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Description of document: Office of Management and Budget (OMB) Freedom of Information Act (FOIA) Standard Operating Procedure 2022

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 9, 2022

Sent via email

This responds to your Freedom of Information Act (FOIA) request to the Office of Management and Budget (OMB) dated and received in this office on May 22, 2022, and assigned tracking number 2022-331. Your request seeks a copy of each (internal) FOIA Standard Operating Procedure (SOP) at the OMB FOIA Office.

In response to your FOIA request, OMB conducted a search of its files for responsive documents and located 25 pages. The 25 pages are enclosed herein in their entirety.

If you are not satisfied with the response to this request, you may contact OMB's FOIA Requester Service Center at 202-395-FOIA or OMB's FOIA Public Liaison at 202-395-7545, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. You may also administratively appeal by writing to OMB. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response.

Sincerely,

A handwritten signature in black ink that reads "Dionne Hardy". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Dionne Hardy
Office of General Counsel

FOIA STANDARD OPERATING PROCEDURES

1. Incoming FOIA Request (FOIA INTAKE—Dionne/Lorraine)

- *Request Received from FOIA Outlook Inbox:* Reviews the inbox on a daily basis to ensure requests contain all elements of a complete FOIA; then logs the request into FOIAXpress, assigns a FOIA request number and uploads a copy of the FOIA request.
 - Designates the request as either simple or complex.
 - An Acknowledgement Letter is sent to the requester.
 - ❖ (See Attachment # 1 for FOIA Incoming Request)
- *Request received from DOJ FOIA Portal:* Incoming requests from DOJ FOIA portal; requests are automatically assigned a FOIA request number, uploaded to FOIAXpress, and automated Acknowledgement Letter is sent to the requester.
 - Follow the same steps outlined above.
- *Request received via mail from USPS:* Follow the same log in procedures as mentioned above for requests received from the FOIA Outlook inbox. (Dionne is also responsible for coordinating with staff to ensure OGC’s mailbox in the NEOB is checked at least twice a month.)
- *Emails received for the FOIA Public Liaison:* Forwards all emails to the FOIA Public Liaison (Shraddha) and Michele. Documents all such emails into FOIAXpress.
- *Requests Seeking Expedited Processing:* Reviews all incoming FOIAs that request expedited processing. Determines if the request is “Denied” or “Granted” and obtains approval/review from attorney reviewer. Once approved by attorney, responds back to the requester within 10 days. A determination letter is sent to the requester.
 - ❖ (See Template response at Attachment #2).
 - If granted, designates the FOIA request as expedited in FOIAXpress and notifies the assigned processor of the expedited status via email.

2. Assigning Incoming FOIA Request (FOIA INTAKE—Dionne/Lorraine):

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- *Screen all incoming requests for records clearly outside of OMB's custody and control such as:*
 - POTUS, VPOTUS, and FLOTUS records with no nexus to OMB
 - Emails and other records exclusively of White House staff
 - In the weekly tracker of incoming FOIA requests, notes in a new column whether a no-custody or control response letter should be sent out. After obtaining approval from the FOIA Team Lead, drafts and sends a no-custody or control final response letter. These letters require no additional attorney review once FOIA Team approval has been obtained. As a general rule, FOIA requests should be broadly interpreted in favor of the requester.
- *Identifies any FOIA requests with an open-ended search, i.e., no search cutoff date (for example, FROM DATE UNTIL SEARCH IS CONDUCTED)*
 - When assigning a FOIA request to a processor, flags any requests having an open-ended search.
 - Once request is logged in FOIAXpress and assigned to a processor in FOIAXpress, Dionne/Lorraine also emails the processor notifying the processor about the assignment in FOIAXpress and flagging any open ended search request to ensure there is no miscommunication and deadlines are met.

3. FOIA Search Request (FOIA Processor):

- Requests are assigned to a FOIA Processor, who will enter an e-Discovery search in SharePoint or contact the subject-matter experts/potential custodians directly to retrieve the potentially responsive records.
 - New FOIA Requests: For requests with open-ended searches or where expedited processing has been granted, search queries must be entered immediately but **no later than 5 days of assignment**. For all other new FOIA requests, searches **must be entered within 5-10 days of assignment**.
 - For OMB subject matter experts/potential custodians that are not responsive, processors need to elevate to Shraddha or Tim.
- Performing a Search:

- Processor will 1st search the FOIA “Descriptions” field in FOIAXpress to determine if OMB has already provided responsive documents to a different requester for a similar FOIA request.
- Processor will look for similar “pending” requests that can be processed together.
- *Simple* search requests are crafted by the processor, who will then enter the e-Discovery search in SharePoint.
- *Complex* search requests are crafted by the processor, who will then forward the suggested custodians/search terms to the FOIA Lead for approval, before entering the search in SharePoint.
- For Pandemic-related or other oversight-related requests, processors should consult with Sarah on search terms before entering a search.
- Initial Review of the Search Results (Scoping):
 - Once the e-Discovery team returns the search results and loads the documents in Ringtail; the processor will update FOIAXpress with search result details (i.e., number of potentially responsive documents loaded in Ringtail or no documents).
 - If search the renders “no documents,” the FOIA Processor will email Dionne requesting she draft a “No Documents” final response letter.
 - Dionne will draft the final response letter and email the final response letter to the requester. The “No Documents” final response letters require no attorney review.
 - ❖ Dionne will save a copy of the final response letter in FOIAXpress.
 - ❖ *(See Attachment #3 for FOIA Search Procedures/Template Language)*

4. FOIA Request Document Review (FOIA Processor):

- Processor reviews documents in Ringtail and tags for responsiveness.
- Processor will request document production to PDF to enable redactions.
 - *Redactions:* (b)(5) & (b)(6) redactions are made to responsive documents.

- Upon receiving the production from eDiscovery, processors should reduce the size of the file in pdf form so that it can be emailed without exceeding Outlook file size limit.
- Processor facilitates the consultation process.
 - *Consultations:* Suggested redactions must be sent to SME/RMO & Agencies that have equities in responsive documents for consultation, prior to release. (*Consults for the following equities should be done in this order by the *FOIA Processor*: 1. WH/NSC and 2. 2nd Floor- (Front Office/Legislative Affairs/Comms). *The 2nd Floor equities should always be the final review.*)
 - All SME/RMO & Agency equities responsive documents must be segregated by individual equities. Send consultations: Individuals involved, Branch Chief or DAD. **Note: Individuals must only see documents with their equity.**
 - Deadlines: 1 week for internal consults; 2 weeks for external consults. Send a reminder email if no response by deadline, if no response after that, elevate.
 - After the processor completes the initial consultation(s), they must send the updated documents with redactions with a cover note for the appropriate attorney to review and distribute to WH/NSC and 2nd Floor/Front Office equities (where applicable).
 - Processor will send WH/NSC equities to Tim N. to clear.
 - Tim will forward an email with any additional suggested redaction changes to the processor to update the production.
 - Processor will send **Pandemic-related materials** to Sarah S. to clear.
 - Sarah will forward an email with any additional suggested redactions changes to the processor to update the production.
 - Processor will send the 2nd Floor equities to Arpit/Sarah to clear

- Arpit/Sarah will forward an email with any additional suggested redaction changes to the processor to update the production.
- If the records concern the current Administration, Arpit/Sarah will handle the 2nd Floor circulation.
- If the records concern the prior Administration, the processor must consult with Arpit/Sarah on whether a 2nd Floor circulation is needed and to whom it should be sent.
- After the processor completes all internal/external consultations, the processor will prepare the final response package.
 - Final copies with suggested redactions will be saved in FOIAXpress.
 - ❖ (See Attachment #4 for FOIA Request Document Review Procedures / Template Language)

5. FOIA Final Review (FOIA Processor/Dionne):

- Once all consultations (SME/RMO/External Agency/WHO/2nd Floor) have been finalized, the processor will burn redactions and draft the final response letter.
- The final response package (FOIA Request, Responsive documents and Final response letter) are then sent to the FOIA Officer.
- FOIA Officer flags any items of significance for OGC leadership.
- Once cleared, Dionne will email the final response package to the requester.

6. FOIA Closing (Dionne):

- A copy of the Final response package is saved in FOIAXpress.

7. FOIA Request Status Inquires (Dionne):

- *Responds to requester's questions and status inquiries within 24 hours of receipt:*
 - Dionne reviews FOIAXpress to determine assigned processor.
 - Dionne will forward the status inquiry email to assigned processor.

- The processor must prepare a draft response for Dionne to send to the requester.
- Dionne will draft a response to any unassigned request.
- The FOIA Lead & FOIA Litigation Team Lead are copied on all outgoing responses to status inquiries to monitor email traffic and help avoid or prepare for a FOIA lawsuit

❖ (See Attachment # 5 for FOIA Request Status Inquiry Procedures)

8. FOIA Outside Agency Consultations (Dionne):

- Once assigned an Outside Agency Consultation, the documents should be reviewed for OMB equities and redactions made to deliberative and personal information. This step should be completed within 5 days of receiving the consultation.
 - Suggested redactions are sent to SME/RMO for consult, where appropriate. The SME/RMO should be given a one-week deadline.
 - Based on a rotational assignment within OGC, flag for attorney review, those consults that are in litigation or that pertain to high-profile matters, close calls, and second floor equities. The assigned attorney should complete his or her review within 5 days. Simple consultations require no attorney review.
 - Any consult related to the Covid19 Pandemic may have an oversight nexus. It has to be reviewed by Sarah.
 - Any consult related to Litigation will be reviewed by Arpit or Sarah.
 - All consults should be completed within 20 days of receipt. Once finalized, Dionne will send the consultations with OMB-suggested redactions back to the requesting agency.
 - Final copy with suggested redactions will be saved in FOIAXpress by Dionne.
 - Dionne will close Consultations in FOIAXpress.

❖ (See Attachment #6 for FOIA Outside Agency Consultation
Template Language)

9. FOIA Litigation Rolling Productions (FOIA Processing Team / Litigation Team)

- In order to ensure adequate staffing for the non-litigation FOIAs and the FOIA backlog, a fire-wall is established providing the litigation rolling productions are allocated 1.5 processors maximum.
 - If litigation rolling productions wane, those processors may be assigned FOIA processing. All litigation production schedules/negotiations should be managed with those limited resources in mind.
- Attorneys and processors will be assigned litigation cases to process.
- Processors assigned to litigation will create production folders with responsive documents.
- Processor reviews documents and tags for responsiveness.
- Processor will make (b)(5) & (b)(6) redactions to the responsive documents.
- Processor facilitates the consultation process, generally as described above.
 - *Consultations:* Suggested redactions must be sent to SME/RMO & Agencies that have equities in responsive documents for consultation, prior to release. (*Consults for the following equities should be done in this order by the *FOIA Litigation Team*: WH/NSC and 2nd Floor (Front Office/Legislative Affairs/Comms). *The 2nd Floor equities should always be the final review.*)
 - All SME/RMO & Agency equities responsive documents must be segregated by individual equities. Send consultations: Individuals involved, Branch Chief or DAD. **Note: Individuals must only see documents with their equity.**
- The Processor will then send the production back to the Litigation Team to perform WH/NSC and 2nd Floor equity consultations.
 - WH/NSC equities are managed by the attorney assigned to the litigation, Pandemic related materials cleared by Sarah S. and 2nd Floor equity clearances are facilitated by Arpit/Sarah.

- ❖ (See Attachment #7 for FOIA Litigation Rolling Production Procedures / Template Language)

10. FOIA Appeals (Dionne/Tim)

- Dionne packages and sends to Tim all the relevant documents, including the incoming FOIA request, the final response letter, the appeal, and the responsive documents (burned and translucent versions).
- Tim drafts a response and sends to designated appeals official for review and clearance.
- Once approved, Tim sends the final appeal response letter to Dionne.
- Dionne sends the final appeal response letter to the requester and uploads the response to FOIAXpress.

❖ Important Links:

- ❖ LINK to Ringtail: <https://ringtail.apps.pitc.gov/Ringtail/o/> (USE CHROME)
- ❖ LINK to Request Items be Prepared for Redaction:
https://ediscovery.sites.eop.gov/_layouts/15/start.aspx#/Lists/Image%20to%20PDF/Open%20Requests.aspx
- ❖ See Portfolio Manager link, for convenience: <https://portfolio.omb.gov/>
- ❖ See Search Operators link, for convenience: <https://docs.microsoft.com/en-us/microsoft-365/compliance/keyword-queries-and-search-conditions?view=o365-worldwide>
- ❖ LINK to Request Searches:
<https://ediscovery.sites.eop.gov/Lists/FRA%20Search%20Requests/AllItems.aspx>

- ❖ LINK to content search syntax:
https://ringtail.apps.pitc.gov/RingtailHelp/en/RMC/Project_Source_Files/Appendices/APX_Search_Query_Syntax_en.htm

- ❖ LINK to Productions (Print Requests):
https://ediscovery.sites.eop.gov/_layouts/15/start.aspx#/Lists/Ringtail%20Production%20Request/AllItems.aspx

ATTACHMENTS

1 – OMB FOIA INCOMING REQUEST

Incoming FOIA Acknowledgment Letter Template Language:

Hello,

This email acknowledges receipt of your Freedom of Information Act (FOIA) request to the Office of Management and Budget (OMB) dated and received in this office on March xx, 2021. Your request has been logged in and is being processed. For your reference, the OMB FOIA number is 2021-xxx.

Thank you,
OMB's FOIA Team

Incoming Consultation Acknowledgment Letter Template Language:

Hello:

Your Agency consultation has been logged into our system. For status updates, please reference FOIA 2021-XXX.

Thanks

2 - EXPEDITED RESPONSE TEMPLATE

Template for Responding to Expedited Requests:

This email is in response to your Freedom of Information Request (FOIA) dated and received in this office on ____ and assigned tracking number _____. You asked for expedited processing of your FOIA request.

Under OMB's FOIA regulation at 5 C.F.R. § 1303.40(e), expedited processing will be granted if a requester demonstrates a compelling need for the records because: (i) the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) there is an urgency to inform the public about an actual or alleged Federal Government activity; (iii) failure to respond to the request expeditiously would result in the loss of due process rights in other proceedings; or (iv) there are possible questions, in a matter of widespread and exceptional public interest, about the government's integrity which effect public confidence. A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of the requester's knowledge and belief, explaining in detail the basis for requesting expedited processing.

Denial – Option 1

After carefully considering your request, this Office finds that your request for expedited processing cannot be granted because you did not provide a statement explaining the basis for making the request for expedited treatment.

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Your request has been placed in our complex processing queue and is being handled in the order in which it was received. You have the right to appeal our denial determination regarding expedited processing. If you choose to file an appeal, you must do so within ninety (90) calendar days from the date of this response. Your appeal must be in writing, signed by you or your representative, and should contain the basis for the appeal. You may send your appeal to: OMBFOIA@omb.eop.gov.

Denial – Option 2

After carefully considering your request, this Office finds that your request for expedited processing cannot be granted because you have not adequately demonstrated that you qualify under any of the categories listed above. Your request did not present sufficient facts to justify a grant of expedited processing under the applicable standards.

Specifically, you did not demonstrate that **[pick one of the four options]** the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual **OR** there is a particular urgency to inform the public about the government activity involved in the request beyond the public's right to know about government activity generally **OR** the failure to respond to the request expeditiously would result in the loss of due process rights in other proceedings **OR** there are possible questions, in a matter of widespread and exceptional public interest, about the government's integrity which effect public confidence.

Your request has been placed in our complex processing queue and is being handled in the order in which it was received. You have the right to appeal our denial determination regarding expedited processing. If you choose to file an appeal, you must do so within ninety (90) calendar days from the date of this response. Your appeal must be in writing, signed by you or your representative, and should contain the basis for the appeal. You may send your appeal to: OMBFOIA@omb.eop.gov.

Grant

After carefully considering your request, this Office finds that your request for expedited processing is granted because you have demonstrated that you qualify under one or more of the categories listed above. As a result, your request has been placed in our

expedited processing queue. Please understand, however, that the granting of expedited processing does not guarantee that your request will be completed by a date certain. OMB has a backlog of several hundred FOIA requests and we are doing our best to respond to each request as quickly as possible.

3 - OMB FOIA SEARCH PROCEDURES / TEMPLATE LANGUAGE

Processing Steps:

- Review FOIAXpress for any similar request:
 - Processor will 1st search the FOIA “Descriptions” field in FOIAXpress to determine if OMB has already provided responsive documents to a different requester for a similar FOIA request.
 - Processor will look for similar “pending” requests that can be processed together.

- Review request to determine if documents can be requested directly from SME/RMO or if you need to enter a backend search. Note: If a FOIA request seeks a particular document or a narrow and specific set of documents, the FOIA staff member will contact the SME/RMO to determine if the documents can be retrieved directly from the SME/RMO. If, after consulting with the SME/RMO, the FOIA staff member determines that more than one custodian is likely to have potentially responsive records or that the volume of responsive records is not finite, then a backend search will be entered.

- Search request to SME/RMO:
 - Send an email to the SME/RMO requesting documents.
 - See template language below
- Entering an E-Discovery search in SharePoint (backend search):
 - Determine the date range, custodian names and search terms.

SME/RMO Search Request Template Language:

1. Search Request Language

Hello _____,

We need your help. OMB has received a FOIA request (attached) for all records related to the _____. Based on your knowledge and experience, can you please help us identify the individuals at OMB who would have worked on _____? We will then take the list and run a back-end electronic search for potentially responsive records.

Thank you in advance,

2. Search Request Language

Hello _____,

Attached is a Freedom of Information Act (FOIA) request seeking documents from OMB _____. We need your help locating records responsive to this FOIA request. Please let us know if you prefer a call to discuss potential custodians and search terms or if there is someone on your staff we can coordinate with.

Thank you in advance,

3. Search Request Language

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Hello _____,

We need your help with two FOIA requests related to _____. Can you or someone on your staff help us locate the documents responsive to the attached FOIA requests? We can also hop on a quick call if that would be easier.

Thank you in advance,

4. Search Request Language

Hello _____,

Attached is a Freedom of Information Act (FOIA) request seeking documents from OMB. We need your help locating records responsive to this FOIA request. Can you or someone on your staff help us locate the documents responsive to the attached FOIA requests? We can also hop on a quick call if that would be easier.

Thank you in advance,

4 – OMB FOIA REQUEST DOCUMENT REVIEW PROCEDURES

Processing Steps:

- Internal/External Consultation Process:
 - SME/RMO equities: Send consultations: Individuals involved, Branch Chief or DAD.
 - **Internal equities must only see documents with their equity.**
 - External Agencies Equities
 - **External agency equities must only see documents with their equity.**

- **Deadlines:** 1 week for internal consults; 2 weeks for external consults.
- Consults for the following equities should be done in this order: WH and 2nd Floor/Front Office. *The 2nd Floor/Front Office should always be the final review.*
 - Tim N. will clear for WH equities; Arpit G. will clear for OGC, [Arpit/Sarah](#) will facilitate for 2nd Floor/Front Office equities.
- After the processor completes all internal/external consultations, the processor will prepare the final response package.
 - Final copies with suggested redactions will be saved in FOIAXpress.

OMB Agency Consultation Template Language

Internal SME-RMO Consultation Language:

Hello _____,

The Office of Management and Budget received a FOIA request from [Requester's Name](#). Our search identified records that contain equities from [Branch](#). (xx pages) Accordingly, we are forwarding this information to your Offices for consultation. I have completed an initial review of the documents and, where applicable, marked for redaction and/or withholding those portions that contain deliberative, confidential, personal or non-responsive information. I am sharing these documents with your Branch for awareness and review before we produce the documents. If you have any comments or questions, please let me know by [COB, Monday, March xx, 2021](#). If no response is received by this deadline, we will presume your Branch has no objections.

For your reference, a copy of the requester's original FOIA request is attached. I am also including a link to [DOJ's FOIA Guide](#) for a detailed explanation about the nature and scope of the exemptions under FOIA.

Thank you,

External Agency Consultation Language:

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Hello _____,

The Office of Management and Budget received a FOIA request from Requester's Name. Our search identified records that contain equities from your Agency. (xx pages) Accordingly, Accordingly, we are forwarding this information to your Offices for consultation. I have completed an initial review of the documents and, where applicable, marked for redaction and/or withholding those portions that contain deliberative, confidential, personal or non-responsive information. I am sharing these documents with your Agency for awareness and review. If you could, please provide your recommended redactions by COB, Monday, March xx, 2021. If no response is received by this deadline, we will presume your Agency has no objections.

For your reference, a copy of the requester's original FOIA request is attached.

Thank you,

5- OMB FOIA STATUS INQUIRY PROCEDURES

Processing Steps:

- Determine the process stage of the request. (i.e. Search entered or Processing)
- Reply to the requester within 24 hours with template language.

Status Inquiry Template Language:

1. Response Language: (Search Not Entered)

Hello,

The Office of Management and Budget (OMB) received your status inquiry. The current status of your FOIA request is that your FOIA request is continuing to be processed. We ask for your patience as we process your FOIA request. OMB is experiencing a significant backlog of FOIA requests and we are doing our best to respond to each

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request as quickly as possible in the order they are received. Toward that end, please note that there are several hundred FOIA requests ahead of yours in our backlog queue. We hope this information is helpful and appreciate your understanding as OMB works through its backlog of FOIA requests.

In the meantime, should you have any questions, you can reach OMB's FOIA Office anytime by email at OMBFOIA@omb.eop.gov or by phone at 202-395-FOIA.

Thank you,

2. Response Language: (Search Entered)

Hello,

The Office of Management and Budget (OMB) received your status inquiry. Thank you for your status inquiry regarding 2021-xxx. The current status of your FOIA request is that we initiated a search for potentially responsive documents and that your FOIA request is continuing to be processed. We ask for your patience as we process your FOIA request. OMB is experiencing a significant backlog of FOIA requests and we are doing our best to respond to each request as quickly as possible in the order they are received. Toward that end, please note that there are several hundred FOIA requests ahead of yours in our backlog queue. We hope this information is helpful and appreciate your understanding as OMB works through its backlog of FOIA requests. In the meantime, should you have any questions, you can reach OMB's FOIA Office anytime by email at OMBFOIA@omb.eop.gov or by phone at 202-395-FOIA.

Thank you,

OMB's FOIA Team

3. Response Language: (Request is being processed)

Hello,

The Office of Management and Budget (OMB) received your status inquiry. Thank you for your status inquiry regarding 2021-xxx. The current status of your FOIA request is that we have completed the search and the case is awaiting to be assigned to a reviewer.

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We will continue to keep you apprised. Thank you again for your patience.

Thank you,
OMB's FOIA Team

Hello,

Thank you for following up regarding the status of your FOIA request, assigned tracking number **2021-XXX**.

We took a closer look at the records you have requested and it appears that you seek correspondence and communications of the White House. The Office of Management and Budget, however, is not part of the White House. If you wish to request OMB records, you may resubmit a new FOIA request anytime.

If you have any questions or if you believe we have misinterpreted your FOIA request, we ask that you respond by **March 31, 2021**. If we do not hear from you by this date, we will assume you are no longer interested and will administratively close this request.

Thank you,
OMB's FOIA Team

6 – OUTSIDE AGENCY CONSULTATION PROCEDUES

- Review request and make sure documents are responsive.
- Redact all deliberative info.
 - If you redact deliberative info for OMB equity, look for similar deliberative info on all agency emails.
- Redact all EOP email addresses.
- Any consult related to the Covid19 Pandemic may be an oversight matter. It has to be reviewed by Sarah.

OUTSIDE AGENCY CONSULTATION TEMPLATE LANGAGE

Acknowledge Language when we receive a Consultation:

Hello,

Your Agency consultation has been logged into our system. For status updates, please reference OMB FOIA [2021-xxx](#).

Thank you,
OMB's FOIA Team

Acknowledge Language when we receive a Consultation Referral:

Hello,

Your Agency consultation has been logged into our system. For status updates, please reference OMB FOIA [2020-xxx](#).

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OMB is currently reviewing the attached FOIA request. In accordance with DOJ's guidance, OMB's standard practice is to respond to these agency communications following consultation procedures, rather than referral procedures. Pursuant to DOJ guidance (found here: http://www.justice.gov/oip/foia_updates/Vol_XIV_3/page4.htm), we are treating this set of material as a consultation under the FOIA. Accordingly, we are currently reviewing the material and will soon provide you with our comments and suggestions regarding their disclosure for your consideration in responding to the requester. If you have any questions feel free to contact me.

Thank you,
OMB's FOIA Team

Internal SME-RMO Consultation Language:

Hello _____,

The Office of Management and Budget received a FOIA consultation from Agency Name. Our search identified records that contain equities from Branch. (xx pages) Accordingly, we are forwarding this information to your Offices for consultation. I have completed an initial review of the documents and, where applicable, marked for redaction and/or withholding those portions that contain deliberative, confidential, personal or non-responsive information. I am sharing these documents with your Branch for awareness and review before we circle back with the agency. If you have any comments or questions, please let me know by COB, Monday March xx, 2021. If no response is received by this deadline, we will presume your Branch has no objections.

For your reference, a copy of the requester's original FOIA request is attached. I am also including a link to [DOJ's FOIA Guide](#) for a detailed explanation about the nature and scope of the exemptions under FOIA.

Thank you,

OGC Consultation Language:

Hello Arpit,

The Office of Management and Budget received a FOIA consultation from [OIP/DOJ](#). This is litigation related ([12 pages](#)). Accordingly, we are forwarding this information to your Office for consultation. I have completed an initial review of the documents and, where applicable, marked for redaction and/or withholding those portions that contain deliberative, confidential, personal or non-responsive information. I am sharing these documents with your Branch for awareness and review before we circle back with the agency. If you have any comments or questions, please let me know by [COB, Monday April 5, 2021](#).

For your reference, a copy of the requester's original FOIA request is attached. I am also including a link to [DOJ's FOIA Guide](#) for a detailed explanation about the nature and scope of the exemptions under FOIA.

Thank you,

Language for Completed Consultations:

Hello,

The attached consultation, assigned tracking number OMB FOIA [2021-xxx](#), has been reviewed and cleared by OMB staff for release with suggested redactions made pursuant to exemptions (b)(5) and (b)(6). Please find attached OMB Final Redacted Documents and note that we only cleared for OMB equities. This concludes our processing of this consult.

If you have any questions feel free to contact me.

Thank you,

OMB's FOIA Team

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Language for Completed Consultations w/ WHO and other EOP equities:

Hello,

The attached consultation, assigned tracking number OMB FOIA 2021-xxx, has been reviewed and cleared by OMB staff for release with suggested redactions made pursuant to exemptions (b)(5) and (b)(6). Please find attached OMB Final Redacted Documents and note that we only cleared for OMB equities. OMB would recommend that you also consult with White House Counsel (given that there are WHO equities in the emails).

This concludes our processing of this consult.

If you have any questions feel free to contact me.

Thank you,
OMB's FOIA Team

Language for Outside Consultation Follow-ups:

Hello,

I wanted to follow-up on my email below regarding agency consultation OMB FOIA 2021-xxx. Does DOJ still require a response from OMB?

Thank you,
OMB FOIA

Reply Language for Outside Consultation Follow-ups:

Hello,

Thank you for your patience regarding agency consultation OMB FOIA 2021-xxx. We are reviewing the documents and hope to send our response to your office by the end of the March xx, 2021.

Thank you,
OMB FOIA

Internal Consult Follow-up Language:

Hi,

This is a reminder that the deadline for this consultation has passed. Please let us know if you have any additional redactions or if you need more time to complete your review.

Thank you,

7 - FOIA LITIGATION ROLLING PRODUCTION PROCEDURES / TEMPLATE LANGUAGE

Processing Steps:

- Internal/External Consultation Process:
 - SME/RMO equities: Send consultations: Individuals involved, Branch Chief or DAD.
 - **Internal reviewers with equities must only see documents with their equity.**
 - External Agencies Equities
 - **External agency equities must only see documents with their equity.**
 - Consults for the following equities should be done in this order: WH and 2nd Floor/Front Office. *The 2nd Floor/Front Office should always be the final review.*
 - FOIA Lead will then send the production back to the Litigation team to perform WH, OGC and 2nd Floor/Front Office equity consultations.
 - WH equities are cleared by Tim N.
 - OGC equities are cleared by Arpit G.
 - Pandemic related materials are cleared by Sarah S.
 - 2nd Floor/Front Office equities clearances are facilitated by [Arpit/Sarah](#)

Internal SME-RMO Consultation Language (Litigation):

Hello _____,

The Office of Management and Budget received a FOIA request from Requester's Name. Our search identified records that contain equities from Branch. (xx pages) Accordingly, we are forwarding this information to your Offices for consultation. I have completed an initial review of the documents and, where applicable, marked for redaction and/or withholding those portions that contain deliberative, confidential, personal or non-responsive information. I am sharing these documents with your Branch for awareness and review before we produce the documents. If you have any comments or questions, please let me know by COB, Monday, March xx, 2021. If no response is received by this deadline, we will presume your Branch has no objections.

For your reference, a copy of the requester's original FOIA request is attached. I am also including a link to DOJ's FOIA Guide for a detailed explanation about the nature and scope of the exemptions under FOIA.

Note:

This concerns the above-referenced FOIA request/lawsuit. Please be advised that this request is currently the subject of litigation in (Name of Litigation). Please note that OMB's production deadline for this material is March xx, 2021, therefore we are requesting this response as soon as possible.

Thank you,

External Agency Consultation Language (Litigation):

Hello,

The Office of Management and Budget received a FOIA request from Requester. Our search identified records that contain equities from Agency (xx pages). Accordingly, we are forwarding this information to your Offices for consultation. I have completed an initial review of the documents and, where applicable, marked for redaction and/or

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withholding those portions that contain deliberative, confidential, personal or non-responsive information. I am sharing these documents with your Agency for awareness and review. If you could, please provide your recommended redactions by COB, Monday, March xx, 2021. If no response is received by this deadline, we will presume your Agency has no objections.

Note:

This concerns the above-referenced FOIA request/lawsuit. Please be advised that this request is currently the subject of litigation in (Name of Litigation). Please note that OMB's production deadline for this material is March xx, 2021, therefore we are requesting this response as soon as possible.

For your reference, a copy of the requester's original FOIA request is attached.

Thank you,