relating to a request including all Secret Service records, standard forms, photos, audio, tape, video recordings, handwritten notes, e-mails, and computer generated reports. Within 48 hours of receiving the official "Records Requests" or Official Mail request to search for responsive records, all relevant material must be duplicated and sent to the FOIA/PA Program. Any delays should be reported to the FOIA/PA Program. Questions regarding records, and material relating to a specific request, should be directed to the FOIA/PA Program.

Questions or Concerns Regarding the Process

Any questions or concerns regarding this directive should be addressed to the Disclosure/Privacy Officer.

Authorities

- The Freedom of Information Act, (5 U.S.C. § 552), 2002;
- The Electronic Freedom of Information Act (EFOIA), October 2, 1996;
- The Open Government Act (S.2488), December 31, 2007;
- Paperwork Reduction Act (44 U.S.C. 3501), Pub. L. No. 104-13, May 22, 1995;
- Department of Homeland Security Regulation: 6 CFR Chapter I Part 5, January 27, 2003; and
- E.O. 12958, "Classified National Security Information", April 17, 1995.

United States Secret Service
Directives System

Manual : Intergovernmental & Legislative Affairs
RO : IGL

Section : IGL-02
Date : 4/20/2022



Subject: Freedom of Information Act (FOIA) Compliance

To: AD-Office of Intergovernmental and Legislative Affairs

Filing Instructions:

- LIA-03(01), Freedom of Information Act (FOIA) Compliance, dated 3/3/2016, has been renamed to IGL-02, Freedom of Information Act (FOIA) Compliance, revised, and uploaded to the USSS Policies Manual.
- This directive is in effect until superseded.

Impact Statement: This directive has been revised to rename section LIA-03(01), Freedom of Information Act (FOIA) Compliance to IGL-02, Freedom of Information Act (FOIA) Compliance and to remove references to the Privacy Office and Privacy program.

Mandatory Review: The Responsible Office will review all policy contained in this section in its entirety by or before April 2026.

Questions regarding this policy should be directed to the Office of Intergovernmental and Legislative Affairs at 202-406-5708.

(b)(6); (b)(7)(C)

Ronald L. Rowe, Jr.
AD-Intergovernmental and Legislative Affairs

DCP# IGL-2022-02

FREEDOM OF INFORMATION ACT (FOIA) COMPLIANCE

Purpose

This directive establishes United States Secret Service (Secret Service) policy for compliance with the Freedom of Information Act (FOIA or the Act), as amended, Title 5, United States Code Section 552 (5 U.S.C. § 552) and assigns responsibilities for carrying out the requirements of the FOIA.

Scope

This directive applies to all Secret Service employees, contractors, and others working on behalf of the Secret Service.

Policy

It is the policy of the Secret Service to implement FOIA uniformly and consistently, and to provide maximum allowable disclosure of agency records upon request by any individual. Excluding portions of the records that fall under exemptions, or exclusions, and are not appropriate for discretionary disclosure as outlined in the Act, responsive records must be disclosed to any person or organization.

Requests must be processed within the time limits defined by FOIA. Individuals requesting information will be informed of their rights and procedures to seek administrative appeal, to seek mediation services offered by the Office of Government Information Services in conjunction with the National Archives and Records Administration, and to seek judicial review of: (1) any partial or total denial of access to records; (2) a fee waiver denial; (3) a determination of requester's category for fee purposes; (4) a no-records determination; or (5) a denial of a request for expedited processing.

Responsibilities

The FOIA Program aligned under the Office of Intergovernmental and Legislative Affairs (IGL), is responsible for establishing internal Secret Service procedures to effectively administer FOIA and for making initial determinations regarding the release of information under FOIA. The Secret Service Supervisory FOIA Officer serves as the Secret Service FOIA Officer, and is the FOIA Program's principal point of contact, and agency representative, for providing regulatory and policy guidance. The FOIA Program also provides technical advice and assistance to Headquarters Program Offices and Field Offices, on FOIA-related matters.

Additionally, the FOIA Officer also serves as the Secret Service FOIA Public Liaison, helping requesters as necessary. For example, to assist the public in making FOIA requests to the Secret Service, the FOIA Program is responsible for advising the requester of the proper procedures for requesting information. This includes providing instruction on where to submit requests for information from the Secret Service, under FOIA. A requester is informed to submit all requests in writing to:

Communications Center (IGL)
Attn: FOIA Program
245 Murray Lane, SW, Building T-5
Washington, DC 20223

Requesters may also submit requests via fax to 202-406-5586 or via email to FOIA@ussc.dhs.gov.

Procedures

The FOIA Program coordinates with Headquarters Program Offices and Field Offices to safeguard information maintained by the Secret Service, working to ensure that all responsive material undergoes a thorough examination prior to being forwarded to the requester. Upon receiving a FOIA request, the FOIA Program coordinates a reasonable and adequate search for the requested information. A reasonable search is a good-faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested. This information may be found in any of the Headquarters Program Offices or Field Offices (collectively, "responder"). Once the locations of all records pertaining to a FOIA request are identified, the FOIA Program submits a "Records Request" to the appropriate responder(s) to produce those records. Upon receipt of the request, the responder should adhere to the corresponding procedures outlined in this section.

Since FOIA requires agencies to respond to requests for information within twenty working days of their receipt, it is the responsibility of all Headquarters Program Offices and Field Offices to respond to official "Records Requests," received from the FOIA Program within the established timeframes set forth in this directive. While Headquarters Program Offices and Field Offices will make every effort to comply with the timeframes set forth in this directive, it is recognized that operational requirements, to include domestic or foreign travel, may lengthen their response times. In these instances, the responding office must request an extension from the FOIA Program Office.

All Secret Service records and files, including all protective and investigative files, are subject to review under FOIA. Any information obtained, pursuant to an expressed or implied grant of confidentiality must be clearly identified by the responding office in a memorandum report to the FOIA Program. This information will assist in the efficient processing of the requested information to facilitate appropriate redactions.

When a request is submitted to the Secret Service for access to information identified as classified in the interest of national security, as mandated by Executive Order 12958, the FOIA Program's Top Secret Control Officer (TSCO) coordinates with the Security Management Division and the affected Program Office to prepare the classified material for Mandatory Declassification Review. A "Declassification Memo" and a "Record of Transmittal for Classified Documents" are prepared and forwarded to the Program Office responsible for classifying the material. The office responsible for classifying the material is required to review the responsive document(s) to determine whether the document(s), or portions thereof, warrant continued protection in the interest of national security. All recommendations, for the declassification of documents are forwarded to the Office of the Director for final determinations.

Once records and related materials are processed by the FOIA Program, they are considered sanitized. After processing the sanitized records, then the related materials are forwarded to the appropriate

Directorate for review. Once the Directorate office completes its review and provides any appropriate feedback, a final disclosure determination is made by the FOIA Officer and the releasable information, along with a written response, is sent to the requester. If applicable, the written response will indicate the type of material withheld, the FOIA exemptions claimed, an estimate of the appropriate number of documents withheld-in-full, and the requester's right to administratively appeal any denial of information. A requester may appeal denials in writing to:

Communications Center (IGL)
Attn: FOIA Program (Appeal)
245 Murray Lane, SW, Bldg. T-5
Washington, DC 20223

All FOIA appeals are reviewed, processed, and adjudicated by the Office of Chief Counsel on behalf of the Deputy Director.

Procedures for Headquarters Program Offices and Field Offices

Upon receipt of an official "Records Request" from the FOIA Program, tasked offices must:

1. Conduct a complete search of the identified office's records, covering all areas identified in the "Records Request" form;
2. Locate, retrieve, and forward any responsive materials to the FOIA Program, without delay; and
3. Complete the "Records Request" form **in full**, to include a date and signature of the certifying official.

Within three business days of receiving an official "Records Request," the responding offices should conduct a search to locate all responsive records and forward an unsanitized copy of the relevant material, along with a copy of the request, to the FOIA Program. If during the acquisition of responsive records, the responding office determines that records are voluminous or are housed at an off-site location, they must notify the FOIA Program and request an extension. However, if no responsive records are found during the records search, the responding office should inform the FOIA Program of the "No Responsive Records" status. The FOIA Program should also be notified if the records have been reported as lost or destroyed.

If the requested material is related to the subject of a pending investigation, or if disclosure of the information in a closed file could adversely affect the pending investigation or prosecution, responding offices should contact the FOIA Program prior to forwarding any material, to discuss if the records should be forwarded for review. Offices may still be required to provide the records.

Any offices that receive a request for records directly from a requester will forward the original request to the FOIA Program, without response to the requester. Tasked Offices are not to contact or respond directly to any direct FOIA request from any requester.

Procedures for Record Searches

During a records search, the responder must compile all relevant material relating to a request including all responsive Secret Service records including but not limited to standard forms, photos, audio/tape/video recordings, handwritten notes, e-mails, and computer-generated reports. Within two business days of receiving the official "Records Requests" or Official Mail request to search for responsive records, all

relevant material must be duplicated and sent to the FOIA Program. Any delays should be reported to the FOIA Program. Questions regarding records and any materials related to a specific request should be directed to the FOIA Program.

Questions or Concerns Regarding the Process

Any questions or concerns regarding this directive should be addressed to the FOIA Officer.

Authorities

- The Freedom of Information Act, (5 U.S.C. § 552), as amended;
- Paperwork Reduction Act (44 U.S.C. § 3501), as amended;
- Department of Homeland Security (DHS, "Disclosure of Records and Information": Title 6 Code of Federal Regulations (CFR) Part 5; and
- DHS Directive # 262-11, Rev. # 00, "Freedom of Information Act Compliance," April 17, 2017.
- DHS Instruction # 262-11-001, Rev. # 00.1, "Freedom of Information Act Compliance on Employee Notification," June 29, 2018.
- DHS Instruction # 262-11-002, Rev. # 00, "Freedom of Information Act Reporting Requirements," Nov. 14, 2018.
- DHS Instruction # 262-11-004, Rev. # 00, "Withholding of Personnel's Personally Identifiable Information for Disclosure," Jan. 15, 2021.
- E.O. 12958, "Classified National Security Information", April 17, 1995.
- SMD-03(01), Handling and Safeguarding of Classified National Security Information and Controlled Unclassified Information (CUI)