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Description of document:	Bureau of Ocean Energy Management (BOEM) Freedom of Information Act (FOIA) Standard Operating Procedure (SOP) undated
Requested date:	16-May-2022
Release date:	08-June-2022
Posted date:	16-Jamuary-2023
Source of document:	BOEM FOIA Officer 45600 Woodland Road Sterling, Virginia 20166 Fax: (703) 787-1209 Email: boemfoia@boem.gov FOIAonline

United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

45600 Woodland Road, VAM-BOEM DIR
Sterling, VA 20166

Telephone (703) 787-1128
Facsimile (703) 787-1209

June 8, 2022

Via Electronic Mail

RE: Freedom of Information Act (FOIA) Request No. DOI-BOEM-2022-003869

The Bureau of Ocean Energy Management (BOEM) Headquarters FOIA Office received your
FOIA request, dated May 22, 2022, on May 16, 2022 and assigned it control number DOI-
BOEM-2022-003869. Please cite this number in any future communications with our office
regarding your request.

Description of the Requested Records

You requested:
> I request a copy of each (internal) FOIA Standard Operating Procedure (SOP) at the
> BOEM FOIA Office.

Fee Category

We classified you as an "other-use" requester. As such, we may charge you for some of our
search and duplication costs, but we will not charge you for our review costs; you are also
entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume)
for free. *See* 43 C.F.R. § 2.39. If, after taking into consideration your fee category entitlements,
our processing costs are less than $50.00, we will not bill you because the cost of collection
would be greater than the fee collected. *See* 43 C.F.R. § 2.37(g).

Full Release

We are writing today to respond to your request on behalf of the BOEM.

We have enclosed one file consisting of 39 pages, which is being released to you in its entirety.
Please note that this SOP is out of date and we do not have a more recent version.

Fees—No Charge

We do not bill requesters for FOIA processing fees when their fees are less than $50.00, because the cost of collection would be greater than the fee collected. *See* *43 C.F.R. § 2.37(g)*. Therefore, there is no billable fee for the processing of this request.

Mediation Services

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001

Email: ogis@nara.gov
Web: https://www.archives.gov/ogis
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: (877) 684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

Contact information for the Department's FOIA Public Liaison, who you may also seek dispute resolution services from, is available at *https://www.doi.gov/foia/foiacenters*.

Conclusion

This concludes our response to your request. If you have any questions concerning your request, you may contact us by email at boemfoia@boem.gov; by fax at (703) 787-1209; by telephone at (703) 787-1204; or by postal mail at: FOIA Office; Bureau of Ocean Energy Management; Mail Stop: VAM-BOEM DIR; 45600 Woodland Road; Sterling, VA 20166.

Sincerely,

ASHLEY RYCHAK
Digitally signed by ASHLEY RYCHAK
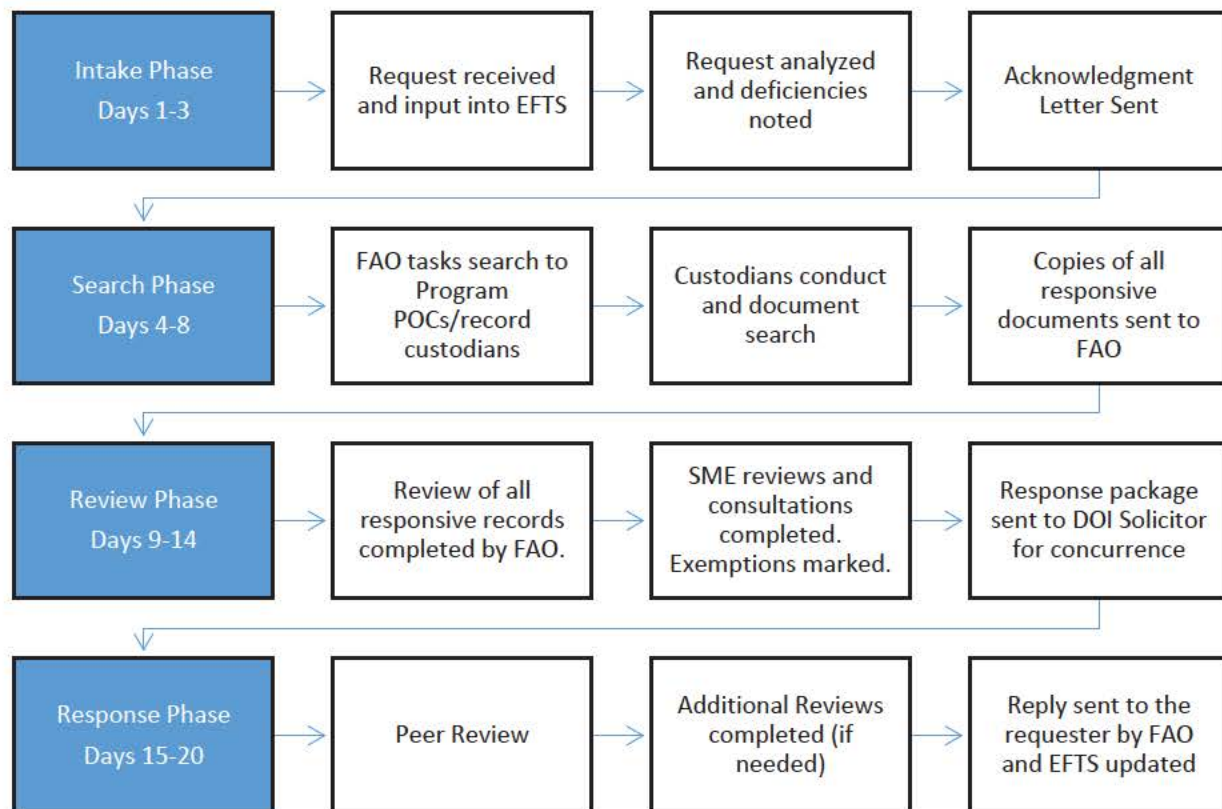Date: 2022.06.08 16:27:10 -04'00'

Ashley Rychak
FOIA Officer
Bureau of Ocean Energy Management

BOEM FOIA Basic Processing Guide

This Guide is designed to provide step-by-step instructions for BOEM FOIA Team members to follow in managing the lifecycle of BOEM FOIA requests. For ease of use for this guide, the following assumptions apply:

- You have access and proper permissions to the Department of the Interior Electronic FOIA Tracking System (EFTS): https://efoia.ios.doi.gov/efts/privacy.do
- You are assigned to the proper BOEM FOIA Security group(s) and have access to the following location: \\ISEMIBNAS01\mibshare\FOIA\Requests
- You have access to the BOEM FOIA email accounts.
- The example FOIA for this series of narratives was both dated and received on October 1, 2020.

BOEM uses a phased approach to process FOIA requests as described in the Timeline below[1].

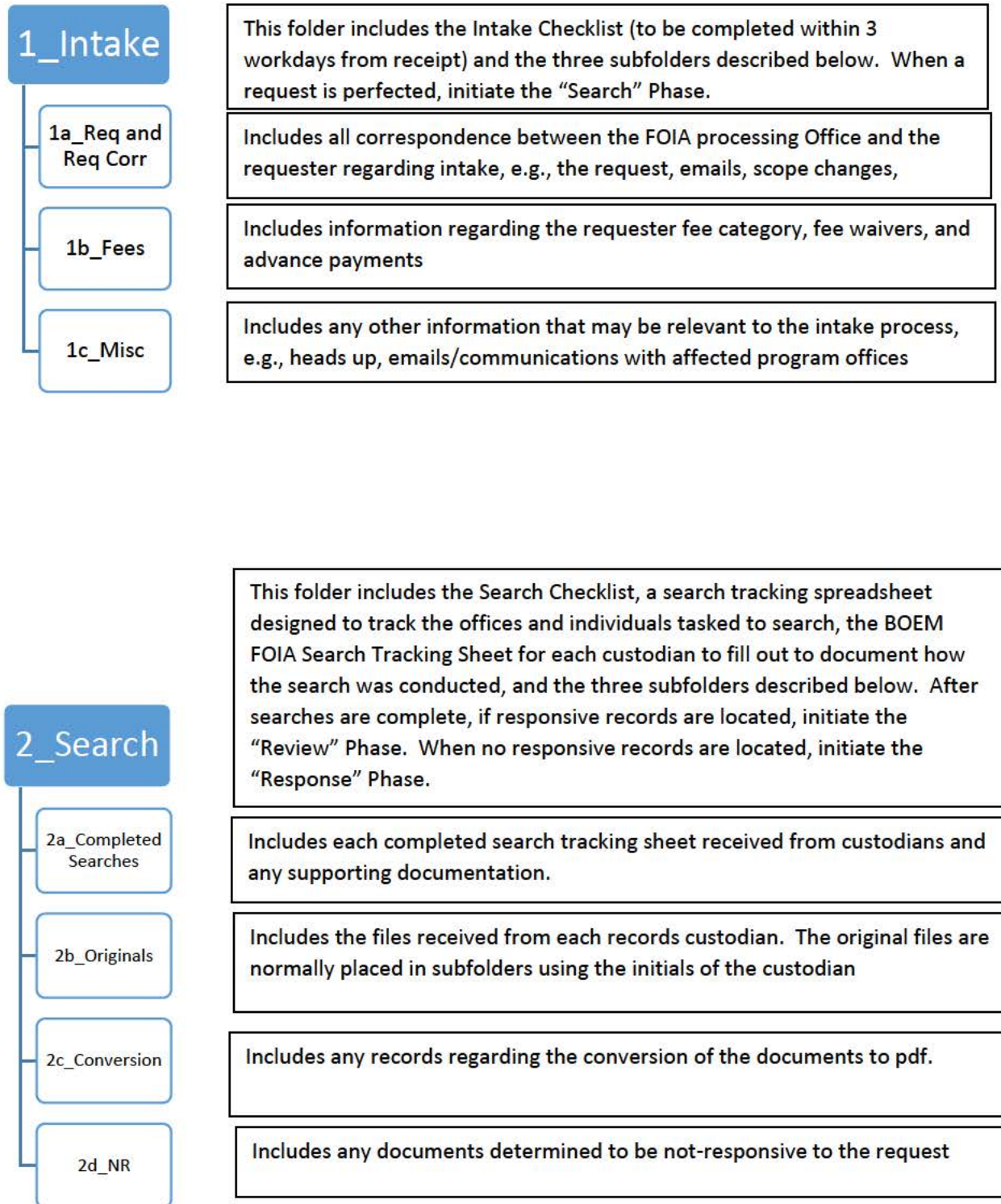| Intake Phase Days 1-3	→	Request received and input into EFTS	→	Request analyzed and deficiencies noted	→	Acknowledgment Letter Sent
Search Phase Days 4-8	→	FAO tasks search to Program POCs/record custodians	→	Custodians conduct and document search	→	Copies of all responsive documents sent to FAO
Review Phase Days 9-14	→	Review of all responsive records completed by FAO.	→	SME reviews and consultations completed. Exemptions marked.	→	Response package sent to DOI Solicitor for concurrence
Response Phase Days 15-20	→	Peer Review	→	Additional Reviews completed (if needed)	→	Reply sent to the requester by FAO and EFTS updated

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[1] It is worth noting the timeline is an estimate in an ideal setting. BOEM's requests are processed in accordance with our regulatory requirements and the timelines may vary.

Folder Structure
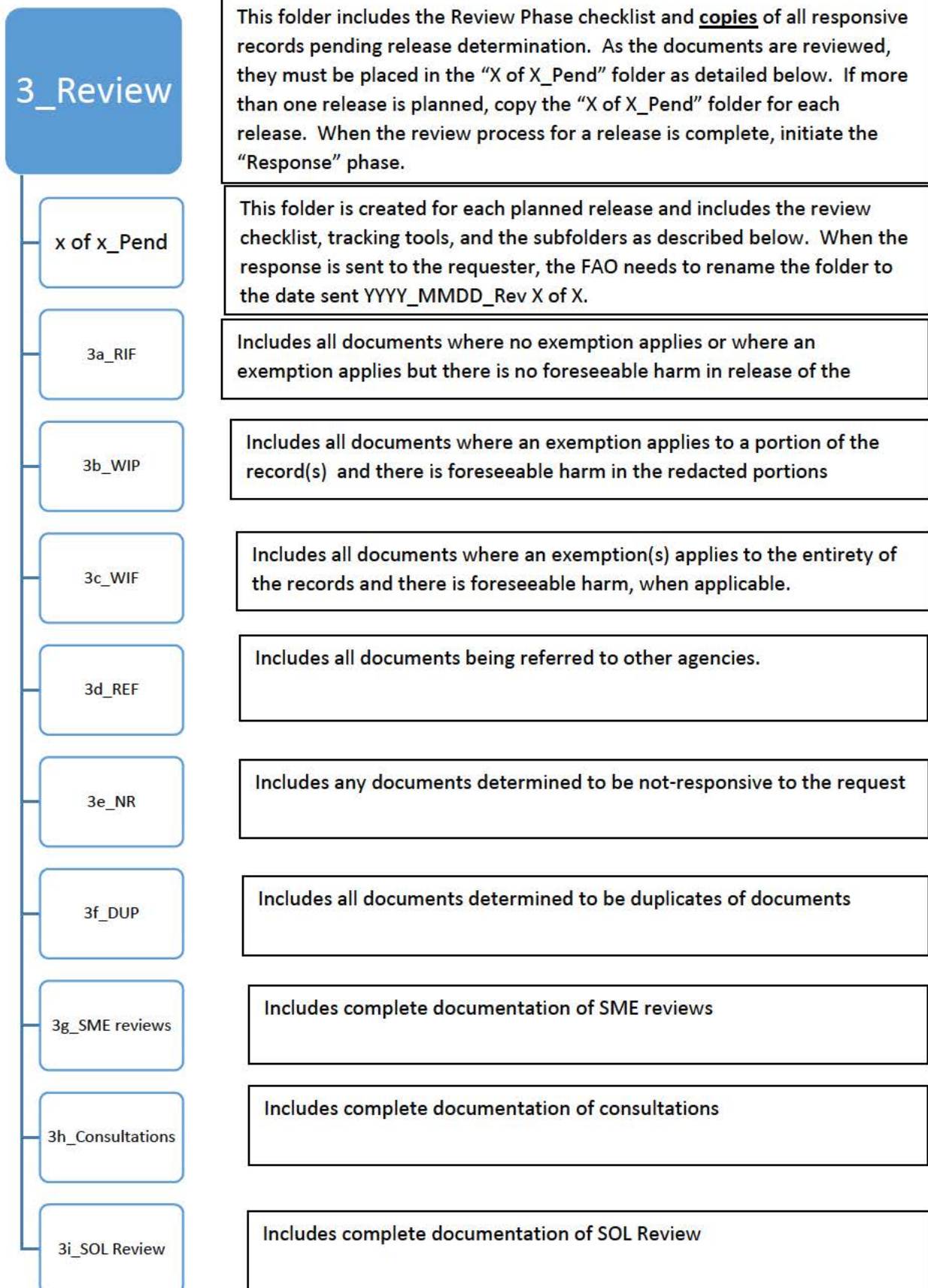
BOEM FOIA Basic Processing Guide
Folder Structure

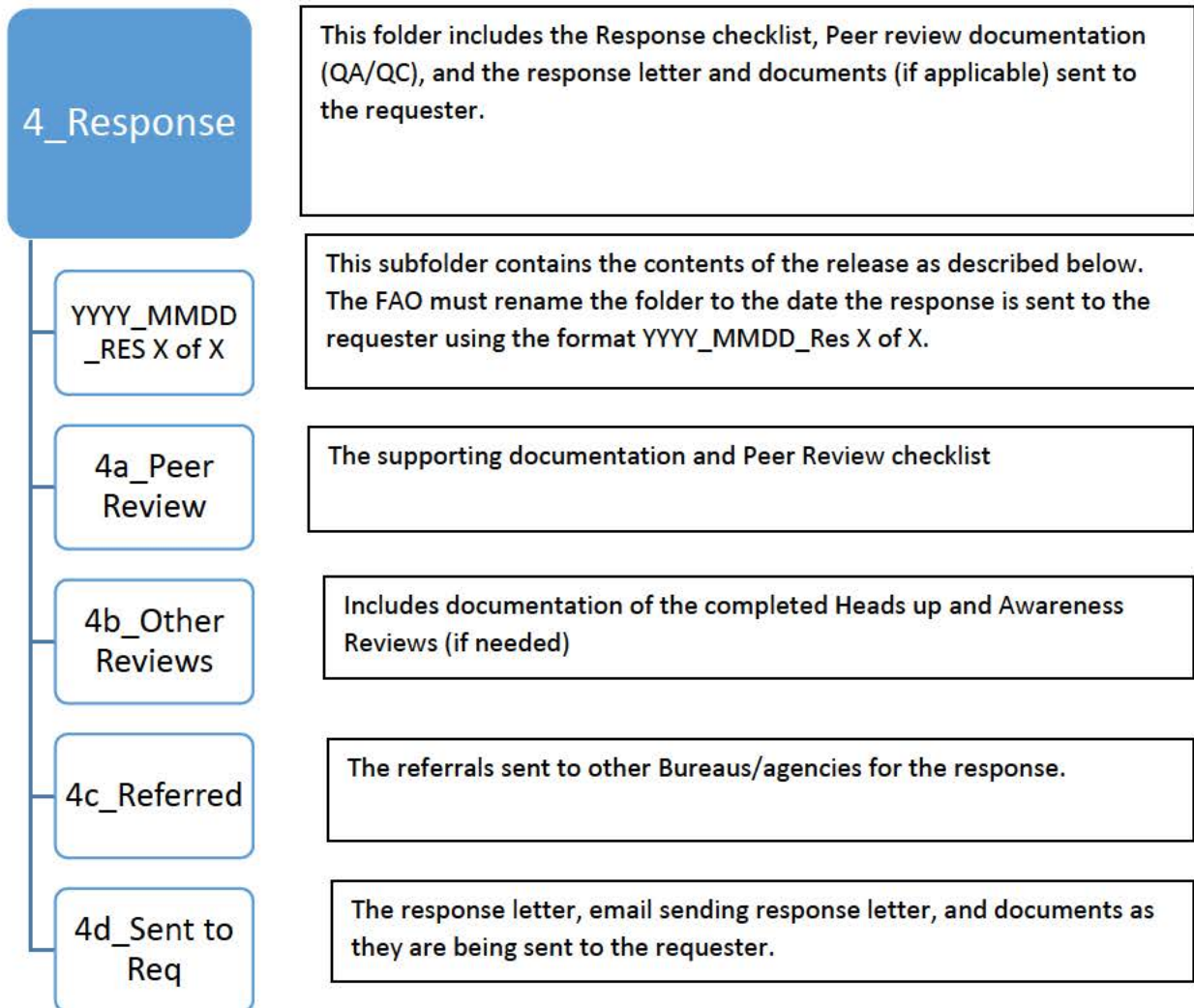A description of the standard folder structure is also included:

1_Intake

This folder includes the Intake Checklist (to be completed within 3 workdays from receipt) and the three subfolders described below. When a request is perfected, initiate the "Search" Phase.

1a_Req and Req Corr

Includes all correspondence between the FOIA processing Office and the requester regarding intake, e.g., the request, emails, scope changes,

1b_Fees

Includes information regarding the requester fee category, fee waivers, and advance payments

1c_Misc

Includes any other information that may be relevant to the intake process, e.g., heads up, emails/communications with affected program offices

2_Search

This folder includes the Search Checklist, a search tracking spreadsheet designed to track the offices and individuals tasked to search, the BOEM FOIA Search Tracking Sheet for each custodian to fill out to document how the search was conducted, and the three subfolders described below. After searches are complete, if responsive records are located, initiate the "Review" Phase. When no responsive records are located, initiate the "Response" Phase.

2a_Completed Searches

Includes each completed search tracking sheet received from custodians and any supporting documentation.

2b_Originals

Includes the files received from each records custodian. The original files are normally placed in subfolders using the initials of the custodian

2c_Conversion

Includes any records regarding the conversion of the documents to pdf.

2d_NR

Includes any documents determined to be not-responsive to the request

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Folder Structure

3_Review

This folder includes the Review Phase checklist and **copies** of all responsive records pending release determination. As the documents are reviewed, they must be placed in the "X of X_Pend" folder as detailed below. If more than one release is planned, copy the "X of X_Pend" folder for each release. When the review process for a release is complete, initiate the "Response" phase.

x of x_Pend

This folder is created for each planned release and includes the review checklist, tracking tools, and the subfolders as described below. When the response is sent to the requester, the FAO needs to rename the folder to the date sent YYYY_MMDD_Rev X of X.

3a_RIF

Includes all documents where no exemption applies or where an exemption applies but there is no foreseeable harm in release of the

3b_WIP

Includes all documents where an exemption applies to a portion of the record(s) and there is foreseeable harm in the redacted portions

3c_WIF

Includes all documents where an exemption(s) applies to the entirety of the records and there is foreseeable harm, when applicable.

3d_REF

Includes all documents being referred to other agencies.

3e_NR

Includes any documents determined to be not-responsive to the request

3f_DUP

Includes all documents determined to be duplicates of documents

3g_SME reviews

Includes complete documentation of SME reviews

3h_Consultations

Includes complete documentation of consultations

3i_SOL Review

Includes complete documentation of SOL Review

BOEM FOIA Basic Processing Guide
Folder Structure

4_Response

This folder includes the Response checklist, Peer review documentation (QA/QC), and the response letter and documents (if applicable) sent to the requester.

YYYY_MMDD _RES X of X

This subfolder contains the contents of the release as described below. The FAO must rename the folder to the date the response is sent to the requester using the format YYYY_MMDD_Res X of X.

4a_Peer Review

The supporting documentation and Peer Review checklist

4b_Other Reviews

Includes documentation of the completed Heads up and Awareness Reviews (if needed)

4c_Referred

The referrals sent to other Bureaus/agencies for the response.

4d_Sent to Req

The response letter, email sending response letter, and documents as they are being sent to the requester.

Intake Phase

BOEM FOIA Basic Processing Guide

Intake Phase Instructions

These instructions are provided as the minimum steps needed for BOEM FOIA Team members to complete the Intake Phase and Checklist.
- **Steps 1 – 10 must be completed within three workdays of receipt**
- **Steps 11 – 14 should be completed within ten workdays**.

Day 1 = the workday the request is received. Requests arriving or delivered after 5 p.m. Local time for the FOIA office location where the request is sent, Monday through Friday, will be deemed received on the next workday. The Checklist is broken down into three sections to be completed as follows:

<u>Section I.</u> This section is to be completed by the Intake Specialist, i.e., the BOEM FOIA Team member who is responsible for monitoring the FOIA mailboxes or mail accounts the day the request is received.

1. **Enter Request into EFTS – Due within one workday.** Enter the minimum information needed to create a request. *Be sure to complete Step 1 within five minutes or the FOIA Number will be lost.* You can attempt to save periodically without all of the required information to reset the save clock.

   a. Log into EFTS.
   b. Hover over the "FOIA Request" ribbon and select "Create New FOIA."
   c. **Note the automatically generated FOIA Number at the top of the screen, e.g., "BOEM-2021-00001."**
   d. In the "Request" Section, complete the following:
      i. "Type of Request": use the drop-down menu and select the correct option.
      ii. "Sensitivity": use the drop-down menu. This is critical to ensure sensitive requests are appropriately marked to limit the visibility in EFTS.
      iii. "Processing": Make your best guess as to the processing track in accordance with DOI's regulations.
      iv. "Date of Request": enter the date of the request as is indicated on the request.
      v. "Date Received": Enter the workday on which the request was received
      vi. "Subject of Request": Enter the subject of the request ensuring you omit sensitive information.
   e. In the "Requester" Section:
      i. "Last Name": Enter the Requester's Last Name
      ii. "First Name": Enter the requester's First Name.
   f. **Click "Save"**: *Be sure to complete Step 1 within five minutes or the FOIA Number may be lost.* You can attempt to save periodically without all of the required information to reset the save clock.

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2. **Create Electronic Case File – Due within one workday.**
   a. Navigate to the Network location "FOIA (\\ISEMIBNAS01\mibshare\FOIA\Requests\1_Active" folder.
   b. Using your mouse, right click, then select "New" and "Folder."
   c. Rename the "New folder" with the FOIA Number generated in Step 1 plus your initials, e.g., BOEM-2021-00001_IN
   d. Navigate to \\ISEMIBNAS01\mibshare\FOIA\Requests\1_Active_Std Folders, COPY the "1_Intake" folder and PASTE it into the newly created FOIA folder.
   e. Create a pdf copy of the request using the format: the date of the request_the FOIA number_the word "Request" and save it to the subfolder: "1_Intake\1a_Req and Req Corr" , e.g., "2020_1001_BOEM-2021-00001_Request"
   f. Upload the request into the EFTS "Attachments" Tab by doing the following:
      i. Log into EFTS;
      ii. Click on the FOIA number;
      iii. Select the "Attachments" tab;
      iv. On the "Attachment Type" drop down menu, choose "Request"
      v. Under "File:" select "Browse…" then navigate to the location of the attachment in the "1a_Req and Req Corr" subfolder. Select the attachment and click "Open";
      vi. Click the "Attach" button to upload and attach this file to the FOIA record. A confirmation screen will pop up ensuring "You agree that this attachment is a Request or a Response letter only and does NOT contain any enclosure(s)." Click the "OK" button to proceed (or "Cancel" to cancel the upload);
      vii. If you successfully uploaded the attachment, you will see the file name in the "Currently Attached Files" box;
      viii. **Click "Save"**. This is critical. Failure to complete this step means the request will not be saved in EFTS.

3. **Update the BOEM HQ Open _ Closed FOIA Report – Due within two workdays.**
   Add the new request to the "Open Requests" worksheet on the "BOEM Open_Closed FOIA Report"

4. **Add Due Dates to BOEM FOIA Tracking Calendar – Due within two workdays.**
   Open the BOEM HQ FOIA Calendar and add an appointment indicating the due dates for the following:
   a. Acknowledgment Due (BOEM-2021-00001 – Ack Due):
      i. If a request seeks expedited processing the date = ten calendar days of receipt; **If the tenth day falls on a weekend or holiday, add the date to the workday before the holiday.**
      ii. For all other requests, Acknowledgement letter (Due = 10 Workdays of receipt); and

      b.   Response due (BOEM-2021-00001 – Resp Due) = 20 Workdays of receipt)

5. **Send "Heads Up" Email – Due within two workdays.** Spend up to 15 minutes conducting research to determine the proper office(s) that you believe are most likely to have responsive records, e.g., research the topic briefly then search your FOIA reference guide, the agency website, and google. If the request names an individual BOEM employee, research the office where the individual is/was assigned as related to the topic and identify the appropriate program office(s). Review the Program POCs spreadsheet located in the \\ISEMIBNAS01\mibshare\FOIA\Requests\1_Active folder) then ensure you:

    a.   Determine the proper POCs.
    b.   Send a "Heads up" email:
        i.   The subject should be "Heads Up – New FOIA BOEM-2021-00001"
       ii.   The email should include a brief description of the requester and the scope of the request.
      iii.   It is worth noting for ALL "Sensitive" requests, the Heads up should only be sent to the Bureau FOIA Officer (or designated acting).
    c.   Save a copy of the "Heads Up" email in the "1c_Misc" file folder
        F:\Requests\1_Active_Std Folders\1_Intake\1c_Misc

6. **Request the Transition Meeting – Due within two workdays.** The Intake Specialist will complete steps 1-5 of the "Intake Checklist" and send the Bureau FOIA Officer (BFO) or designated acting an email requesting the Transition Meeting. This is a joint meeting between the Intake Specialist, the BFO, and the assigned FOIA Action Officer (FAO) to determine the next steps. Pay careful attention to the schedule and ensure this meeting is **scheduled NLT than the third workday**.

    a.   The meeting request is per FOIA and will be scheduled by the Bureau FOIA Officer for at least 15 minutes.
    b.   If deficiencies exist, the team will work collaboratively to address the deficiencies and develop a path forward.

7. **Draft "Acknowledgment" Letter – Complete before the Transition Meeting is held (NLT within three workdays).** The acknowledgment letter must properly address the following:

    a.   The Intro paragraph
    b.   The scope and/or clarification if needed
    c.   Fee category
    d.   Fee waiver, when requested
    e.   Expedited processing, when requested

    f. If an extension is appropriate. If yes, include contact info for OGIS and the DOI Public Liaison.

    g. For Complex and Extraordinary requests, meaningful options for limiting the scope.

    h. If deficiencies exist, the Intake Specialist will detail the deficiencies in the acknowledgment letter and notify the BFO prior to the Transition Meeting.

Section II. The Bureau FOIA Officer will:

8. **Verify Acknowledgment Due Date – Due within three workdays.** Check to ensure the acknowledgment due date is accurate and is on the BOEM FOIA calendar.

9. **Assign FAO – Due within three workdays.** The BFO will assign a FOIA Action Officer (FAO) to manage the remaining intake functions for the request. For requests submitted to the BOEM Offices, this will likely be the Office Lead. Requests submitted to HQ will be managed by the Intake Specialist and/or distributed among BOEM FOIA staff.

10. **Complete the Transition Meeting – Due within three workdays.** When the BFO and FAO determine no deficiencies exist and/or noted deficiencies are resolved, the FAO will manage the next steps, to include sending the acknowledgment letter and managing the search.

Section III. The FOIA Action Officer:

11. **Send Acknowledgment Letter – Due within ten calendar days for request that seek Expedited processing OR ten workdays for all other requests.** The acknowledgment letter is a statutory requirement and **<u>must</u>** be sent on time. The letter should note deficiencies in the request, if any exist.

    a. Expedited requests need to be analyzed in accordance with DOI's FOIA regulations. *See* 43 CFR 2.20. If the FAO determines approval is appropriate, they must get the approval of the Solicitor.

    b. For requests that can be answered within 10 workdays, the acknowledgment letter can be combined with the response.

12. **Determine Perfected Date:** Evaluate the request per DOI's FOIA regulations and Chapter 5 of the DOI FOIA Handbook (383 DM 15 HB).

13. **Update EFTS – Due within ten workdays.** Log into EFTS and ensure the information is updated as described below:

    a. "Basic Form" Tab: Verify the previously entered information and also add in the below where appropriate:

        i. Date Perfected

      ii.   Name of Lead FOIA Processor

     iii.   Number of Pages estimated

     iv.   Unusual Circumstances and selected the reason from the drop down menu

      v.   Expedited Processing Information

     vi.   Subject of Request/Date Clarification Requested

    vii.   Requester contact information

  b. "Fees" Tab:

       i.   Fee Category

      ii.   Will they pay a fee?

     iii.   Advance Payment

  c. Upload the acknowledgment into the EFTS "Attachments" Tab by doing the following:

       i.   On the "Attachment Type" drop down menu, choose "Response"

      ii.   Under "File:" select "Browse…" then navigate to the location of the acknowledgment. Select the acknowledgment letter and click "Open"

     iii.   Click the "Attach" button

     iv.   If you successfully uploaded the attachment, you will see the file name in the "Currently Attached Files" box

      v.   **Click "Save"**. This is critical. Failure to complete this step means the acknowledgment will not be saved in EFTS.

14. Update the BOEM FOIA Tracking Calendar: Due within ten workdays of receipt.

Open the BOEM HQ FOIA Calendar and make adjustments as described below:

  a. If the acknowledgment letter included an extension, adjust the due date appointment to 30 workdays after receipt (BOEM-2021-00001 – Resp Due w/ext)

  b. If the acknowledgment letter included the final response:

       i.   Adjust the acknowledgment appointment to the day the response was sent and change the name (BOEM-2021-00001 – Ack and Resp sent)

      ii.   Delete the original response appointment

BOEM FOIA Intake Checklist For use, see the "BOEM Basic FOIA Processing" Guide.			
	Section I - To be Completed by Intake Specialist		
	FOIA Request Number:		
	Date Received:		
Step	**Task**	**Date Complete** **MM/DD/YYYY**	**Comments**
1	Enter Request Into EFTS		
2	Create Electronic Case File		
3	Update BOEM Open _ Closed FOIA Report		
4	Add Due Dates to BOEM FOIA Tracking Calendar		
5	Send "Heads Up" Email		
6	Request Transition Meeting		
7	Draft Acknowledgment Letter		
	Intake Specialist Signature:		
	Section II - To be completed by Bureau FOIA Officer		
8	Verify Acknowledgment Due Date		
9	Assign FAO		
10	Complete the Transition Meeting		
	Bureau FOIA Officer Signature:		
	Section III - To be completed by FOIA Action Officer		
11	Send Acknowledgment Letter		
12	Determine Perfected Date		
13	Update EFTS		
14	Update the BOEM FOIA Tracking Calendar		
	FOIA Action Officer Signature:		

Search Phase - Pending

Review Phase

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Review Phase Checklist Instructions

1. **Verify Search Phase is Complete**. Review the status of the Search Phase to ensure completion.

   a. If all searches are complete, move on to Step 2.
   b. If searches are pending, the Intake Specialist and/or assigned FOIA Action Officer (FAO) will work collaboratively to ensure searches are complete and all documents located by personnel responsible for conducting the search are saved to the electronic case file.

2. **Create Working Copies.** The working copies of every document located must be reviewed by the FAO and a final disposition determination made by the assigned senior GIS. The FAO will ensure the following steps are complete:

   a. Navigate to the Network location "FOIA (\\ISEMIBNAS01\mibshare) (F:)". Go to the "F:\Requests\1_Active"\ _Std folders", copy the "3_Review" folder, and paste it into the appropriate FOIA case file (e.g., BOEM-2021-00001).
   b. Navigate to the folder titled "F:\Requests\1_Active\[BOEM-2021-0001]\2_Search\2b_Originals" and **create a copy** of all documents located in response to the FOIA. Paste them into the folder located at F:\Requests\1_Active\[FOIA Number, e.g. BOEM-2020-00001]\3_Review
   c. If not already done, convert documents from the native format to individual pdf files using Acrobat Professional DC. MS Office email conversion options involve creating PDF Portfolios and using Evermap's AutoPortfolio to extract individual emails and attachments.

3. **Conduct the Document Review.** The review folder "F:\Requests\1_Active\\[BOEM-2020-00001]\3_Review" should now contain copies of all records retrieved from custodians. Files in the parent "3_Review" folder are pending review. The FAO will determine a disposition for each document and ensure: 1) A line-by-line and page-by-page review of each responsive document is completed; 2) The documents are marked appropriately using BOEM's standard markings (*See* below); 3) Foreseeable Harm is documented where appropriate [1]; 4) The time spent reviewing the documents is recorded on the Review Tracker; and 5) Each record is **moved** into one of the subfolders in the "1 of X_Pend [2]" 3a-3f as detailed below:

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[1] *See* DOI's Foreseeable Harm Policies dated 05/29/2009 and 12/29/2017.

[2] If more than one response is planned, copy the "1 of X_Pend" folder for each release ensuring the "1" is changed to "2" or "3" as appropriate.

a. 3a_RIF = (Release in full) Includes all documents where no exemption applies or where an exemption applies but there is no foreseeable harm in release of the information.

b. 3b_WIP = (Withhold in part) Includes all documents where an exemption applies to a portion of the record(s), and there is foreseeable harm in release of the information or disclosure is prohibited by law.

c. 3c_WIF = (Withhold in Full) Includes all documents where an exemption(s) applies to the entirety of the records and there is foreseeable harm in the redacted documents.

d. 3d_REF = (Referral) Includes all documents being referred to other bureaus or agencies.

e. 3e_NR = (Non-Responsive) Includes all documents determined to be non-responsive to the request. As you look at each document consider: the scope of the FOIA request, to include all modifications, letters and email exchanges from the FOIA inbox(es); the subject; date ranges; relevant parties; false positives.

f. 3f_DUP = (Duplicate) Includes all documents determined to be duplicates of responsive documents

4. **Document the Foreseeable Harm.** (If needed). Using the Department's Foreseeable Harm guidelines, complete the Foreseeable Harm analysis.

5. **Complete the SME Review**. Subfolder "3g_SME Reviews" (If needed) = As required by the Department's Foreseeable Harm policies. This folder includes complete documentation of SME reviews. Ensure any changes recommended by the SMEs are considered and consistently incorporated into the documents.

6. **Complete the Consultation(s).** Subfolder **"3h_Consultations"** (If needed) = Include complete documentation of each consultations with other Bureaus/agencies or submitter reviews. Ensure any changes recommended by consultations are considered and consistently incorporated into the documents.

7. **Complete the SOL Review.** Subfolder **"3i_SOL"** = (If needed) Includes complete documentation of SOL review. Ensure any changes recommended by the SOL are considered and consistently incorporated into the documents.

8. **Complete the "Review Tracker."** This records the total time spent reviewing for FOIA Exemptions.

9. **Create Review Comments.** (Optional best practice) = This is a macro enabled spreadsheet that can be used to track individual documents to facilitate the review process, streamline SME reviews/consultations, and increase accountability. Instructions for using the spreadsheet are found here (pending).

10. **Transition to the Response Phase**[3].

   a. When the documents intended for a single response are reviewed to completion, move on to the "Response Phase"
   b. Complete the Review Phase checklist.
   c. Rename the "1 of X_Pend" folder to the date the release is sent, e.g. "2020_0101_1 of 1[4]".

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[3] When a request has more than one response, repeat steps 3-9 for each release.
[4] When there is more than one response, ensure the "1 of 1" is changed to "1 of 2" or "2 of 3" as appropriate.

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Document Marking Standards

1. Ensure your Acrobat Pro redaction settings and Comment/highlighter color and opacity are set.
2. For documents determined to be non-responsive, include a comment regarding your rationale, e.g., outside the date range.
3. For responsive documents, conduct the line-by-line and page by page review to determine if an exemption can apply:

    a. If no FOIA Exemption applies, you are not required to mark any information. However, please consider the following to help facilitate review by SMEs, Peers, and SOL.
        i. **"Processing Note – [insert text]" (highlight/pop-up note). A**dd any notes you think would help facilitate the review process throughout the packet and identify them e.g., you can identify websites where information may **have been released.**
        ii. **"Management Review- [Program(s)]" (highlight/pop-up note). I**dentify any areas that management should be made aware of prior to release by highlighting the text.

    b. If an Exemption can apply, you must, consider foreseeable harm as described in DOI's policies and ensure you mark the information as described below:

        i. **Redaction – Acrobat Standard Exemption** markings. If you identify there is foreseeable harm, mark the information as it should be redacted using the proper exemption(s). A recommended best practice is to draft your Foreseeable Harm statement at the time you mark the document.
        ii. **"No Harm - [Program(s)]" (highlight/pop-up note).** If you decided no foreseeable harm would result from release, highlight the text using the words. You must also identify the BOEM program that will have to review/concur. In the highlight note, it is also critical to include any information that explains why you believe there is no identifiable foreseeable harm. Generally, this should be done in 1-2 sentences.
        iii. **"SME Input Needed - [Program]" (highlight/pop-up note**). If you are unsure if harm would result from release, highlight the text using the words and further include any notes/specific questions that would help bring you clarity. Ensure your questions are appropriately phrased to bring the clarity you need to resolve the foreseeable harm analysis., e.g., **<u>do not</u>** just ask "is there foreseeable harm?"

    c. **Awareness review - [Last name]" (highlight/pop-up note).** Identify personnel that are subject to the awareness review by making a highlight note on their names. If multiple Political Appointee names appear on the same page, highlight the first name and in the note but include all of the names in the comment, separated by commas.

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4. **"Consult - [Agency/Bureau(s)]" (highlight/pop-up note).** Identify the email exchanges/documents that will require consultation with another Bureau or agency.

5. **"Referral - [Agency/Bureaus(s)]" (redaction with custom text).** Identify the documents that should be referred to other Bureaus/agencies. Ensure BOEM's equities are appropriately reviewed prior to referring any documents.

6. **"Submitter Review - [Company Name]"** (highlight/pop-up note) - Identify any information submitted by industry that may be Confidential Commercial Information.

7. You **<u>must</u>** track the time spent by any person in reviewing the documents for application of Exemptions. It is also required to be recorded in EFTS upon closeout.

BOEM FOIA Review Checklist
For use, see "BOEM Basic FOIA Processing" Guide.

Step	Action	Date Started	Date Completed	Comments
1	Verify Search Phase is Complete			
2	Create Working Copies			
3	Conduct the Initial Document Review			
4	SME Review(s)			
5	Complete the Consultation(s)			
6	Complete SOL Review			
7	Review Comments Spreadsheet			
8	Document the Foreseeable Harm			
9	Transition to the Response Phase			
	FOIA Action Officer Signature:			

Response Phase

BOEM FOIA Basic Processing Guide

Response Phase Checklist Instructions

1. **Combine the documents**: Go to the "F:\Requests\1_Active\BOEM-YYYY-XXXXX\3_Review\1 of X_P" Folder[1]. Hold the "CTRL" key and select the "RIF" + "WIP" + "WIF" Folders. Hover over the folders, right click and select "Combine files in Acrobat." Sort the documents by the "Name" and select "Combine files". When the combined file opens, save it using the format "FOIA BOEM-YYYY-XXXX_[Number of pages]p"

2. **Verify the page counts:** See the "BOEM FOIA Page Count Verification Guide" for additional information and instruction, if needed. You must address the **number of pages**:

    a. Overall in the release = RIF+WIP+WIF+REF.
    b. Released in their entirety.
    c. Being withheld in part (both for the release and per exemption). To complete this step, you must create a page count summary.
    d. Being withheld in full (both for the release and per exemption). To complete this step, you must create a page count summary.
    e. Being referred to other Bureaus/Agencies = REF

3. **Update the Response Letter:** Ensure the response letter incorporates any changes from the SOL review and page count verifications**.**

4. **Apply the Redactions[2]:** Remove items marked for redaction by locating the Redact toolset in the secondary toolbar. Open the PDF in Acrobat Pro DC, and then choose Tools > Redact. Click "Apply Redactions" in the secondary toolbar and the following Adobe Acrobat warning will appear:

    a. "You are about to permanently remove all content that has been marked for redaction. Once the document is saved, this operation cannot be undone. Are you sure you want to continue?"
    b.   Click "OK".
    c. Saved the redacted file to the "Peer Review" folder (Acrobat automatically adds _Redacted to the file name).

5. **Sanitize the combined document:** This step removes all sensitive information, hidden or not, from the document so that the information is not passed along when you send the response documents to the requester.

    a. Open the combined file with redactions applied in Acrobat Pro DC, and then choose Tools > Redact. The Redact toolset is displayed in the secondary toolbar.
    b. In the secondary toolbar, click "Sanitize Document". The Sanitize Document dialog box is displayed.

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[1] If more than one release is planned, "1 of X_Pend" folder for each release ensuring the "1" is changed to "2" or "3" as appropriate...
[2] If no redactions are contained in the documents, move on to Step 5.

    c. Click OK.

    d. Click Save to save the document and automatically finish the sanitization process.

6. **Complete the Peer Review.** Every response requires a Peer Review to increase accuracy in the response. The Peer Review encompasses verifying the information in the response letter is accurate, all required reviews to determine the proper application of exemptions are complete, redactions are applied, and there is an accurate determination if any additional reviews are required. The assigned processor must provide a copy of the following to a peer with a minimum of one business day for review[3].

   The FOIA Processor must copy the items identified below to the F:\Requests\1_Active\BOEM-YYYY-XXXX\4_Response\YYYY_MMDD_REL X of X\4a_Peer Review

       a. The draft response letter.
       b. If records are being released to the requester, also include the following:
           i. The combined documents being sent to the requester with the redactions applied, hidden information removed, and documents sanitized.
           ii. The page count summaries from Step 3 above.
       c. If any records are being referred, a copy of the referral letters and documents.
       d. The "Peer Review" Checklist.

7. **Complete the Additional Reviews (if required).**

       a. Awareness Reviews: Follow DOI's current policy and procedures regarding Awareness reviews.
       b. Heads up: Most FOIA responses require a heads up to management to include the Chiefs for each BOEM Office who provided records that are included in the release and the Office of Public Affairs.

8. **Send the response to the requester.** The day you are sending the response, ensure you:

       a. Change the following folder names to the date the release is being sent, e.g., for a response being sent on February 29, 2020, change:
           i. F:\Requests\1_Active\BOEM-YYYY-XXXX\3_Review\1 of X_Pend

         TO

         2020_0229_1 of 1[4]

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[3] It is the responsibility of the Peer Reviewer to provide feedback within one business day or coordinate for additional time if needed.

[4] If more than one release is planned, "1 of X_Pend" folder for each release ensuring the "1" is changed to "2" or "3" as appropriate...

AND; change

  ii. F:\Requests\1_Active\BOEM-YYYY-XXXX\4_Response\YYYY_MMDD_RES X of X

   TO

   2020_0229_RES 1 of 1

b. Prepare the documents by opening the sanitized combined file and:
  i. Inserting a left header using the following format:

   FOIA BOEM-YYYY-XXXXX – Final Response[5]
   Month, Day, YYYY – [Select one: Release in entirety OR Release in part]

c. Save the file to "F:\Requests\1_Active\BOEM-YYYY-XXXX\4_Response\XXXX_MMDD_REL X of X\4d_Sent to Requester

d. Convert the response letter to PDF.
  i. Digitally sign the letter.
e. Send the response in the preferred format as selected by the requester.

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[5] If there is more than one response, change as appropriate, e.g., Response 1 OR Response 2

BOEM FOIA Response Phase Checklist
For use, see "BOEM Basic FOIA Processing" Guide.

Step	Action	Date Complete	Comments
1	Combine the Documents		
2	Verify the page counts		
3	Update the Response Letter		
4	Apply the Redactions		
5	Sanitize the combined document		
6	Complete the Peer Review		
7	Complete the Additional Reviews		
8	Send the response to the requester		
	FOIA Action Officer Signature:		

Interim Response

BOEM FOIA Basic Processing Guide

Interim Response Checklist Instructions

This is when you sent a response that partially responds to the request but there are additional documents remaining to be processed to completely respond to the request, i.e., you are not finished processing the request but are sending a partial release. Ensure you provide complete and accurate information as described below.

1. **Add documentation to the electronic case file.** Ensure complete documentation of all actions taken are included in the electronic FOIA case file. This includes ensuring you:

    a. Convert all emails related to the FOIA to PDFs and place each in the appropriate sub-folders in the case file. Search for emails from your individual account as well as the BOEM FOIA account(s) for all correspondence related to the request to include searches; SME, Solicitor, Awareness and Heads Up reviews; consultations; and all correspondence with the requester.

    b. Have documented the time spent reviewing for the application of exemptions to include your own under 0306 and SME reviews on the "Review Tracker" spreadsheet.

2. **Upload the Response in EFTS.** For all responses, upload a PDF copy of the Response Letter into EFTS.

    a. Log into EFTS at https://efoia.ios.doi.gov/efts/privacy.do.
    b. Click on the FOIA number
    c. Select the "Attachments" tab
    d. On the "Attachment Type" drop down menu, choose "Response."
    e. Under "File:" select "Browse…" then navigate to the location of the attachment in the "4d_Sent to Requester" folder. Select the attachment and click "Open"
    f. Click the "Attach" button to upload and attach this file to the FOIA record. A confirmation screen will pop up ensuring "You agree that this attachment is a Request or a Response letter only and does NOT contain any enclosure(s)." Click the "OK" button to proceed (or "Cancel" to cancel the upload).
    g. If you successfully uploaded the attachment, you will see the file name in the "Currently Attached Files" box.
    h. **Click "Save".** This is critical. Failure to complete this step means the response will not be saved.

3. **Complete the "Response/Close" Tab in EFTS.** Performing this step assumes you are currently logged into EFTS and have the FOIA open. Go to the "Response/Close" tab then:

    a. Under "Partial Releases" check the box next to "Partial Release?" This will cause a new menu to open.

b. Click on "Details" A pop-up window opens. Populate the information to include number of pages released in full, in part, withheld in full, referred and the "Date Released" for that individual response.
c. Click "Add."
d. Click "Save" on the pop-up screen. Failure to click save will remove the populated information from the screen.
e. **Click "Save"** on the "Response/Close" tab. Failure to click save will remove the populated information.

4. **Update the BOEM Open_Closed FOIA Report.** Review the data in the Report for accuracy, to include:

a. "Open Requests" – update all of the information to include record of responses sent.
b. "Consultations Sent" – ensure accurate data is entered regarding all consultations sent for the individual request.
c. "SME and SOL Reviews" – ensure accurate data is entered regarding all SME and SOL reviews sent for the individual request.

5. **Update BOEM HQ FOIA Calendar.** Annotate on the calendar:

a. The date the response response was sent using the format "BOEM-20XX-00XXX – Interim Response XX sent".
b. The next due date as detailed in the letter:

BOEM FOIA Interim Response Checklist
For use, see "BOEM Basic FOIA Processing" Guide.

Step	Action	Date Complete mm/dd/yyyy	Comments
1	Add Documentation to the Case File		
2	Upload the Response into EFTS		
3	Complete the Response/Close tab in EFTS		
4	Update the BOEM Open_Closed FOIA Report		
5	Update BOEM HQ FOIA Calendar		
	FOIA Action Officer Signature:		

Peer Review

BOEM FOIA Basic Processing Guide

Peer Review Checklist Instructions

This includes the steps needed for a Peer Review as required per Step 6 of the Review Phase. The FOIA Action Officer (FAO) will initiate the Peer Review checklist and the provide the following in the "F:\Requests\1_Active\BOEM-YYYY-XXXX\4_Response\YYYY_MMDD_RES X of X\4a_Peer Review" folder:

- The draft response letter:
  - o Required language is used
  - o Ensuring formatting is correct
  - o All appropriate exemptions and prongs are included
  - o No exemptions are included that do not apply
  - o Page counts are accurate per each exemption
  - o Foreseeable Harm statement is included, as applicable
  - o Processing Schedule is included for interim responses
  - o Fees are addressed for all final responses.
- Page Comment Summaries to include the following:
  - o All Exemptions
  - o Per Exemption
  - o Need Information from SME
  - o Referred
  - o Consults
  - o Submitter Review
  - o Awareness Review
  - o Management Review
- The combined documents being sent to the requester with the redactions applied, hidden information removed, and documents sanitized.
- The "Peer Review" Checklist.

Completing the Checklist:

The actions described below are needed to complete the checklist for both the FAO and Reviewer.

- The FAO initiates and dates the checklist, then sends to the Reviewer
- The Reviewer completes the review within one workday and identifies any corrections.
- The FAO makes corrections, if needed, and date the checklist for completion.

1. **Total Page Count:** This is the number of pages that are included overall in the release:

   a. **FAO:** Enter the overall number in the checklist.
   b. **Reviewer Action:** Verify by:

     i. Checking the total number of pages in the combined file from 4a and 4c for the referred documents.
    ii. Ensuring redactions are applied and hidden information removed from the combined file.
   iii. Ensuring this is accurately captured in the draft response

2. **Total Pages withheld in Part:** This is the total number of pages withheld in part for the FOIA:

   a. **FAO:** Enter the number in the checklist.
   b. **Reviewer Action:** Verify by:
     i. Checking the total number of pages withheld in part in the "All Exemptions" comment summary.
    ii. Ensuring this is accurately captured in the draft response

3. **Total Pages withheld in Full:**

   a. **FAO:** Enter the number in the checklist.
   b. **Reviewer Action:** Verify by:
     i. Checking the total number of pages withheld in part in the "All Exemptions" comment summary.
    ii. Ensuring this is accurately captured in the draft response

4. **Total Pages Referred:**

   a. **FAO:** Enter the number in the checklist. Add comments to include each agency where referrals are being made and the total number of pages per agency
   b. **Reviewer Action:** Verify by:
     i. Checking the total number of pages in 4c per agency
    ii. Ensuring there is record of the Bureau FOIA Office approving the referral in the Review folder.
   iii. Ensuring this is accurately captured in the draft response to include the agencies and number of pages referred.

5. **SME Documentation:**

   a. **FAO:** Indicate Yes or NA if a SME Review was needed. In the Comments, identify all offices who completed SME reviews.
   b. **Reviewer Action:** Verify by checking to ensure documentation of SME Review(s) is in the review folder.

6. **SOL Documentation:**

a. **FAO:** Indicate Yes or NA if a SOL Review was needed. In the Comments, identify the Attorney that conducted the FOIA review and approved the withholdings.

b. **Reviewer Action:** Verify by:
   i. Checking to ensure documentation of SOL Review is located in the review folder.
   ii. Ensuring this is accurately captured in the draft response to include the attorney name.

7. **Consult Documentation:**

   a. **FAO:** Indicate Yes or NA if consults were needed. Add comments to include each agency where the consultation was complete.

   b. **Reviewer Action:** Verify by checking to ensure documentation of Consultations and Submitter Reviews are located in the review folder.

8. **Draft Response:**

   a. **FAO:** Indicate Yes that the draft response is included. Add comments regarding the individual exemptions used in the release, to include subparts.

   b. **Reviewer Action:** Verify by adding comments to the letter to ensure:
      i. Required language is used
      ii. Ensuring formatting is correct
      iii. All appropriate exemptions and prongs are included
      iv. No exemptions are included that do not apply
      v. Page counts are accurate per each exemption
      vi. Foreseeable Harm statement is included, as applicable
      vii. Processing Schedule is included
      viii. Fees are addressed, if needed, for all final responses.

9. **Additional Reviews:**

   a. **FAO:** Indicate Yes or NA if additional reviews are needed. Add comments to include Management or Awareness.

   b. **Reviewer Action:** Verify by checking "Management" and "Awareness" Review page count summaries.

BOEM FOIA Peer Review Checklist

For use, see "BOEM Basic FOIA Processing" Guide.

	FAO Name:		Reviewer Name:	
	Date Initiated:		Corrections Needed?	
	FAO Signature:		Reviewer Signature:	

Step	Action	FAO	Comments	Reviewer	Comments
1	Total Page Count				
2	Total Pages withheld in Part				
3	Total Pages withheld in Full				
4	Total Pages Referred				
5	SME Documentation				
6	SOL Documentation				
7	Consult Documentation				
8	Draft Response				
9	Additional Reviews				
	Date Checklist Complete:		FOIA Action Officer Signature:		

Closeout

BOEM FOIA Basic Processing Guide

Closeout Checklist Instructions – Final Response

This is when you sent a response that completely responds to the request, i.e., a request needs only one response OR this is the final response after a series of partial releases. Ensure you provide complete and accurate information as described below.

1. **Prepare the Case File for Closure.** Ensure complete documentation of all actions taken are included in the electronic FOIA case file and removal of unnecessary information.

    a. Convert all emails related to the FOIA to PDFs and place each in the appropriate sub-folders in the case file. Search for emails from your individual account as well as the BOEM FOIA account(s) for all correspondence related to the request to include searches; SME, Solicitor, Awareness and Heads Up reviews; consultations; and all correspondence with the requester.
    b. Have documented the time spent reviewing for the application of exemptions to include your own under 0306 and SME reviews.
    c. Remove any unnecessary folders.

2. **Upload the Response in EFTS.** For all responses, upload a PDF copy of the Response Letter into EFTS.

    a. Log into EFTS at https://efoia.ios.doi.gov/efts/privacy.do.
    b. Click on the FOIA number
    c. Select the "Attachments" tab
    d. On the "Attachment Type" drop down menu, choose "Response"
    e. Under "File:" select "Browse…" then navigate to the location of the attachment in the "4d_Sent to Requester" folder. Select the attachment and click "Open"
    f. Click the "Attach" button to upload and attach this file to the FOIA record. A confirmation screen will pop up ensuring "You agree that this attachment is a Request or a Response letter only and does NOT contain any enclosure(s)." Click the "OK" button to proceed (or "Cancel" to cancel the upload)
    g. If you successfully uploaded the attachment, you will see the file name in the "Currently Attached Files" box.
    h. **Click "Save".** This is critical. Failure to complete this step means the response will not be saved.

3. **Complete the "Response/Close" Tab in EFTS.** Performing this step assumes you are currently logged into EFTS and have the FOIA open. Go to the "Response/Close" tab then:

    a. "Disposition": Use the drop down menus to select the disposition of the request. An explanation of the Dispositions can be found in the Department's FOIA Annual Reports.
    b. "GLOMAR": check the box if appropriate.

c. "Foreseeable Harm Considered": Following DOI's <u>Foreseeable Harm Guidelines</u>, check the box if appropriate.

d. "Exemptions": select the exemptions that apply to all responses in the request. This will automatically populate the "Exemptions Invoked" box. You can select more than one Exemption by holding the CTRL button and making multiple selections.

e. "if 3": Select the appropriate Statute. If the Statute is not listed, contact the Bureau FOIA Officer.

f. "Solicitor Name": Provide the first and last name of the Solicitor who advised you regarding withholding any information.

g. "Number of pages provided to FOIA processor, but non-responsive": Provide the total number of non-responsive pages <u>from all releases</u> as is captured in the "Review" folder(s).

h. "Full and/or Final Release": Populate the information to include number of pages released in full, in part, withheld in full, and/or referred for the final response.

i. **Click "Save"** on the "Response/Close" tab. Failure to click save will remove the populated information.

4. **Complete Request in EFTS.** These steps must be completed within two business days after the final response is sent.

   a. On the "Fees" tab. Verify the already entered information is accurate, then ensure the following are complete:

      i. "Processing Costs": Enter the total time spent searching and reviewing as required. Enter all other costs incurred.

      ii. "Total Processing Costs": Verify all billable fees were properly charged.

      iii. "Billing": Verify the bill information is updated. Because payments are due within 30 days, you may have to re-visit this item after payment is received.

      iv. Click "Save" on the fees Tab. A pop-up will notify you if any information is missing.

   b. On the "Basic Form" tab. Verify the already entered information is accurate, then ensure the following are complete on the "Request" section:

      i. Locate "Status" and select "Completed" or "Closed" from the drop down menu. Use "Completed" for all requests for which we performed a search and issued at least one response. Closed requests include administrative closures, e.g., a request was opened in error, or the information was publicly available.

      ii. "Date Completed": Enter the date the final response was sent.

BOEM FOIA Basic Processing Guide

5. **Update the BOEM Open_Closed FOIA Report.** Review the data in the <u>Report</u> for accuracy, to include:

    a. "Open Requests" – update all of the information to include record of responses sent.

    b. "Consultations Sent" – ensure accurate data is entered regarding all consultations sent for the individual request.

    c. "SME and SOL Reviews" – ensure accurate data is entered regarding all SME and SOL reviews sent for the individual request.

6. **Update BOEM HQ FOIA Calendar.** Annotate on the calendar the date the final response was sent using the format "BOEM-2021-00001 – Final Response completed".

7. **Send email Notification of Completion to the Bureau FOIA Officer.** Send an email notifying the BFO of the completion of the FOIA request. The BFO will verify the info is complete and/or notify the Processor of any deficiencies. Once resolved, the BFO will move the request from "Open" to "Completed."

8. **Move the electronic Case File to "Closed".** Move the entire electronic case file from "Active" to "F:\Requests\2_Closed\1_FOIA\FYYY" where FYYY = the FY in which the request was completed, and the final response issued.

BOEM FOIA Closeout Checklist
For use, see "BOEM Basic FOIA Processing" Guide.

Step	Action	Date Completed mm/dd/yyyy	Comments
1	Prepare the Cae File for Closure		
2	Upload the Response into EFTS		
3	Complete the Response/Close tab in EFTS		
4	Complete the Request in EFTS		
5	Update the BOEM Open_Closed FOIA Report		
6	Update BOEM HQ FOIA Calendar		
7	Send email Notification of Completion to the BFO		
8	Move the Electronic Case File to "Closed"		
	FOIA Action Officer Signature:		