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Description of document: US Department of Justice (DOJ) Office of Professional Responsibility (OPR) Each internal FOIA Standard Operating Procedure (undated)

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Source of document: Assistant Counsel for the FOIA and the Privacy Act
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U.S. Department of Justice

Office of Professional Responsibility

950 Pennsylvania Avenue, N.W., Suite 3266
Washington, D.C. 20530
(202) 514-3365

September 29, 2022

Re: OPR FOIA No. F22-00067

This letter is in response to your August 8, 2021 Freedom of Information Act (FOIA) request to the DOJ Office of Professional Responsibility (OPR) seeking “[a] copy of each (internal) FOIA Standard Operating Procedure (SOP) at the DOJ OPR FOIA Office.”

OPR received your request on May 22, 2022 and assigned it request number **F22-00067**. Please refer to that number in any correspondence pertaining to this matter.

After a careful search for records responsive to your request, OPR located eight (8) pages that are appropriate for release in full, copies of which are enclosed.*

If you need any further assistance or would like to discuss any aspect of your request, you may contact OPR’s FOIA Public Liaison at the telephone number and address listed above.

Sincerely,

Carmen Smith Carter

Carmen Smith Carter
Assistant Counsel for the
Freedom of Information and Privacy Acts

Enclosures

* For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c)(2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

FY 2021 FOIA Activity Log, DM# 456642

FY 2020 FOIA Annual Report, DM# 459059

FOIA Closing Codes (disposition chart), DM# 463619

Litigation Status Chart, DM# 460957

An agency has twenty (20) working days to respond to a proper FOIA request. In “unusual circumstances,” an agency may extend time limit by ten (10) working days by giving timely written notice to requester.

Input

- Received request – review email/letter for an actual request for records; if there is a request for OPR records then input the request information into LM and the FOIA activity log
 - we are not required under the FOIA to answer questions, create records, analyze data or to conduct research for the requestor

FOIA Activity Log

- The date the request was received (emails the day they arrive & letters the day they are stamped by the mailroom)
- FOIA request #
- Track (S=simple requests (1 in LM), C=complex requests (2 in LM), E=expedited requests)
- Requestor first and last name (also include media outlet if representative of media)
- Request status – begin with description of request, include if there was a signed CID. Then continue on with notes on the request (update as you go), begin each entry with the date, the initials of the person, the action taken.
- Expedited processing – mark if the requestor asked for EP and then either “granted” or “denied” once a decision has been made
- Fee waiver – mark if the requestor asked for a fee waiver (OPR doesn’t traditionally assign fees) but you will need this information for the annual FOIA report
- Final Disposition – when closing a request mark as “CLOSED” and include the date with the closing code used (reference closing code chart)

LM Input

- Start with last FOIA request number then create a new request # by pushing the button at the top with the arrow facing right towards the star. Once a new request # opens, input:
 - Type
 - Track
 - Recs requested
 - Requestor type

- FOIA summary (description of request)
- Receipt date
- Topic of request
- Persons: role and person name
- If EP was requested, check the “Expedited Hdlg Req” box – after EP decision is made, check either the grant or denied box

Expedited Processing

- If the requestor is seeking EP:
 - Did they provide a statement explaining why EP is needed?
 - Did they provide a standard for which EP should be considered?
 - Requestor needs to be notified within 10 calendar days after receipt of request of the determination of their EP request (moot, granted, denied)
- If requestor is asking for Standard 4 “widespread exceptional” - contact Office of Public Affairs (PAO) (Kelly Creighton) to determine if expedited processing should be granted/denied
- OPR makes decision for Standards 1, 2, 3

Unusual Circumstances

1. Search in separate offices (Clearwell)
2. Voluminous records
3. Consulting with another agency (outside DOJ) or 2 or more DOJ components

Office of Public Affairs (PAO)

- Send notifications of release before releasing to requestor
- Send high profile/sensitive cases for review before release
 - EPSTEIN CASES GO TO PAO BEFORE RELEASE

Searches

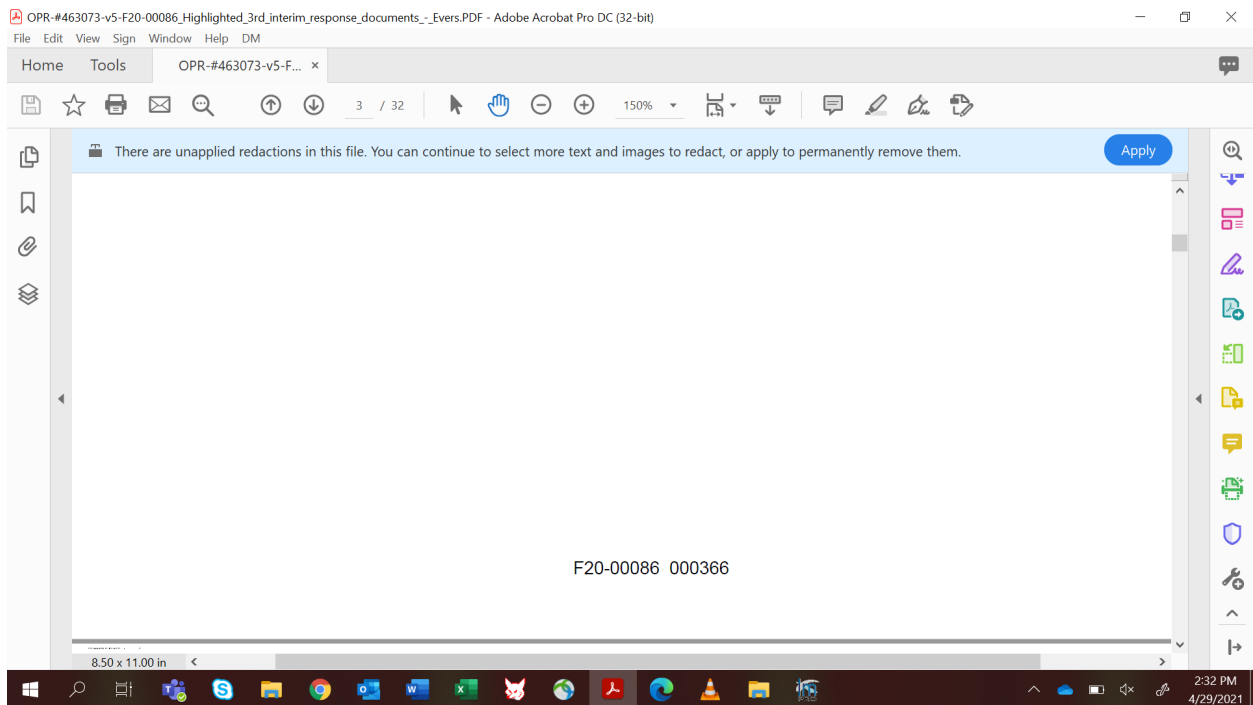
- LM searches
 - *%term you are searching%*
- DM searches
 - **term you are searching**
 - First name <near/1> last name
 - Once you have conducted a search and have your list of hits:
 - File → Print List → change to Adobe pdf and save → when pdf opens, at top add *request #, search term, date of search*
 - Create 1 master pdf copy of all located hits (version.1) and then begin removing duplicates/nonresponsive records (version.2, etc.).

Reviewing Documents

- Create a clean copy of the documents and save to DM
- Create another highlighted copy of documents with unapplied redactions and save to DM (create as many versions as needed).
- Create another finalized copy of documents with applied redactions and save to DM.

Bates Numbering

- Add Bates numbers to documents when there will be more than 1 interim response or if request is in litigation.
- How to add Bates numbering to pdf:
 - In adobe, go to more tools → Stamp → Bates Numbering → Add → choose pdf → OK → Add New – always put Bates in the Center Footer Text box – put your cursor in that box → click on Insert Bates Number – add start number → OK
 - Something like this will then be inputted into that Center Footer Text box <<Bates Number#6#1>> - once it's there, click in front of it and add the request # and then double space twice, to look like this **F00-00000 <<Bates Number#6#1>>**
 - The preview box will show how the bates stamp looks at the bottom of each page of the pdf → click OK – Bates numbering should look like below:



Misdirected FOIA Requests

- Requests sent to OPR but pertain to another DOJ component(s)
- Need to be routed to relevant component within 10 days
- Do not input/assign request #
- Need to send:
 - Routing email to relevant DOJ component(s) – stating that OPR is sending the request to component for handling and attach request
 - Double check component POC info <https://www.justice.gov/oip/find-foia-contact-doj/list>
 - Notification email/letter to requestor – stating which component you have routed their request to

FOIA Language (for letters/emails)

[FOIA Language Database \(doj.gov\)](#)

DM Naming Conventions

“F__ - ____ Incoming request from *first and last name*”

“F__ - ____ Initial ack. – *last name*”

“F__ - ____ Draft complex ack. letter –

“F__ - ____ Final complex ack. letter – *last name*”

“F__ - ____ Status update request – *last name*”

“F__ - ____ Status update – *last name*”

“F__ - ____ DM search lists – *last name*”

“F__ - ____ Litigation complaint – *last name*”

“F__ - ____ *Component/Agency* consultation package – *last name*”

“F__ - ____ *Component/Agency* referral package – *last name*”

“F__ - ____ *Component/Agency* consultation recommendations – *last name*”

“F__ - ____ OPR consultation response – *last name*”

“F__ - ____ Draft final response letter – *last name*”

“F__ - ____ Final response letter – *last name*”

"F__ - ____ Final response package – *last name*"

"F__ - ____ LM and DM search list – *last name*"

"F__ - ____ Administrative record – *last name*"

"F__ - ____ Responsive documents (clean) – *last name*"

"F__ - ____ WIF responsive documents – *last name*"

"F__ - ____ Highlighted responsive documents – *last name*"

"F__ - ____ Final responsive documents – *last name*"

Consults (outgoing)

- When you locate records that originated within OPR but contain information of interest to (equity) another agency/component.
- Include in consultation to other components/agencies:
 - A copy of the original request
 - Copies of the documents: clean and highlighted
 - OPR POC
 - Provide any litigation deadlines
 - Any other info that may assist in consultation
- Status updates to requestor:
 - Provide updates regarding consult, including the identity of the entity being consulted with EXCEPT in cases where unacknowledged law enforcement/national intelligence records are involved and the originating agency
 -

Consults (incoming)

- Assign a consultation #
- Provide consultation agency/component with views on disclosure and use of Exemptions

Referrals (outgoing)

- When you locate records which originated with another agency/component, the records should be referred to that originating agency/component for processing and direct response to the requestor.
- Review documents for OPR equity BEFORE referring to originating component/agency.
- Include in referral to originating component/agency:
 - FOIA request #
 - A copy of the FOIA request
 - The date the request was received by OPR
 - Referred records: clean copy and highlighted copy if contains OPR equity

- Preliminary determination
- OPR POC
- Notify the requestor of the referral, providing the name of the agency/component to which the referral was sent to and include that agency/component's contact info.
- NOTE*** if the records are law enforcement/national security records, contact originating agency/component.

Referrals (incoming)

- Assign FOIA request #
- Notification requestor of receipt of referral, include:
 - The referring agency/component
 - OPR's request #
 - The original FOIA request # given by referring agency/component
 - OPR contact info for requestor to use to obtain status updates

Clearwell Searches

- Utilize Clearwell for requests seeking records that OPR can't reasonably conduct searches for such as requests for "all emails" about a certain topic, search term, etc.
- BEFORE sending search request – sent out email notification to OPR ALL (or if targeting on certain employees, then those employees) letting staff know that their Outlook account will be searched by JMD.
- Sending search request to Dawn Devitt Dawn.Devitt@usdoj.gov and cc OCIO eDiscovery Team OCIOeDiscoveryTeam@jmd.usdoj.gov, include:
 - Original request
 - Data request form(s)
 - Copy of OPR notification email

Administrative Record

- Request info:
 - Requestor name
 - Requestor organization/position
 - Request #
 - Date of request
 - Date request received
 - DM #
 - Request description
- Background of requestor/request if applicable
- Analysis for complex requests – why was the request converted from simple to complex?
- Related research (including balancing privacy vs public interests)

- Searches (including Clearwell)
- Consultations/referrals/notifications
- Appeal/litigation info

Status Updates

- If requestor inquires about the status of their request, provide them with:
 - Request #
 - Description of request
 - Date of receipt (REQUIRED TO INCLUDE)
 - Estimated date of completion (REQUIRED TO INCLUDE)

FOIA Closing Codes

1. Full Grant
 - a. A full release of all records responsive to the request is made.
2. Partial Grant/Partial Denial
 - a. The agency provides the requestor with some, but not all, of the information requested.
3. Full Denial (based on Exemptions)
 - a. The agency withholds all of the requested information pursuant to an Exemption (includes Glomar responses).
4. No Records
 - a. The agency responds by informing the requestor that it has no records responsive to the request.
5. All Records Referred to Another Component or Agency
 - a. The agency responds by advising the requestor that it had referred all responsive records to another component or agency for direct response to the requestor.
6. Request Withdrawn
 - a. The request was closed because the requestor withdrew the request.
 - b. Can also close using this disposition when a requestor fails to respond to a still-interested inquiry after more than 30 working days.
7. Fee-Related Reason
 - a. The request was closed for fee-related reasons, such as failing to pay fees.
8. Records not Reasonably Described
 - a. The request was closed as unperfected because the requestor failed to reasonably describe the information requested.
9. Improper FOIA Request for Other Reason
 - a. The request was not a proper FOIA request (not perfected) for a reason other than not reasonably describing the records sought.
 - b. This includes requesting state/local records, asking questions, failing to provide a CID.
10. Not an Agency Record
 - a. The request was closed because after conducting a search the only records located were not agency records subject to the FOIA.

- b. This includes only locating personal or congressional records.
- 11. Duplicate Request
 - a. The request was closed because it was a duplicate of another request received.
 - b. This only includes requests from the same requestor seeking the same information.
- 12. Other
 - a. Request is closed for a reason other than the other 11.
 - b. These requests need further description as to why the request was closed (as standard as possible), some may include:
 - i. Court Sealed
 - ii. Directed to Another Entity Subject to the FOIA
 - iii. Information Available for Sale by the U.S. Government Printing Office
 - iv. Referred Documents Not Responsive
 - v. Unable to Locate Requestor
 - vi. Records Not Available in Format Requested
 - c. Should try to use one of the other 11 disposition categories and only use this category when no other category can capture what occurred with the request.

Appeals

- If you receive a request for an appeal from a requestor, forward the email/letter to OIP - Jillian Warzynski is our OIP POC Jillian.Warzynski@usdoj.gov (save to DM)
- If a request is appealed, you should receive a notification from OIP – save to DM
- Eventually, the analyst assigned to the appeal will reach out for the background materials for the request, include anything pertinent to the request, such as:
 - Original request
 - Ack. email/letter
 - Search sheet
 - Final response letter/package
 - Administrative record
 - Grant/denial of EP

Quarterly Report

- At the end of every quarter we receive an email from OIP (Karen Hopkins) requesting our quarterly component data.

Ten Oldest Update

- Frequently, OIP will ask us to update them on our 10 oldest FOIA requests. They will send a chart where you can update the status of each request.