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Description of document: Centers for Disease Control (CDC) Freedom of Information Act (FOIA) Standard Operating Procedures and Guidance on "Overly Broad" Requests, 2015-2022

Requested date: 22-May-2022

Release date: 25-May-2022

Posted date: 28-August-2023

Source of document: FOIA request  
CDC/ATSDR  
Attn: FOIA Office, MS-D54  
1600 Clifton Road, N.E.  
Atlanta, GA 30333  
Fax: 404-235-1852  
Email: [FOIARequests@cdc.gov](mailto:FOIARequests@cdc.gov)  
[FOIA Public Access Link \(PAL\)](#)

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Centers for Disease Control  
and Prevention (CDC)  
Atlanta GA 30333

May 25, 2022

Via email

This letter is our final response to your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of May 22, 2022, assigned #22-01547-FOIA, for “a copy of each (internal) FOIA Standard Operating Procedure (SOP) at the CDC FOIA Office. Please apply the foreseeable harm test, and discretionary release of what might otherwise be considered records exempt under b(5), and the presumption of openness.”

We located 128 pages of responsive records. After a careful review of these pages, no information was withheld from release.

If you need any further assistance or would like to discuss any aspect of the records provided please contact either our FOIA Requester Service Center at 770-488-6399 or our FOIA Public Liaison at 770-488-6246.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Andoh", is positioned below the word "Sincerely,".

Roger Andoh  
CDC/ATSDR FOIA Officer  
Office of the Chief Operating Officer  
(770) 488-6399  
Fax: (404) 235-1852

22-01547-FOIA

***FOIA OFFICE***  
**STANDARD OPERATING PROCEDURES**

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Version 1.6

12/7/2015

# VERSION HISTORY

Version #	Implemented By	Revision Date	Reason
1.0	<i>Michael Simonovich</i>	4/23/2014	Initial Standard Operating Procedure
1.1	<i>Michael Simonovich</i>	10/30/2014	Updates and corrections to initial release. Added appeal handling section
1.2	Joe O'Donald	2/3/2015	Updates for FX V9.2.
1.3	Joe O'Donald	2/9/2015	Added changes from mtg with workstream leads.
1.4	Joe O'Donald	07/10/2015	Add process regarding "Still interested" inquiries.
1.5	Joe O'Donald	08/14/2015 draft	Added sections: Sending copies of certain requests to OADC.
1.6	Joe O'Donald	12/7/2015	Made modifications to the section on "Working with Still Interested Inquiries."



**FOIA**  
**Standard Operating Procedure**

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## The CDC FOIA Office

### Freedom of Information Act

The Freedom of Information Act (FOIA) provides the public with a right of access to federal agency records except for those records (or portions of those records) that are protected from disclosure by any of nine exemptions.

The FOIA's exemptions provide protection for nine categories of information. The exemptions cover:

1. classified national defense and foreign relations information,
2. internal agency personnel rules and practices,
3. information that is prohibited from disclosure by another law,
4. trade secrets and other confidential commercial information,
5. inter-agency or intra-agency communications that are protected by legal privileges,
6. information that would invade someone's personal privacy,
7. certain information compiled for law enforcement purposes,
8. information relating to the supervision of financial institutions, and
9. geological information on wells.

The FOIA does not apply to Congress, the courts, most of the Executive Office of the President, state or local governments, foreign governments, or corporations and businesses. It does apply to all agencies of the executive branch. .

The Freedom of Information Act (FOIA) is a critical component of HHS' Open Government efforts. Under FOIA, the public can request a copy of any record that is in CDC's control and it will be provided unless it is protected from disclosure by one of the exemptions or exclusions.

### What We Do

The CDC FOIA Office handles FOIA issues and requests. We respect the right of the public to access information in the possession of CDC, but also protect privileged information.

When a request is received by the FOIA Office, the appropriate CDC Centers, Institutes or Offices (CIO) are asked to search their records for materials covered by the request. When requested records are found by a CIO, the documents are forwarded to CDC FOIA Office for review and response.

### Functions Performed by the FOIA Office

- Receive, log in, perfect and track requests
- Maintains FOIA database with 10+ years data
- Advise program staff at all levels on FOIA matters
- Determine fee waiver and expedited service status
- Check response packages for completeness
- Final review and analyses of response packages
- Redact exempt material from response packages
- Determine fees if applicable; bill in advance if required
- Write response letters
- Handle appeal and lawsuit matters
- Create and maintain FOIA internet site and reading room
- Provide agency FOIA training

### **Fees for FOIA Services**

Departmental FOIA Regulations allow us to recover part of the costs associated with the processing of FOIA requests. Fees are established by the Office of Management and Budget. Requesters are placed into three categories for the purpose of assessing fees:

- Commercial Organization: fees for search, review, and copying are applicable
- Education or Non-commercial Scientific/News Media: fees for copying only, after the first 100 pages, if the requester is provided responsive documents in hard copy
- All Others: 100 pages & 2 hours of search free; search and copying fees are applicable thereafter

If the FOIA Office is able to respond to the request within the time specified under the Act, all applicable fees may be assessed.

If the FOIA Office takes more than 20 days to respond, fees may only be assessed unless “unusual” or “exceptional” circumstances “apply to the processing of the request.” If there are no “unusual” or “exceptional circumstances,” the following applies:

- Commercial Organization: no search fees
- Education or Non-commercial Scientific/News Media: no copying fees
- All Others: no search fees

The FOIA Office assumes that a requester is willing to pay all fees, unless a fee limit was specified in the request.



A commitment to pay is required for fees in excess of \$250.00. The commitment to pay is based on a fee estimate. The final invoice is sent once processing is complete, and the requester submits payment at that time.

Requesters may ask to be provided a cost estimate before their request is processed. Similarly, the FOIA Office may opt to have programs provide a cost estimate for requests that they judge will be voluminous and/or complex.

Note that the FOIA Office may negotiate the scope of a request in order to reduce the volume of responsive records, and thus the associated fees.

## Responding to Requests

Under FOIA, federal agencies have 20 working days in which to make a release determination on the request. Agencies do not have to release records within 20 days, but it must make its determination within that time and furnish releasable records shortly thereafter. Agencies are allowed an additional 10 days under certain circumstances (i.e., records are located off-site; agency must consult with another agency with substantial interest in the request; the agency must search for, collect, or examine a great number of records for a single request; conduct negotiations with submitters and requesters to determine the nature and extent of non-disclosable proprietary materials.. The statutory time period commences on the date the request is first received by the appropriate component of the agency, but no later than ten days after the request is first received by any component of the agency that is designated in the HHS regulations to receive requests. CDC makes every effort to respond to FOIA requests as quickly and thoroughly as possible. However, the CDC FOIA Office is currently operating under a backlog. Federal courts have held that agencies operating under a backlog may process FOIA requests on a first-in, first-out basis, provided they have assigned a reasonable portion of their staff to work on the backlog. In addition, the FOIA allows an agency to set up processing queues so that simple requests do not have to wait to be handled because a more complicated request was received by the agency first.

If the CDC locates records subject to the FOIA in response to a request, the FOIA Office will review them to see whether any portions are exempt from disclosure under the FOIA's nine exemptions. For records that contain portions of information that is withheld, the FOIA Office will clearly mark those portions with the applicable FOIA exemption(s). If the CDC FOIA Office denies a request in whole or in part, the CDC FOIA Office provides an estimate of the amount of material withheld, the reason(s) for the denial, and informs the requester of their right to file an administrative appeal.

Sometimes CDC cannot locate any records in response to a request. In those cases, the FOIA Office will inform the requester that it could not locate records responsive to the request.

## Appeals

A requester's administrative remedy is to file an appeal to challenge the FOIA process, or to challenge an agency's final release determination:

- Appeal challenging denial of expedited processing
- Appeal challenging denial of fee waiver
- Appeal challenging the agency's failure to respond to the FOIA request in a timely manner (constructive denial)
- Appeal challenging adequacy of search may be filed after a final determination is made that the agency has no responsive records, and may also be filed if the requester believes that the agency's response did not capture all responsive records.
- Appeal challenging withholdings may be filed if a requester believes that the agency has improperly withheld any portion of the responsive records.
- HHS requires that appeals be made within thirty days after the final determination is sent to the requester.

Under HHS regulations, FOIA appeals must be filed with HHS. (If the CDC FOIA Office receives an appeal directly, it is forwarded to HHS.) There is no fee or cost incurred by the requester for an appeal.

After an independent review, the appellate authority at HHS will send the requester a letter stating the final decision.

The requester has the option to seek mediation services from the Office of Government Information Services at the National Archives and Records Administration ([www.archives.gov/ogis](http://www.archives.gov/ogis)) at any time.

Requesters have the right to file a lawsuit at any point during the FOIA process.

## Log Request

### Determining Proper FOIA Requests

The FOIA specifies two requirements for a proper request:

1. A request must "reasonably describe" the records sought.
  - A description of a requested record is sufficient if it enables a professional agency employee, familiar with the subject area, to locate the record with a "reasonable amount of effort."
  - A requester need not title a request for government records a "FOIA request", and, as a matter of policy, agencies should use sound judgment when determining the nature of a request.
2. A request must be "made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed."

The requirements of the FOIA do not begin to apply until an agency receives a proper FOIA request -- one that reasonably describes the records sought and complies with published rules regarding procedures to be followed. For detailed information on what is considered an agency record, and thus subject to FOIA, consult the FOIA Guide from the Department of Justice (<http://www.justice.gov/oip/foia-guide.html>).

Is the request a Privacy Act request (i.e., a person asking for his own records or a parent asking for his live child's records)?

The Privacy Act (PA) pertains only to information that is maintained in a "system of records," which the Act defines as a group of agency-controlled records from which information is retrieved by a unique identifier, such as an individual's name and/or birth date, social security number, or employee identification number. The PA further defines a "record" as any individually identifiable set of information that an agency might maintain about a person." PA requests are handled by the Privacy Act Office, Beverly E. Walker, CIPP/G - Chief Privacy Officer, Centers for Disease Control and Prevention (CDC), OCISO/OCOO, Phone 770/488-8524.

If the request is properly a request under the Privacy Act, refer it to the Privacy Act Office after it is logged into FOIAXpress. Log the request into FOIAXpress, send a FOIAXpress Request for Documents to the Privacy Act Office, Beverly E. Walker, along with a PA cover letter referring the request to the PA Office, and then close the case in FOIAXpress.



## Subpoenas

- Is the request a subpoena?
- If yes, is it a Federal subpoena (from a U.S. District Court or other Federal Court)?
  - Federal subpoenas are handled by the Office of the General Counsel. The FOIA Office should not log in or process Federal subpoenas unless instructed by OGC and FOIA management. Immediately forward any Federal subpoena, received by the FOIA Office, to Deborah Tress ([dew3@cdc.gov](mailto:dew3@cdc.gov)), in OGC for handling. Just make a copy for our records and indicate when it was provided to OGC. Federal subpoenas can also come from Claims Court, Bankruptcy Court, and from Grand Juries.
- Is the request a non-Federal subpoena? If so, handle it as a regular FOIA request.
  - Non-Federal subpoenas are entered into the system the same way all requests are – the only difference is the type of acknowledgment letter that is sent to the requester. Is the subpoena from a Metro Atlanta court? If so notify Kenya Ford ([kdf6@cdc.gov](mailto:kdf6@cdc.gov)), in OGC

Metro Atlanta Counties = Cherokee, Clayton, Cobb, Dekalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Rockdale

## Congressional Inquiries

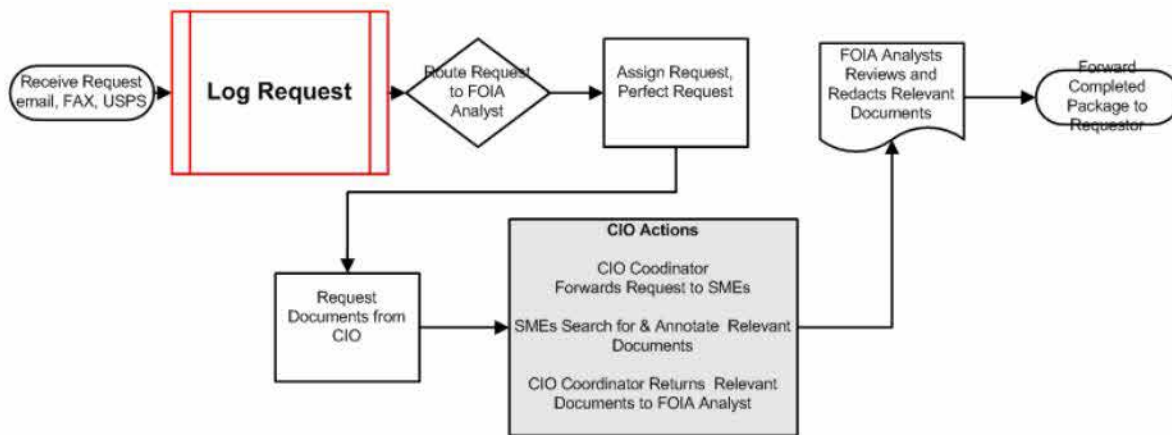
If it is actually an inquiry from the head of a congressional oversight committee the program will respond. Congressional inquiries of all types should be given to Taffy Norris or Bruno Viana to check with Exec Sec on the proper way to handle. Pending feedback from Exec Sec, Taffy or Bruno will determine how to proceed.

## Other Federal Agency involvement

- Should the request be referred to another agency or to the Public Health Service (PHS) FOIA Office? Requests occasionally need to be referred to another agency, including other Operating Divisions within HHS. In these instances, the request is logged into FOIAXpress and referred to the other agency. The requester is sent a letter informing them of the referral, and then the request is closed.
- On the New Request Screen enter requester information. Click SAVE. (See page 12 for instructions to search for a requester in the system)
- Enter the request into FOIAXpress. (see page 14 “General Information Tab”)

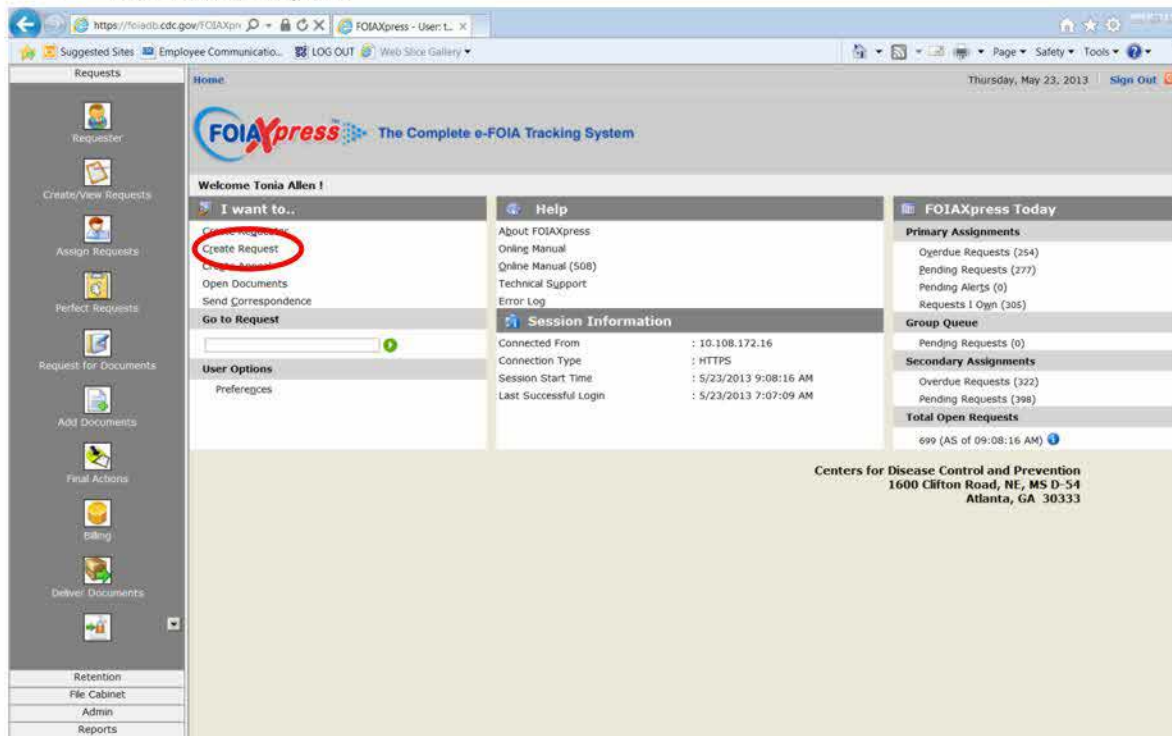
- Click Correspondence and select Send. Select appropriate referral template. Click Print, edit template as required and print letter. Send letter to the other agency or office and also send a letter to the requester notifying them of the referral (see page 30 "Acknowledgment Letter").
- Select "Actions", select Final Actions, double click Description, click Action drop down menu, select other reasons, and select the appropriate agency (agencies) from drop down menu. Click Apply. Click Save.
- Change Review status on main tab. Click Save.
- Click actions. Close Request. Enter closeout date.

## Create New Request



## Create Request

- Open FOIAXpress
- Click Create/View Requests
- Click Create Request





- Click drop down box in Requester field.

The screenshot shows the 'New Request' form with the following fields:

- General Information:** Action Office\* (HQ), Request Type\* (dropdown), Requester\* (dropdown, circled in red), On Behalf Of (dropdown), Requester Category\* (dropdown), Reference (text), Received Mode (dropdown), Delivery Mode (dropdown), Method of Payment (dropdown), Requested Date\* (02/03/2015), Received Date\* (TBD), Target Date (TBD), Expedite Requested (checkbox), Expedite reason (text area).
- Request Information:** Request Owner\* (O'Donald, Joe), Priority (dropdown), Multi-Track Type (dropdown), Shipping Address (text), Address1 (text), Address2 (text), City (text), Country\* (United States), State (dropdown), Zip Code (text, with note: [12345 or 12345-6789 format for US]).
- Fee Information:** Link Requests (dropdown), Comments (text area).

Note: \* Fields are mandatory

- Search for requester's name.
- On the requester screen, input requester's last name and click "search"

The screenshot shows the 'Search Requester' dialog box with the following fields:

- Requester Information:** First Name (text), Last Name (text, circled in red), Organization (text), Job Title (text), Default Category (All), Email Address (text).
- Address Information:** Address1 (text), Address2 (text), City (text), Country (United States), State (dropdown), Zip Code (text, with note: [12345 or 12345-6789 format for US]), Financial Status (dropdown), Delinquent (checkbox).

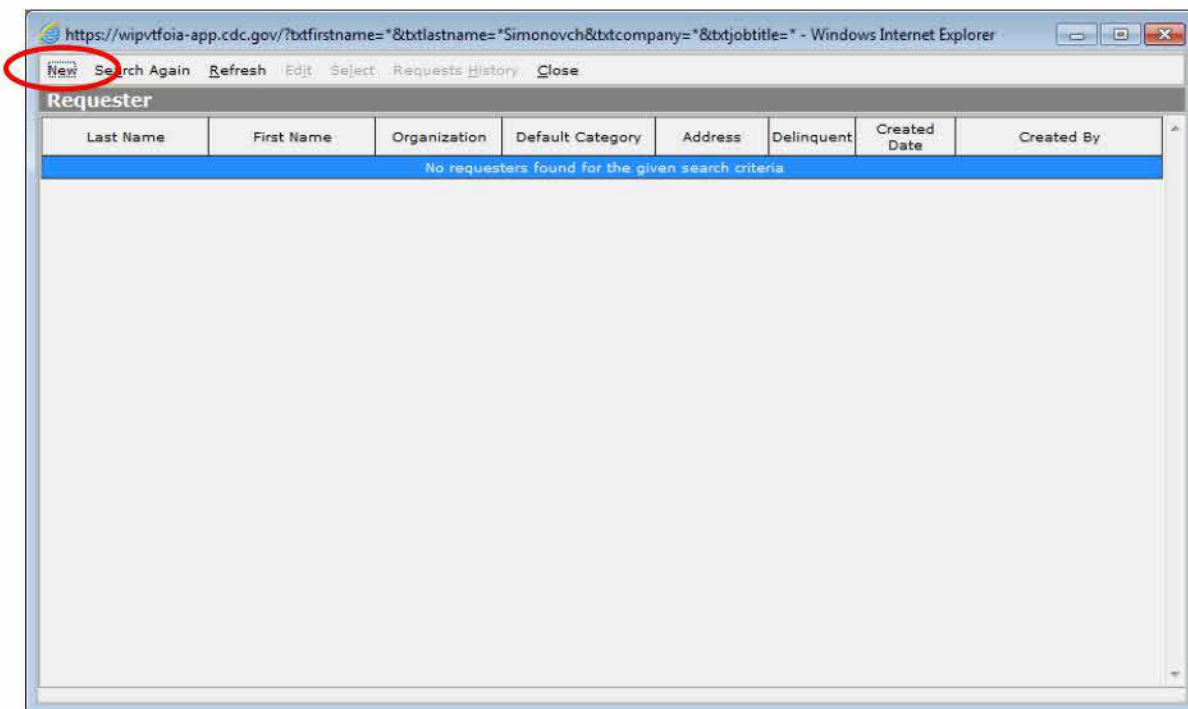
Note: \* are used for wild card searching.  
 Search displays the number of matching records as specified in Admin > Configuration > Request > Maximum number of requesters to be returned by requester search.

The background interface includes a sidebar with 'Requests' and 'Home' sections, and a right-hand panel with 'FOIApress Today' statistics and a list of requests for the Department of Health and Human Services.

- If requester found, double click requester. Check existing entry for that name to make sure that: 1) it truly is the same requester; and 2) check existing contact information against new request and edit as needed. Make sure the requester's email address is entered, if available. Chose Select. Requester information will auto-populate the General Information tab. Skip to General Information Tab section below.

## Adding New Requester

- If requester is not found, click New and enter all of the new requester's information that is provided in the request, including physical address, phone numbers, email address, fax, and web site.



Requests      Save   Spell Check   Home

**New Requester** Sign Out

**General Information**

Personal Information Prefix: <input type="text"/>		Contact Information Home Phone: <input type="text"/>	
First Name*	<input type="text"/>	Work Phone1:	<input type="text"/>
Middle Name	<input type="text"/>	Work Phone2:	<input type="text"/>
Last Name*	<input type="text"/>	Mobile:	<input type="text"/>
Suffix:	<input type="text"/>	Fax:	<input type="text"/>
Organization:	<input type="text"/>	Email:	<input type="text"/>
Job Title:	<input type="text"/>	Notes:	<input type="text"/>
Default Category*	<input type="text"/>		

Address Information

Address1:	<input type="text"/>
Address2:	<input type="text"/>
City:	<input type="text"/>
Country*	<input type="text" value="United States"/>
State:	<input type="text"/>
Zip Code:	<input type="text"/>

[12345 or 12345-6789 format for US]

Note: \* fields are mandatory

Failed Correspondence OCR Jobs

Amendments

Close Requests

Deliver Documents

Billing

Final Actions

Add Documents

Request for Documents

Perfect Requests

Assign Requests

Create/View Requests

Requester

Requests

- Required fields (**highlighted in RED**) are: Requester First Name, Requester Last Name, Default Category, and Request Country. Click Save.



## General Information Tab

Save Spell Check Home

New Request Sign Out

General Information Custom Fields Request Information Fee Information

Action Office\* HQ

Request Type\*

Requester\*

On Behalf Of

Requester Category\*

Reference

Received Mode

Delivery Mode

Method of Payment

Requested Date\*

Received Date\* 02/03/2015

Target Date TBD

☐ Expedite Requested

Expedite reason

Request Owner\* O'Donald, Joe

Priority

Multi-Track Type

Shipping Address

Address1

Address2

City

Country\* United States

State

Zip Code

[12345 or 12345-6789 format for US]

Link Requests

Comments

Note: \* Fields are mandatory

- Required fields (**highlighted in RED**) are: Type, Requester, Requester Category, Requested Date, Received Date, and Request Owner. Request Owner should be the appropriate Work Stream Leaders (See table below). In addition to required fields, Received Mode should show how we received the request; Deliver Mode should show how the requester would like to receive their response (if specified).

Work Stream Leader	Program Offices
Laura Spencer	NCEH/ATSDR, NCCDPHP, NCIPC, NCHS, NCBDDD, CSELS, OPHPR, OSSAM (non-AMSO), Exec. Sec./OD, OACD, OADS, OADPG, OADP, CGH
LaShonda Schofield	PGO, OSSAM (AMSO), HRO, OCFO, MASO, EEO, MISO
Bruno Viana	OID
Lita Aquino	NIOSH

### "On Behalf of"

- Click drop down box in "On Behalf of" field.



Save Spell Check Home

**New Request** Sign Out

General Information Custom Fields Request Information Fee Information

Action Office\* HQ  
 Request Type\*  
 Requester\*  
 On Behalf Of  
 Requester Category\*  
 Reference  
 Received Mode  
 Delivery Mode  
 Method of Payment  
 Requested Date\* 02/09/2015  
 Received Date\*  
 Target Date TBD  
☐ Expedite Requested

Expedite reason

Request Owner\* O'Donald, Joe  
 Priority  
 Multi-Track Type  
 Shipping Address  
 Address1  
 Address2  
 City  
 Country\* United States  
 State  
 Zip Code  
[12345 or 12345-6789 format for US]

Link Requests

Comments

Note: \* Fields are mandatory

\* Search for "On Behalf Of" name

\* On the Search Requester screen, input last name of "On Behalf Of" person and click "search."

Search Requester - Windows Internet Explorer

Search Clear Spell Check Close

### Search Requester

**Details**

Requester Information

First Name \*

Last Name \*

Organization \*

Job Title \*

Default Category All

Email Address \*

Address Information

Address1 \*

Address2 \*

City \*

Country United States

State

Zip Code \*

[12345 or 12345-6789 format for US]

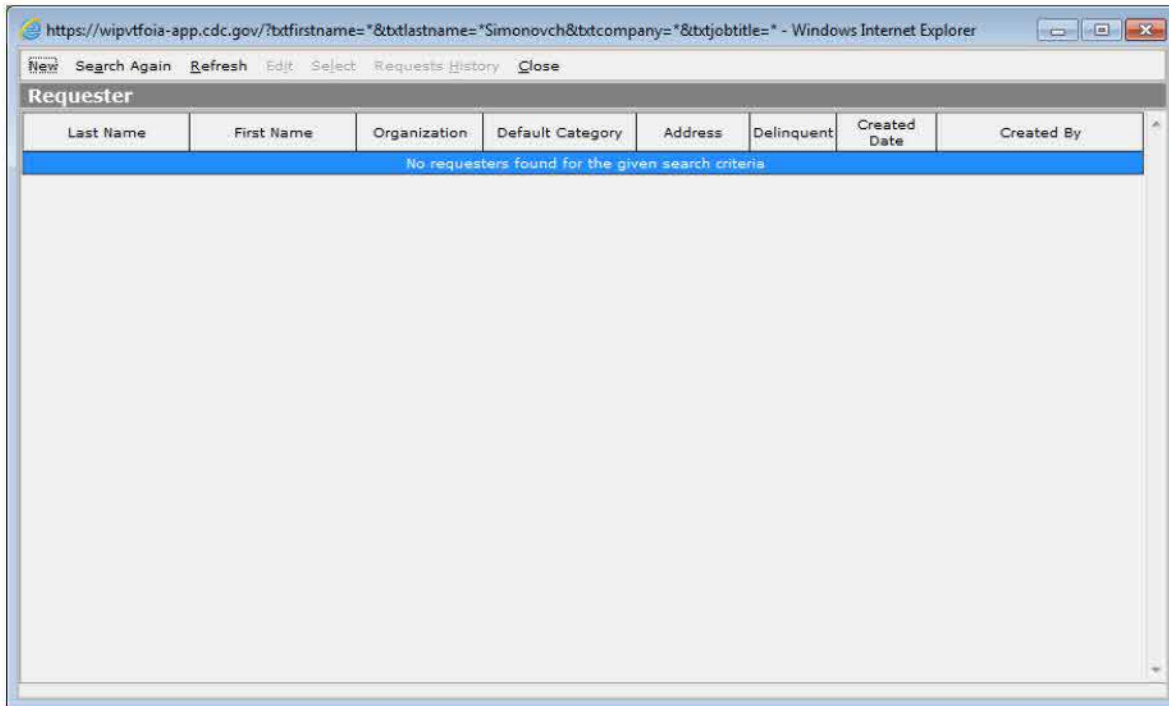
Financial Status

Delinquent

**Note:** \* are used for wild card searching.

Search displays the number of matching records as specified in Admin > Configuration > Request > Maximum number of requesters to be returned by requester search.

- If "On Behalf Of" name is found, double click name. Check existing entry for that name to make sure that: 1) it truly is the same name as "On Behalf Of" name; and 2) check existing contact information against new request and edit as needed. Make sure the "On Behalf of" person's email address is entered, if available. Chose Select. "On Behalf Of" information will auto-populate the General Information tab. Skip to General Information Tab section below.
- If "On Behalf Of" name is not found, click New and enter all of the new requester's information that is provided in the request, including physical address, phone numbers, email address, fax, and web site.



## Requester Category

- Is the requester category I (commercial), II (media, educational or scientific), or III (private individuals, state agencies or attorneys for states, most non-profit groups, attorneys representing energy plant workers or uranium miners who need records to file a compensation claim)?

## Expedited Processing

- If Expedited Processing is requested, check the “Expedited Requested” box.

- Click Correspondence > Send. On the following screen select “Memo – EP Service Requested” from the Email Template drop down list. Click “Prepare Email”, at the top of the screen.

https://eodm.doe.gov/FOIA2/securemain.aspx?email=1336&actHeight=80

FOIApress - User: cgl8

Shared Documents - All Documents

File Edit View Favorites Tools Help

Form Email Internet Learning Portal Salary Table Test FX VPN FOIA - Welcome to the F...

Requests

Customize and Save... Customize and Save for Final Response Prepare Email Print Requester Address Print Back

14-00163-FOIA - Send Correspondence

Correspondence Information

Request # 14-00163-FOIA

Email Address Requester Email Other Email

Letter Template Pending Letter (2) Resend Browse or Scan File

Action Office Select Letter Template Subject

Customize Email Template Email Template Memo - GP Service Requested

Note: When an Email Template is selected, on selecting Prepare Email option the subject will be the customized value from Admin > Correspondence Template > Email Template.

Correspondence Log

View	Subject	User	Status	Mode	E-mail	Dispatched Date	Action Date
Download/View	Download/View - GP Correspondence w/Logo	Wynn, Bruce	Posted	E-mail		04/10/2014	04/10/2014
	Request for expedite process	Larue, Karen	Req for Docx/20223	E-mail	cgl8@doe.gov	04/17/2014	04/17/2014
	Request for expedite process	Larue, Karen	Req for Docx/20223	E-mail	cgl8@doe.gov	04/17/2014	04/17/2014
	update email from requester	Larue, Karen	Received	E-mail		04/17/2014	04/17/2014
	email from requester about expedite process, etc.	Larue, Karen	Received	E-mail		04/17/2014	04/17/2014
	email from requester status follow up	Larue, Karen	Received	E-mail		03/20/2014	03/20/2014
	signed status fr.	Larue, Karen	Received	Mail		02/24/2014	02/24/2014
	Status - Program searching w/Logo	Larue, Karen	Pending			02/20/2014	02/20/2014
	signed ack. fr.	Larue, Karen	Received	Mail		11/29/2013	11/29/2013
	Acknowledgement to Call 1 w/Logo	Larue, Karen	Pending			11/29/2013	11/29/2013
	Memo - Request for Documents - Request #. 14-00163-FOIA	Larue, Karen	Req for Docx/25122	E-mail	NCEZIDFOIARequests@doe.gov	11/29/2013	11/29/2013
	Memo - Request for Documents - Request #. 14-00163-FOIA	Larue, Karen	Req for Docx/25122	E-mail	NCEZIDFOIARequests@doe.gov	11/29/2013	11/29/2013
	Request Description	Brown, Deahline	Received	E-mail		11/29/2013	11/29/2013

\* Double-click to Download/View

\* Greyed-out correspondence log items are not accessible because the corresponding documents are either not accessible or unavailable. Please contact your administrator or add/scan documents again.

Retention

File Cabinet

Admin

privacy/cp/customer(2)

- Change the “To” to Bruno Viana (cqy8), ensure the “Subject” contains “EXPEDITED PROCESSING” and the request number. Edit the text of the email as appropriate and attach a copy of the request by checking the box next to “Attach from Request Correspondence Log” and selecting the “Request Description”. Then click “Send Email” at the top of the screen.

https://wptvfoia-app.cdc.gov/showAttachments=Y&Att=N&Type=S&pagerange=1&maildate=Y&FileNam - Windows Internet Explorer

Send Email Global Address List Spell Check Close

### Email Correspondence

Details

From Email Type: ☒ User Email ☐ User Action Office Email

From Email\*: cpo9@cdc.gov

To Email\*: cqy8@cdc.gov [Use ';' to separate e-mail addresses]

Cc Email: [Use ';' to separate e-mail addresses]

Bcc Email: [Use ';' to separate e-mail addresses]

Subject\*: EXPEDITED PROCESSING Request Number: 13-007

Delivery Receipt ☐ Read Receipt ☐

Dispatch Date: 04/23/2014

Attachments: ☒ Attach from Request Correspondence Log ☐ Attach from Disk

Email Body

Normal Verdana 12px

April 23, 2014

Request Number: 13-00749-FOIA

Bruno,

The attached request is asking for Expedited Processing. Please provide guidance.

Please see the attached letter.

Mike Simonovich

Design HTML Preview Words: 25 Characters: 168

## Request Information

- Enter request description

Note: This text will be used in the acknowledgment letter template. Use language that is grammatically correct, with appropriate capitalization and punctuation, and is an accurate summary of the request. Note that this language auto-populates into all correspondence templates. Therefore, make the description brief, but accurate, with an eye to how it will fit into the following sentence:

*This letter is in response to your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of [REQUEST DATE], pertaining to X. [NOTE: this sentence, and even your request description, may need to be edited to fit a particular request and in order to be grammatically correct and concise. At times, it may be necessary to break this sentence into two shorter sentences.]*

- NOTE: The Date Range of information request can be included in the description text or use the Date Range "From" and "To" fields on the screen. If you use the Date Range fields, your acknowledgement letter format may have to be adjusted for appropriate grammar and punctuation.



Save Spell Check Home

New Request

General Information Custom Fields **Request Information** Fee Information Sign Out

Description\*

☐ Restricted

Date Range for Record Search: From  To

Sub Requests\*

☐ Restricted

Default

Other Address

Name

Organization

Phone

Fax

Email

Address1

Address2

City

Country

State

Zip Code

[12345 or 12345-6789 format for US]

\* Fields are mandatory.

Note: Selecting the "Restricted" checkbox will replace the field content in all reports with <<Restricted>>.

## Upload Copy of the Request to the File

- To attach request from a hardcopy letter to the request entry one of two ways:
  - If you have a desktop scanner - Click the scanner icon on the right side of the "New Request" screen, place letter in scanner of your desktop scanner, and scan. Follow screen prompts. Then click save icon;
  - If you do not have a desktop scanner – Scan the request letter using one of the large copiers/scanners and email it to yourself. Save the scanned file to your computer. Return to FOIAExpress, Request Description tab. Click the paperclip icon to attach the file you have saved. Browse your files list, find the saved request description, and click. Follow prompts.

- To attach an electronic request document from OUTLOOK or other system, click on the “paperclip” ICON on the righthand side of the “New Request” screen, open the system that contains the request and “drag and drop the file into the request entry.

Requests

Save Spell Check Home

New Request Sign Out

General Information Custom Fields Request Information Fee Information

Description\*

☐ Restricted

Date Range for Record Search: From  To

Sub Requests\*

☐ Restricted

Default

Add Edit Remove

Other Address

Name

Organization

Phone

Fax

Email

Address1

Address2

City

Country

State

Zip Code

[12345 or 12345-6789 format for US]

\* Fields are mandatory.

Note: Selecting the 'Restricted' checkbox will replace the field content in all reports with <<Restricted>>.



## Assign Request

- Click Actions/Assign Request or click Next Action button.
- Assign to everybody by clicking the “FOIA Staff” box. If you think you know which analyst the request will be assigned to, select the appropriate analyst from the drop down menu. Click Save.

13-00560-FOIA - Assign Request

Request Type : FOIA Requested Date : 04/10/2013 Assigned Date : 05/24/2013  
 Search : Received Date : 04/18/2013 Action Office : HQ

Assign To

Group	User Name	Location	Job Title	Email	Send Email
<input checked="" type="checkbox"/> FOIA Staff					
<input checked="" type="checkbox"/> Queue, FOIA Staff					
<input checked="" type="checkbox"/> Allen, Tonia				trb4@cdc.gov	
<input checked="" type="checkbox"/> Aquino, Lita				fxa1@cdc.gov	
<input checked="" type="checkbox"/> Bigham, Jane				vsv0@cdc.gov	
<input checked="" type="checkbox"/> Brown, Dephine				zdt7@cdc.gov	
<input checked="" type="checkbox"/> David, Leigh				hur6@cdc.gov	
<input checked="" type="checkbox"/> Diaz, Irma				jyo9@cdc.gov	
<input checked="" type="checkbox"/> Fitzgerald, Emily				iza8@cdc.gov	
<input checked="" type="checkbox"/> Goodsen, John				hs02@cdc.gov	
<input checked="" type="checkbox"/> Hardy, Latonya				lth1@cdc.gov	
<input checked="" type="checkbox"/> Hines, Andrea				anh1@cdc.gov	

Primary User: Allen, Tonia

☐ Include Request Report as an attachment

Notes:

Note: Groups/Users that do not have view permission on request type, are disabled. If any user of a group does not have view permission, the group is disabled even if the group has view permission. The admin group is not listed in this screen, because the setting "Show 'Admin' group (and users) in Assign Request screen" is not checked in the Admin -> Configuration -> Configuration type request screen.

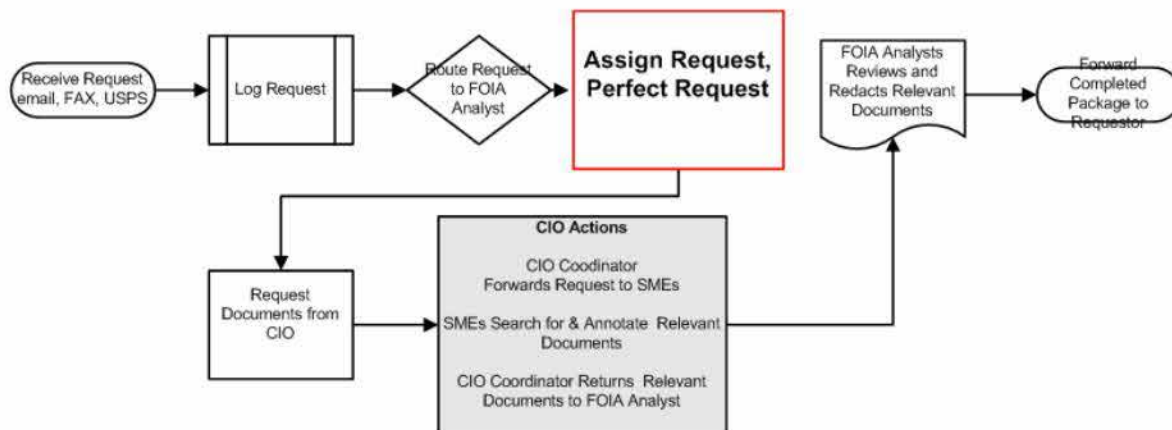
## Create Case File

- Create label with request number on top line, and requester’s last name on second line. Attach label to right-hand side of folder’s top tab. (If desired, a second, identical label may be created and placed just below the cut edge on the folder’s right side.)
- Place a copy of the incoming request (and any backup material received) in the case file.
- IF EP is requested, print the “Memo – EP Service Requested” that was sent to Bruno and place it in the case file.
- If there is no email address for the requester, print and address label for the requester and attach to an envelope.
- If there is an email address for the requester, do not print an address label.
- Put in appropriate work stream leader’s mailbox

## Route Request to Workstream Leads

Please reference “Workstream Leads/Program Offices” table on Page 17 for relevant Workstream Lead assignment.

## Assign Analyst & Perfect Request



## Work Stream Lead

- Verify that the request is a proper FOIA request and that it does fit into one of your program areas. If the request should be assigned to a different work stream, transmit the file to the other work stream leader.
- Check to see if further information is needed, or if the request needs to be scoped.
- If the request can be perfected (no additional information is needed and the scope does not need to be refined), assign request to team member analyst for sending acknowledgement letter and requesting documents from CIOs.

## Outstanding Fees

- Does the requester have an unpaid invoice? If there is an unpaid invoice older than three months prior to the request, send a letter saying the old bill must be paid first before the new request can be processed. Discuss this with senior staff before sending the letter.
- Click on “Billing” in the left hand navigation pane
- Enter the requester’s last name in the Requester Details
- Change “Payment Status” to “Pending”
- Click search
- Select appropriate request
- Click “Billing” at the top of the page
- A list of invoices will pop up, double click the invoice to see full details
- Compose “Delinquent Fees – Refusal to process w/logo” letter
- Close request

You must also “Stop the Clock” on the request if additional information is needed or if there is a fee related issue.

### Stop the Clock (Fee related Reason)

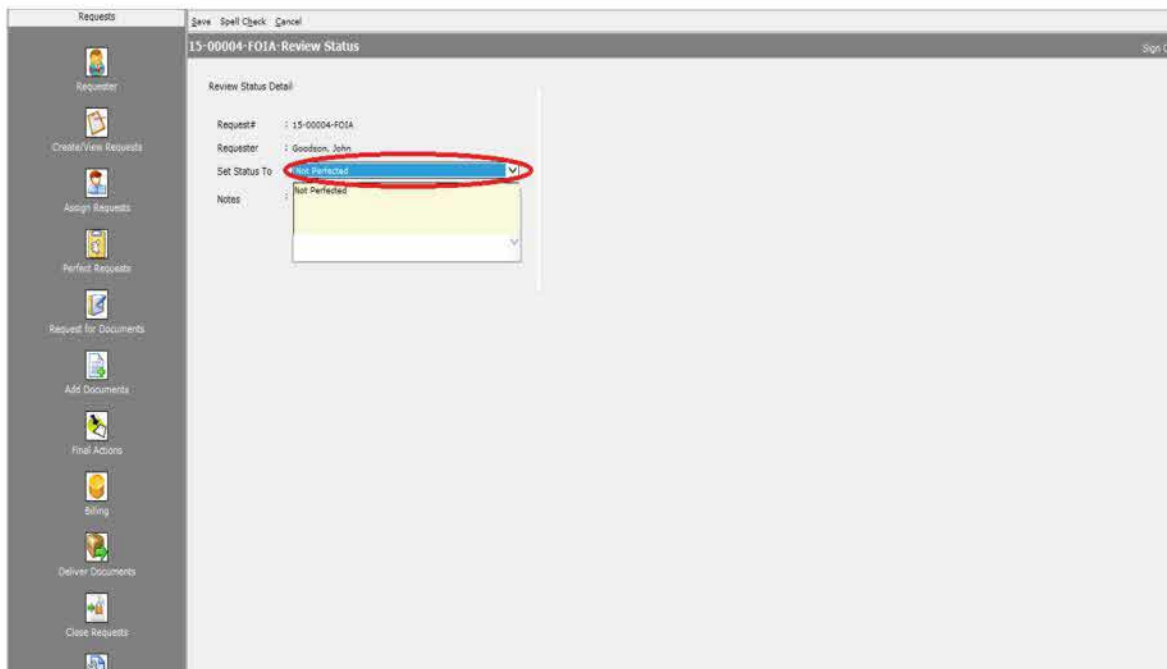
The screenshot shows the 'Stop the Clock' action selected from a dropdown menu. The menu options include: Perform Next Action, Assign Request, Set Perfected Status, Final Actions, Close Request, Request For Documents (0/0), Advanced Document Review (0/0), Add/Search Documents, View Documents, Deliver Documents, Estimate Cost, Billing, Payments, Change Request Number, Change Review Status, Amend Request, Create an Appeal, Extensions (0/0), Work Hours, Change Action Office, Transfer Request, Stop the Clock, Copy Request, Extensions - Mark for Action, and Response Package Approval. The 'Stop the Clock' option is highlighted. The background shows the 'General Information' tab for request 15-00004-FOIA, with fields for Requester, Request Type, Requester, On Behalf Of, Requester Category, Organization, Received Mode, Delivery Mode, Method of Payment, Requested Date, Original Received Date, Received Date, Original Target Date, Target Date, Estimated Delivery Date, Extensions, Perfected, Expedite Request, Expedite Status, Start date, and End date. The 'Assigned' section shows Request Owner as O'Donald, Joe, Primary User as O'Donald, Joe, Review Status as Not Perfected, Priority as High, and Multi-Track Type as Complex. The 'Link Requests' and 'Comments' sections are also visible.

### Actions>Stop the Clock

The screenshot shows the 'Stop the Clock' action form. The form fields include: Request # (15-00004-FOIA), Request Status (Assigned), Original Received Date (02/03/2015), Stop Clock Reason\* (Fee Related Reason), Clock Stop Date (02/04/2015), and Notes. The 'Stop Clock Reason\*' dropdown is highlighted with a red circle. Below the form, there are three checkboxes: Change Review Status, Create An Alert, and Send Correspondence, which are also highlighted with a red circle. The 'Note: \* Fields are mandatory' is displayed at the bottom.

Select “Fee Related Reason” for Stop Clock Reason.

Check “Change Review Status” if you wish to change status to “Not Perfected.”

The screenshot shows a web application window titled "15-00004-FOIA: Review Status". On the left is a sidebar with icons for various actions: Requester, Create/View Requests, Assign Requests, Perfect Requests, Request for Documents, Add Documents, Final Actions, Billing, Deliver Documents, and Close Requests. The main area is titled "Review Status Detail" and contains the following fields: "Request#" with value "15-00004-FOIA", "Requester" with value "Goodson, John", "Set Status To" with a dropdown menu showing "Not Perfected" (highlighted with a red circle), and "Notes" with a text area containing "Not Perfected". At the top of the main area are buttons for "Save", "Spell Check", and "Cancel". A "Sign Out" link is visible in the top right corner.

After issue is resolved, go back in and “Start the Clock” and change status if request is perfected.

### Request Not Perfected

If the request cannot be perfected, because additional information is needed from the requester, or because the scope needs to be refined, the request must be put on hold. It is important that a request be put on hold, if it cannot be perfected, because the clock cannot be running while we are waiting on information from the requester.

To put a request On-Hold Need Info/Clarification, select Stop the Clock from the Actions drop down list; change the “Stop Clock Reason” to “Request not Perfected” and enter information in Notes.

You must also change the review status to “Not Perfected.”

Once the request can be perfected, select “Start the Clock” from the Actions drop down list and select “Start the Clock” from the menu at the top.



Requests **Start the Clock** Spell Check Back

15-00004-FOIA - Start the Clock Sign Out

Start the Clock

Request # : 15-00004-FOIA

Request Status : On Hold-Need Info/Clarification

Original Received Date : 02/03/2015

Stop Clock Reason\* : Request Not-Reflected

Clock Stop Date : 02/04/2015

Clock Start Date : 02/04/2015

Notes :

☐ Change Review Status

Note: \* Fields are mandatory

An appropriate letter to the requester must be generated to explain the additional information or clarification needed. Use the appropriate More Info template and edit as needed to generate the letter. Note that this template is written very narrowly and is not appropriate for all requests. If your request does not clearly and logically fit the existing template modify the template to address the request. A letter may also be generated regarding the scope of the request, asking that the requester contact the FOIA Office to refine the scope. Work stream leaders may also engage the requester via phone in order to refine the scope.

### Refine the scope of the request

The scope of a request may need to be refined in order to reduce the time to conduct a search/furnish records to the FOIA Office, reduce review time for the request, furnish a final response to the requester in a more timely manner, and/or reduce the amount of fees assessed.

The work stream leader will draw upon her knowledge to identify requests that may be broad in scope and that could benefit from a refined scope. In addition, program staff, upon receipt of a search request, may inform the work stream leader that the scope of the request is too broad and would yield a very voluminous amount of responsive records.

Upon initial determination that a request is so broad as to require weeks of program staff time for search and years for the FOIA staff to review, the work stream leader should develop a strategy for helping the requester determine the information that they really need. Sometimes, identifying

a narrow time frame may be enough of a refinement. Other cases will require more effort in order to refine the scope.

The work stream leader will work with program staff in order to compile information about the responsive records and the cost of processing the request.

- Volume of records (estimated number of pages and/or estimated number of emails and documents)
- Description of records – ideally this should include all of the below:
  - Format of records
  - Content of records
  - What information in the records may be exempt from release (e.g., it is helpful to know if there are numerous drafts of a manuscript pending publication)
  - What is NOT included in the records that the requester may reasonably expect CDC to possess
  - Whether there are other agency records in CDC's files. If so, what are they? Is it something the requester asked for specifically? (Keep in mind CDC FOIA does not release other agencies' records. Therefore, if the data requested was generated by another agency, this should be explained to the requester with the suggestion that he file a FOIA request directly with the other agency.)
- How long it will take the program staff to search the entire universe of responsive records and provide them to the FOIA Office
- How long it will take the CDC FOIA staff to review the estimated number of pages.

Once the above information has been compiled, the work stream leader may call the requester, using the above information to guide the discussion about refining the scope. The above information can be used to get the requester to drop portions of their request (e.g., other agency records in CDC files, published reports, items already publically available on the agency's website, emails related exclusively to travel arrangements, etc.). The work stream leader will also ask the requester if there is something specific they seek, even though the request was broadly written. The work stream leader will explain to the requester how a refined scope will help them – potentially faster response time and reduced costs.

If the requester cannot be reached by telephone, the work stream leader may opt to send him a letter outlining the costs and time involved to respond to his request as written and stating that the FOIA Office would like to discuss the scope of his request with the goal of reducing both the response time and costs. If such a letter is sent, it will direct the requester to respond within 15 days, or the request will be closed.

For an example of an excellent program description of documents and cost estimate, please see Appendix V.

Keep in mind that a more refined scope benefits all parties – program staff, FOIA Office staff, and the requester.

## Assign Primary User

- The Work Stream Lead assigns case to FOIA Analyst by assigning the “Primary User”
- Click Actions/Assign Request
- Assign to everybody by clicking the “FOIA Staff” box. Select the appropriate analyst from the drop down menu. Click Save.

13-00560-FOIA - Assign Request

Request Type : FOIA Requested Date : 04/10/2013 Assigned Date : 05/24/2013  
 Search : Received Date : 04/18/2013 Action Office : HQ

Assign To

Group	User Name	Location	Job Title	Email	Send Email
<input checked="" type="checkbox"/> FOIA Staff	<input type="checkbox"/> Queue, FOIA Staff				<input type="checkbox"/>
	<input checked="" type="checkbox"/> Allen, Tonia			trb4@cdc.gov	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Aquino, Lita			fxa1@cdc.gov	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Bigham, Jane			vay0@cdc.gov	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Brown, Dephine			z0j7@cdc.gov	<input type="checkbox"/>
	<input checked="" type="checkbox"/> David, Leigh			hur6@cdc.gov	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Diaz, Irma			jro9@cdc.gov	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Fitzgerald, Emily			iza8@cdc.gov	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Goodsen, John			hs02@cdc.gov	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Hardy, Latonya			lth1@cdc.gov	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Hines, Andrea			anh1@cdc.gov	<input type="checkbox"/>

Primary User: Allen, Tonia

☐ Include Request Report as an attachment

Notes:

Note: Groups/Users that do not have view permission on request type, are disabled. If any user of a group does not have view permission, the group is disabled even if the group has view permission. The admin group is not listed in this screen, because the setting "Show 'Admin' group (and users) in Assign Request screen" is not checked in the Admin -> Configuration -> Configuration type request screen.

- On the Request, General Information tab, in the comments section, identify the analyst the request is assigned to and date assigned.

## FOIA Analyst

### Perfect Request

Requests given to analysts for acknowledgment and search are ready to be perfected, or a note has been made by the work stream leader defining what action the analyst must take to get the request perfected. If the request is ready to be perfected without further action, on the home screen, select “Actions” and “Set Perfected Status.”

The screenshot shows the FOIA Analyst web application interface. On the left is a sidebar with navigation icons. The main content area has a top menu bar with options like 'New', 'Save', 'Delete', 'Actions', 'Correspondence', 'Alerts', 'Request Sites', 'Details', 'Recode', 'Appeals', 'Spell Check', 'Back', and 'Home'. Below the menu bar, the title '15-00003-FOIA' is displayed. The 'Actions' dropdown menu is open, and 'Set Perfected Status' is highlighted with a red circle. Other options in the menu include 'Perform Next Action', 'Assign Request', 'Final Action', 'Set Perfected Status', 'Close Request', 'Request For Documents (0/1)', 'Advanced Document Review (0/0)', 'Add/Search Documents', 'View Documents', 'Deliver Documents', 'Estimate Cost', 'Billing', 'Payments', 'Change Request Number', 'Change Review Status', 'Amend Request', 'Create an Appeal', 'Extensions (0/0)', 'Work Hours', 'Change Action Office', 'Transfer Request', 'Stop the Clock', 'Copy Request', 'Response Package Approval', and 'Expedite Reason'. The right side of the screen shows various form fields for request details, including 'Status', 'Request Owner', 'Primary User', 'Review Status', 'Priority', 'Multi-Track Type', 'Shipping Address', 'Address1', 'Address2', 'City', 'Country', 'State', and 'Zip Code'. There is also a 'Request for Docs Sent (0/1)' section and a 'Link Requests' field.

Then click “Save” at top menu.

The screenshot shows the FOIA Analyst web application interface after the 'Set Perfected Status' action has been completed. The top menu bar now shows 'Save' and 'Back' buttons. The title bar reads '15-00003-FOIA - Set Perfected Status'. The main content area displays the 'Set Perfected Status' action details, including the request number '15-00003-FOIA' and a note: 'Note: This action will only update the status of your request to the "perfected" status for tracking purposes. To stop/start the clock for non-perfected requests go to Actions>Stop/Start Clock from the action drop down menu.' There is a 'Comments' field with a text area and a 'Save' button.



If further action is required by the analyst, follow the instructions given by the work stream leader. Possible actions included sending a letter asking for state ID numbers, authorization for release of information, or contract/FOA numbers. Use the templates in the database to generate the letters, customizing as needed. Consult with your team leader if you are unsure as to what is needed or which letter to choose.

If the analyst believes further action is needed, but was not defined by the work stream leader, she should consult with the work stream leader before taking any action.

- Verify and correct all requester data, if needed, on General Information and Request Information tabs.
- Edit the description to fit into the verbiage of the acknowledgment template.

## Acknowledgement Letter

There are five potential types of acknowledgement letters:

- Standard
- Expedited
- Fee Waiver
- Expedited and Fee Waiver
- Documents referred from another Agency

### Standard

- On the home screen, select “correspondence” and “send”

The screenshot shows the FOIApress web application interface. The browser address bar displays 'https://foiadb.cdc.gov/FOIAXpress'. The application has a top navigation bar with links like 'New', 'Save', 'Delete', 'Actions', 'Correspondence', 'Alerts', 'Request Notes', 'Details', 'Barcode', 'Appeals', 'Spell Check', 'Back', and 'Home'. The main content area is titled '13-00560-FOIA - Request' and features a 'Send' button circled in red. Below this, there are tabs for 'General Information', 'Custom Fields', 'Select Letter Template', 'Log', 'Send Information', and 'Fee Information'. The 'General Information' tab is active, showing fields for 'Action Office\*', 'Request Type\*', 'Requester\*', 'Requester Category\*', 'Organization', 'Received Mode', 'Method of Payment', 'Requested Date\*', 'Received Date\*', 'Original Target Date', 'Target Date', 'Estimated Delivery Date', 'Original Perfect Date', 'Last Perfect Date', 'Reason for Extension', and 'Expedite Requested'. The 'Requester' field is populated with 'Mills, Susan'. The 'Organization' field is 'Weinberg Wheeler Hudgins Gun...'. The 'Received Date' is '04/10/2013'. The 'Target Date' is '05/23/2013'. The 'Estimated Delivery Date' is '05/16/2013'. The 'Original Perfect Date' is '04/25/2013'. The 'Last Perfect Date' is '04/25/2013'. The 'Reason for Extension' field is empty. The 'Expedite Requested' checkbox is unchecked. The 'Expedite reason' field is empty. The 'Status' field is 'Request Owner\*'. The 'Primary User' is 'Allen, Tonia'. The 'Review Status' is 'Pending Program Search'. The 'Priority' is 'Normal'. The 'Multi-Track Type' is 'Complex'. The 'Shipping Address' is '3344 Peachtree Road NE, Suite 2400, Atlanta, Georgia 30326'. The 'Link Requests' field is empty. The 'Comments' field contains the text '04/25/13 sent to NCEZID for search; ack ltr logged & mailed. tha'. A note at the bottom states '\* fields are mandatory'.

- From the drop down list of “Select Letter Template,” select applicable template. For Standard acknowledgement select “Acknowledgement ltr” template

**13-00560-FOIA - Send Correspondence**

Request # 13-00560-FOIA  
 Email Address Requester Email Other Email  
 HQ

Letter Template Pending Letter (1)  
 Action Office  
 Select Letter Template  
 Subject

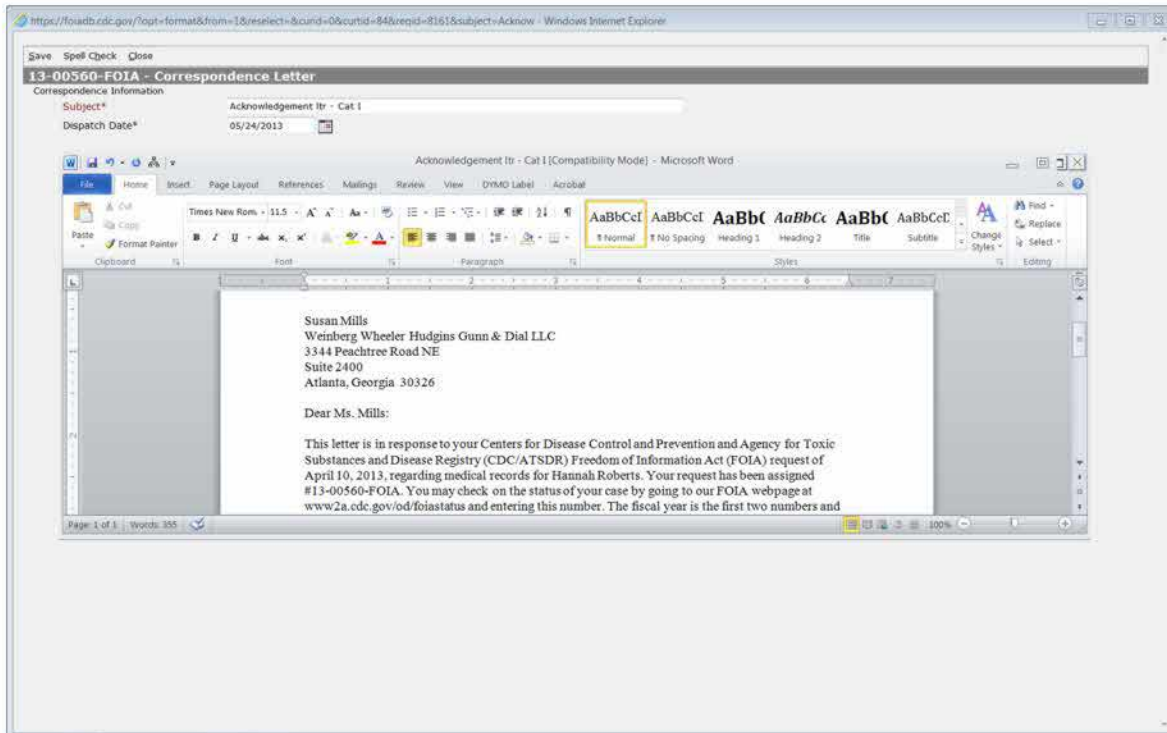
Customize Email Template  
 Email Template

**Notes:** When an Email Template is selected, on selecting the Correspondence Log

Subject	User
13-00560-FOIA	Allen, Tonka
Acknowledgment R - Cat 1	Allen, Tonka
Memo - Request for Documents - Request # 13-00560-FOIA	Allen, Tonka
Memo - Request for Documents - Request # 13-00560-FOIA	Allen, Tonka
Request Description	Allen, Tonka

E-mail	Dispatched Date	Action Date
FOIARequests@cdc.gov	04/25/2013	04/25/2013
FOIARequests@cdc.gov	04/25/2013	04/25/2013
FOIARequests@cdc.gov	04/25/2013	04/25/2013

- Click “Customize and Save”
- This will populate the applicable letter – edit as necessary
- Insert the image of your signature.
- Once finalized, click “Save”
- A copy of the saved acknowledgement letter will be in the correspondence log



- **To send the letter via email you have two options:**
- **Option 1**
  - After you have saved the Acknowledgment Letter, remain on the Send Correspondence screen.
  - Next to the Email Address option, select "Requester Email."
  - Select Pending Letter.
  - From the drop down list, select the acknowledgement letter that you just created.
  - Customize the email template. From the drop down list, select "Blank Email Template for Sending Letters to Requesters."

13-00761-FOIA - Send Correspondence

Correspondence Information

Request # 13-00761-FOIA

Email Address cpo9@cdc.gov

Requester Email Other Email

Letter Template Pending Letter (1) Resend Browse or Scan File

Select a Pending Letter

Subject

Customize Email Template

Email Template Blank Email Template for Sending Letters to RAC

Note: When an Email Template is selected, on selecting Prepare Email option the subject will be the customized value from Admin > Correspondence Template > Email Template.

Correspondence Log

Subject	File Name	User	Status	Mode	E-mail	D
Acknowledgement ltr - Cat	Acknowledgement ltr - Cat.J.docx	Simonovich, Mike	Pending			03
Request Description	FOIA Scanner Order.msg	Simonovich, Mike	Received	E-mail		03
Request Description	FOIA Scanner Order.msg	Simonovich, Mike	Received	E-mail		03
Request Description	200-2014-M-58979.pdf	Simonovich, Mike	Received	E-mail		03

- On the very top menu bar, click "Prepare Email."
- On the "From Email Type" line at the top of the page, select "Action Office Email."
- Double check the auto-populated text of the email and the text of the acknowledgement letter (the letter appears below the email) and make any necessary corrections.
- Click "Send Email." Wait for the system to respond.

https://wipvtfoia-app.cdc.gov/?showAttachments=Y&Att=N&Type=5&pagerange=1&maildate=Y&FileNam - Windows Internet Explorer

Send Email Global Address List Spell Check Close

### Email Correspondence

Details

From Email Type : ☐ User Email ☒ User Action Office Email

From Email\* : foiarequests@cdc.gov

To Email\* : cpo9@cdc.gov [Use ';' to separate e-mail addresses]

Cc Email : [Use ';' to separate e-mail addresses]

Bcc Email : [Use ';' to separate e-mail addresses]

Subject\* : Your FOIA Request

☐ Delivery Receipt ☐ Read Receipt

Dispatch Date : 05/30/2014

Attachments : ☐ Attach from Request Correspondence Log ☐ Attach from Disk

Email Body

May 30, 2014

Request Number: 13-00761-FOIA

Dear Simonovich:

This is regarding your Freedom of Information Act (FOIA) request of May 30, 2014 for This is a test of expedited processing..

Please see the attached letter.

Sincerely,  
CDC/ATSDR FOIA Office

Design HTML Preview Words: 39 Characters: 232

- After the message pops up that the email has been sent, hit the Back button on the top menu line.

https://wipvtfoia-app.cdc.gov/FOIAXpress/main.aspx?scrwidth= FOIAXpress - User: cpo9

File Edit View Favorites Tools Help

Customize and Save Customize and Save for Final Response Prepare Email Print Requester Address **Print Back** Sign Out

### 13-00761-FOIA - Send Correspondence

Correspondence Information

Request # : 13-00761-FOIA

Email Address : ☒ Requester Email ☐ Other Email  
cpo9@cdc.gov

☒ Letter Template ☐ Pending Letter (1) ☐ Resend ☐ Browse or Scan File

Action Office : HQ

Select Letter Template : [Dropdown]

Subject : [Text Box]

Customize Email Template : [Dropdown]

Email Template : [Dropdown]

**Note:** When an Email Template is selected, on selecting Prepare Email option the subject will be the customized value from Admin > Correspondence Template > Email Template.

Correspondence Log

View	Email Details					
Subject	File Name	User	Status	Mode	E-mail	D
Your FOIA Request		Simonovich, Mike	Sent (no attachment)	E-mail (no attachment)	spo9@cdc.gov	05
Acknowledgement ltr - Cat	Acknowledgement ltr - Cat 1.docx	Simonovich, Mike	Pending			05
Request Description	FOIA Scanner Order.msg	Simonovich, Mike	Received	E-mail		05
Request Description	FOIA Scanner Order.msg	Simonovich, Mike	Received	E-mail		05
Request Description	200-2014-N-58979.pdf	Simonovich, Mike	Received	E-mail		05

Retention  
File Cabinet  
Admin  
javascript:fn\_cancel(0);



- From the General Description tab for the request, select “Correspondence -> Log. Highlight the item you just sent and select “Edit Subject” from the menu bar of the window. Change the subject description to reflect that the referenced item was the acknowledgment letter, sent via email (i.e. “[date] emailed Ack Ltr”). Click Save.
  - With the letter still highlighted in the log, double click to open it. Using the Word document controls, print two copies. Close the letter. From the Correspondence File list, make sure the acknowledgement letter is still highlighted. Click “Email details” from the top menu bar. Print a copy of the transmittal email. File one copy of the acknowledgement letter, with the email transmittal, in the case file. File the remaining copy of the acknowledgement letter in the reading file
  - Close the window.
- **Option 2:**
    - From the main Request screen select Correspondence>Send
    - Next to the Email Address option, select “Requester Email.”
    - Select the appropriate acknowledgement letter from the Select Letter Template drop down list.
  - Customize the email template. From the drop down list, select “Blank Email Template for Sending Letters to Requesters.
  - Click “Prepare Email”

13-00761-FOIA - Send Correspondence

Correspondence Information

Request # 13-00761-FOIA

Email Address ☒ Requester Email (cpo9@cdc.gov) ☐ Other Email

☒ Letter Template ☐ Pending Letter (1) ☐ Resend ☐ Browse or Scan File

Action Office HQ

Select Letter Template

Subject

Customize Email Template

Email Template

Note: When an Email Template is selected, on selecting Prepare Email option the subject will be the customized value from Admin > Correspondence Template > Email Template.

Correspondence Log

Subject	File Name	User	Status	Mode	E-mail	D
Your FOIA Request		Simonovich, Mike	Sent (no attachment)	E-mail (no attachment)	cpo9@cdc.gov	05
Acknowledgement ltr - Cat I	Acknowledgement ltr - Cat I.docx	Simonovich, Mike	Pending			05
Request Description	FOIA Scanner Order.msg	Simonovich, Mike	Received	E-mail		05
Request Description	FOIA Scanner Order.msg	Simonovich, Mike	Received	E-mail		05
Request Description	200-2014-M-38979.pdf	Simonovich, Mike	Received	E-mail		05

- This will populate the applicable letter – edit as necessary
- Insert the image of your signature.
- Once finalized, click “Send Email”
- The email and the attached acknowledgement letter have been sent.
  
- **To send the letter via postal mail:**
  - After you create and save the Acknowledgment Letter, use the Word document controls to print three copies (requester, case file, reading file).
  - Create an envelope label. Mail one copy of the letter to the requester. File one copy in the case file. File the remaining copy in the reading file
  - NOTE: If you forgot to digitally sign the acknowledgment letter when you created it, print one copy. Sign. Then scan the signed copy back into FOIAXpress. Proceed to print and file three copies of the signed letter as described above.

### Expedited Handling

- Has the requester asked for expedited service? If so, we have only 10 calendar days to make the determination and notify the requester. ALWAYS read the request carefully to see if any reference is made to expedited service, either directly or indirectly. Send an acknowledgement letter with special wording concerning expedited processing, using "Acknowledgement Expedited Processing Request" template.
- Send email to Bruno Viana notifying him of Expedited Processing Request. Bruno will process request for expedited processing and respond to requester and enter the Expedited Request details into FOIAXpress.
- Annotate in the notes section regarding the request for Expedited Service. Mark the comment with your initials.

14-00139-FOIA - Request

General Information Custom Fields Request Information Fee Information

Action Office\*  
Request Type\*  
Requester\*  
Requester Category\*  
Organization  
Received Mode  
Delivery Mode  
Method of Payment  
Requested Date\*  
Received Date\*  
Original Target Date  
Target Date  
Estimated Delivery Date  
Original Perfect Date  
Last Perfect Date  
Reason for Extension  
Expedite Requested  
Expedite reason

Status  
Request Owner\*  
Primary User  
Review Status  
Priority  
Multi-Track Type  
Shipping Address  
Address1  
Address2  
City  
Country  
State  
Zip Code  
(12345 or 12345-6789 format for US)

Request for Docs Sent (8/2)  
Brown, Debra  
Spencer, Laura  
Normal  
Complex  
2629 Brookpointe Circle  
Manhattan  
United States  
Kansas  
66502

Link Requests  
Link Requests

Comments  
11/20/2013 Expedited request, top forward, place request in Laura inbox for review, US to NCHS/CHN/STOTB / asknow to: (sh)  
11/21/2013 Re NCHS (sh)  
11/21 Expedited Processing requested - Aij

Note: \* fields are mandatory

### Fee Waiver Request

- Does the requester ask for a fee waiver? A determination regarding fee waiver is made after we received documents from the programs. Send an acknowledgement letter which advises the requester that the fee waiver determination will be made later "Acknowledgement and Fee Waiver ltr" template.

### *Requests seeking Fee Waiver & Expedited Processing*

- For these requests, use the “Acknowledgement Fee Waiver Expedited Processing” template.

### *Documents Referred From Another Agency*

- For these requests, use the “Acknowledgement referred from another agency” template

### *Litigation, court orders, subpoenas and other legal matters*

- Is the request a subpoena? If yes, is it a Federal subpoena (from a U.S. District Court)? All Federal subpoenas are handled by the Office of General Counsel (OGC). The FOIA Office may not process Federal subpoenas. Do not log a Federal subpoena in the FOIA Xpress system unless you have been told to do so by the OGC. Immediately take any Federal subpoena which is received by the FOIA Office to OGC (Debbie Tress) for handling. Simply retain a copy for our records and indicate when it was provided to the OGC.

- • Is the request a non-Federal subpoena? If so, handle it as a regular FOIA request. Send an acknowledgement letter which tells the requester that the subpoena is being handled as a FOIA request. Is the subpoena is from a Metro Atlanta court? If so notify Kenya Ford (kdf6@cdc.gov), in OGC

Metro Atlanta Counties = Cherokee, Clayton, Cobb, Dekalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Rockdale

Instructions to enter this into the system.

Non-Federal subpoena are entered into the system the same way all requests are – the only difference being that type of acknowledgement letter that is sent to the requester.



## Media requests

- Ensure Request Category is set to “News Media” and click save.

The screenshot shows the FOIApress web application interface. The main form is titled '13-00745-FOIA - Request'. The 'General Information' tab is active. The 'Request Category' dropdown menu is open, showing options: 'All Others', 'Commercial Organization', 'Locations', 'Non-Commercial Scientific', and 'News Media'. The 'News Media' option is highlighted with a red circle. Other fields in the form include: 'Requester' (Chiang, Lisa), 'Organization' (All Others), 'Received Date' (03/07/2014), 'Original Received Date' (03/07/2014), 'Original Target Date' (04/04/2014), 'Target Date' (04/04/2014), 'Estimated Delivery Date' (04/04/2014), 'Last Perfected Date' (TBD(clock stopped)), and 'Expedite' (not selected). The 'Status' section shows 'Request Owner' (Simonovich, Mike) and 'Primary User' (Simonovich, Mike). The 'On Hold-Other' section shows 'Normal' and 'Complex' options. The 'Shipping Address' section includes 'Address1' (400 Poplar Creek Road), 'City' (Oliver Springs), 'Country' (United States), 'State' (Tennessee), and 'Zip Code' (37640). The 'Link Requests' section is empty. The 'Comments' section is also empty. A note at the bottom states: 'Note: \* fields are mandatory'.

## Reporting Media Requests to CDC's Office of the Associate Director for Communications (OADC) – Part 1

Once the request has been perfected and the Primary User has sent the Acknowledgement Letter to the Requestor, the Primary User should send a copy of the request to OADC with receipt date.

Points of Contact and recipients of the email in OADC are:

Katherine Lyon Daniel ([KLD8@cdc.gov](mailto:KLD8@cdc.gov)), Associate Director for Communications, OADC

Kate Galatas, Associate Deputy Director, OADC

## Type of Request (simple/complex)

All requests as complex unless it is absolutely clear that the request is simple (such as uranium miner requests).

HHS defines simple and complex FOIA requests as follows:

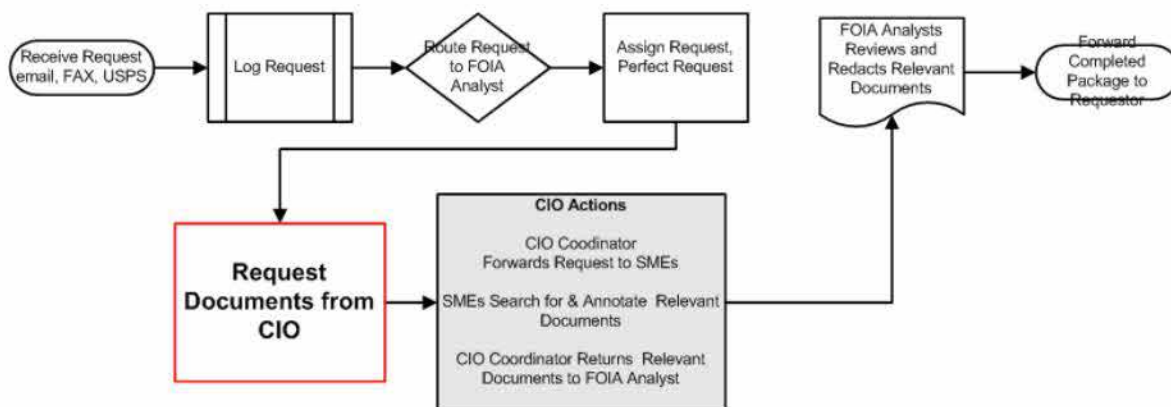
Simple Request - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.

Complex Request - a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

Before closing out a case, make sure the request type has the correct designation.



## Request for Documents



## Request Documents

- Does the scope of the request appear to be voluminous? If so, ask program staff to provide an upfront estimate of fees before producing any documents.
  - Which CIO should the request be routed to?
  - Does the requester have a fee limit? If so, ask program staff to provide upfront estimate of fees?
  - Interpret the request as narrowly as possible for routing purposes. Other programs can be added later if necessary.
  - Consult with Workstream Leads, as needed.
    - List of topics by CIO to help make assignments (See Appendix II for topics by CIO)
- 
- Click Action>Request for Documents.

**Prepare Email**

**New Request For Documents** Request #: 13-00560-FOIA

Request For Documents  
Request Date\* 05/24/2013  
Comments\*  
Due date\* 06/14/2013 Alert 0 days prior to Due date  
Priority\* Normal  
Location(s) Referred\*

Select All Program Offices

Location(s) (country or state):	Program Office	Phone Number	Web Site	Email Address	Request For Documents
Georgia	OWCD	404-498-6319	MS E94 Georgia United S...	owcd@cdc.gov	No
Georgia	PGO	770-488-2065	MS K98 Georgia United S...	pgoforeq@cdc.gov	No
Georgia	Privacy Act Coordinator	770-488-8524	MS F35 Georgia United S...	Privacy@cdc.gov	No
Georgia	PSC FOI	-	Maryland United States	foiarequest@psc.hhs.gov	No
Georgia	Viral Hep and STD	404-718-8739	MS E06 Georgia United S...	vgp@cdc.gov	No
Other	Other E-Mail	ken1@cdc.gov; ccy@cdc.gov			

Customize Correspondence Memo  
Memo Template Pending Memo (0)  
Select a Memo Template  
Subject\* Memo - Request for Documents - Request #: 13-00560  
Customize Email Template  
Email Template

Note: \* Fields are mandatory  
To request for documents, click on any of the following buttons:  
Prepare Email - sends memo and attached request letter.  
Print Request - prints memo and attached request letter.  
When an Email Template is selected, on selecting Prepare Email option the subject will be the customized value from Admin -> Correspondence Template -> Email Template.  
It is recommended to perform Request for Documents action only after a request has been successfully perfected.

- Enter Due Date as 15 working days from the date of receipt.
- Set Priority to Normal
- Select appropriate Program(s). If "Other" is selected, enter email address of responsible individual below.
- Select appropriate Memo Template
- Click Prepare Email

The email will populate.

**13-00560-FOIA - Send Email (Request for Documents)**

Memo Information

From Email Type: User Email, **Action Office Email**

From Email\*: foiarequests@cdc.gov

To Email\*: NCEZIDFOIARequests@cdc.gov

Cc Email: [Use ';' to separate mail addresses]

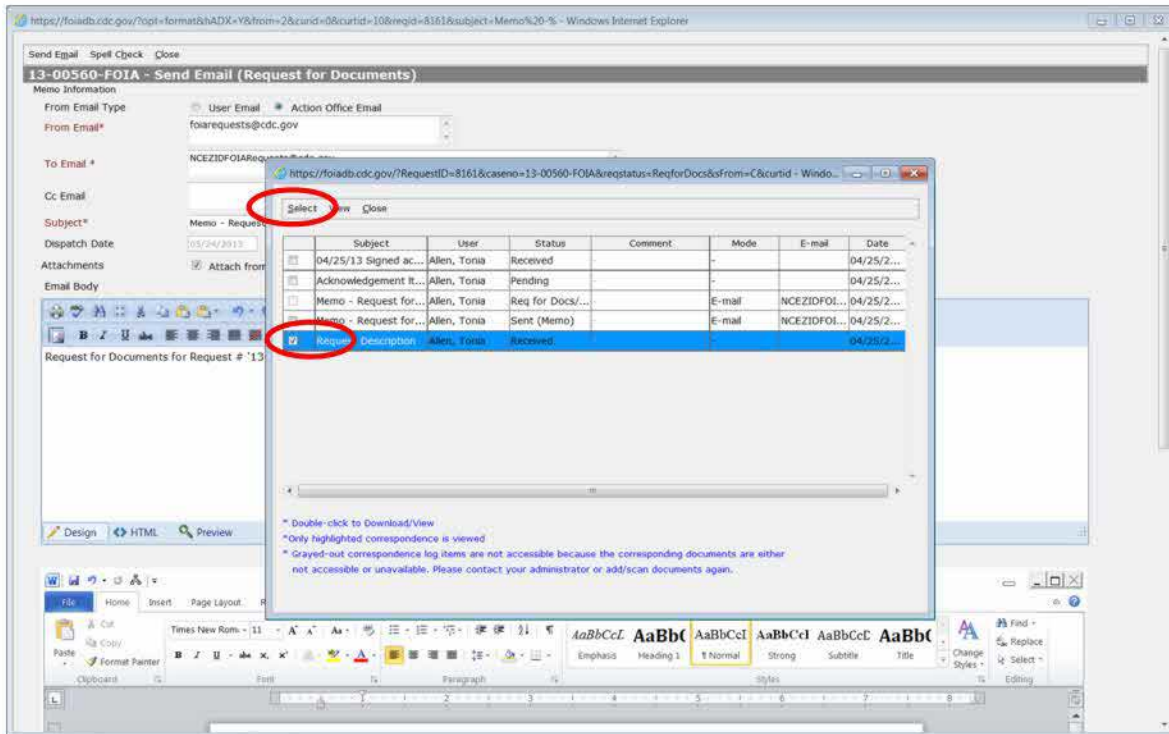
Subject\*: Memo - Request for Documents - Request #: 13-00560-FOIA

Dispatch Date: 06/14/2013

Attachments: **Attach** from Request Correspondence Log, Attach from Disk

Email Body: Request for Documents for Request # '13-00560-FOIA'. Due date: June 14, 2013.

- Change “From Email” field by selecting “Action Office Email” ([foiarequests@cdc.gov](mailto:foiarequests@cdc.gov))
- Check “attach from request correspondence log”
- Check “request description,” and click “select”
- This will load the request description into the email to send to the program(s)



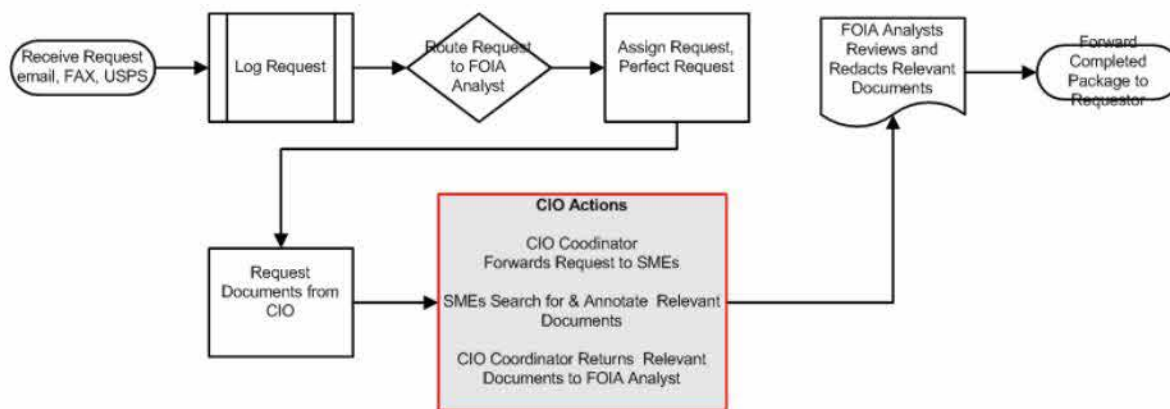
- Add any additional notes if applicable (see highlight below)







## Responsibilities of Program



### CIO Coordinator

- Receives incoming Requests for Documents
- Disseminates to Request for Documents to program staff or designated SME
- Tracks communications between program staff and FOIA staff
- Checks to make sure all areas that have been queried have provided completed forms (Response Sheet, Description of Search and Fee Invoice) and response documents before returning to the FOIA Office

**Response Sheet:** It is important to complete this form when responding to a FOIA request. The FOIA Office needs the information provided on this form to generate the response letter. The name and phone number of the employee who provided records and/or acted as the Subject Matter Expert (SME) should be indicated at the bottom in case the FOIA Office needs additional information.

**Adequacy of Search Form:** A fillable form is available in the "Forms" section of the CDC intranet. A thorough description of search must be provided by each person who performs a search of agency records. Provide as many details as possible. The information provided in this form may be used to defend CDC upon appeal or litigation. The Court of Appeals for the District of Columbia has held that "the adequacy of a FOIA search is generally determined not by the fruits of the search, but by the appropriateness of the methods used to carry out the search. The adequacy of an agency's search is judged by a test of "reasonableness," which will vary from case to case."

**Invoice for Fees:** A separate form (FOIA Invoice for Fees) is used to track the cost of the search. This form is also use should an estimate be necessary.

**Note:** If there will be a large volume of response documents and numerous staff hours devoted to search and review, please contact the FOIA Office for further guidance. It may be necessary to provide a cost estimate before proceeding with production of records. The requester may be required to pay fees up front.

**Follow up cover/cost sheet:** This form accompanies a follow-up FOIA request. Treat this form the same way you would treat the original transmittal sheet.





### **Subject Matter Expert (SME)**

- SMEs are not required to know which exemption applies.
- SME's will review response packages for documents that may contain material the release of which may cause "foreseeable harm" to an agency interest before they are released to the FOIA Office.
- If there is such harm, SME must fill out the SME Foreseeable Harm Assessment Form which should include a description of the records and foreseeable harm justification
- Provide a strong justification of the actual harm to the agency for each type of concern that you have
- Types of concerns that are frequently found within documents:
  - internal discussion/predecisional AND deliberative in nature
  - information controlled by MOU
  - protected by statute (such as select agent, stockpile, or assurance of confidentiality)
  - Attorney-client or attorney work product
  - Law Enforcement

### **Additional Documentation:**

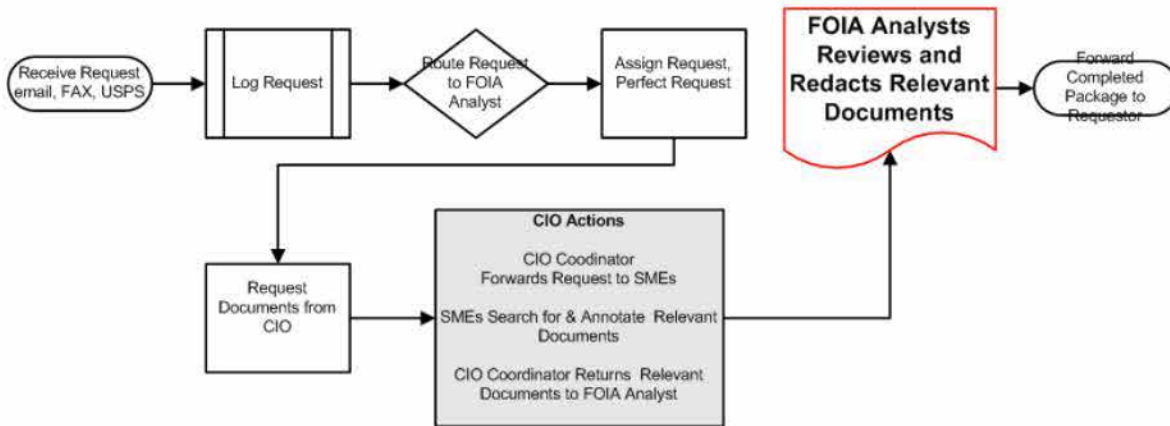
308(d) Assurances, MOAs, MOUs should be provided with the response package.

### **Using the FOIA Data Exchange System (FDES) – Under Development**

### **Uploading docs from Program to FOIA Office – Under Development**

### **Using Advanced Document Review (ADR) Feature of FOIAXpress – Under Development**

## Review and Redact Documents



## Managing Overdue Program Responses

- It is critical that we document when we must “re-request” documents from the program. The way this is done is by sending a reminder from FOIAXpress.
- For overdue program responses use Actions>Request for Documents>Highlight overdue program>Send Email/Reminder to send email reminder to the program office

The screenshot shows the FOIAXpress web application interface. The main content area displays a table titled "13-00695-FOIA - Request For Documents". The table has columns for ID, Requester, Request Date, Sent Date, Due date, Completed Date, Status, and Action(s). Two rows are visible, both of which are highlighted with a red oval. The first row has ID 21406, Requester W062105@CDIC.gov, Request Date 06/06/2013, Sent Date 06/06/2013, Due date 06/27/2013, Completed Date, Status Request for Documents Sent, and Action(s) Memo - Request for Documents. The second row has ID 23605, Requester [Redacted], Request Date 06/06/2013, Sent Date 06/06/2013, Due date 06/27/2013, Completed Date, Status Request for Documents Sent, and Action(s) Memo - Request for Documents. The interface also includes a left sidebar with various navigation options and a top navigation bar with links like Home, View, Delete, Refresh, Take Action, Send Email/Reminder, Send Reminder by Print, Action(s) Log, and Back.

ID	Requester	Request Date	Sent Date	Due date	Completed Date	Status	Action(s)
21406	W062105@CDIC.gov	06/06/2013	06/06/2013	06/27/2013		Request for Documents Sent	Memo - Request for Documents
23605	[Redacted]	06/06/2013	06/06/2013	06/27/2013		Request for Documents Sent	Memo - Request for Documents

Note: It is recommended to perform Request for Documents action only after a request has been successfully perfected.

- Select appropriate e-mail template
- Edit template as required
- Attach original/amended request
- Click Send Email/Reminder

https://wipvtfoia-app.cdc.gov/?id=23606&sent=1&opt=N&hADX=Y&from=2&cuid=0&curtid=0&reqid=8299& - Windows Internet Explorer

Send Email/ Reminder Global Address List Close

**13-00695-FOIA - Send Reminder by E-mail (Request for Document ID : 23606)**

Reminder Information

From Email Type: ☒ User Email ☐ User Action Office Email

From Email\*: ccy8@cdc.gov

To Email\*: NCEZIDFOIARequests@cdc.gov

Cc Email: [Use ';' to separate mail addresses]

Bcc Email: [Use ';' to separate mail addresses]

Subject\*: 13-00695-FOIA - Send Reminder by Email

Attachments: ☐ Delivery Receipt ☐ Read Receipt ☐ Attach from Request Correspondence Log

Email Template: [Dropdown Menu]

Email Body\*

[Rich Text Editor Toolbar: Paragraph St..., Font Name, Real..., Apply CSS Cl..., Custom Links, Zoom]

To find cases that have Requests for Documents that are Over Due navigate to: Reports>Custom> click “Request for Documents” radio button.

The screenshot shows a web browser window with the URL <https://vpptfoia-app.cdc.gov/FOIAExpress/main.aspx?screenwidth=1280&screenheight=1024>. The browser tabs show "FOIAExpress - User: cpo9". The application interface has a left sidebar with a menu containing: Requests, Retention, File Cabinet, Admin, Reports, Annual Reports, Custom Reports, Billing Reports, Request Mgmt Reports, Document Reports, and Audit Reports. The "Custom Reports" section is active. The main content area is titled "Custom Reports" and includes a "Sign Out" link. Under "Select Report Type", there are five radio buttons: Documents, Request For Documents (selected), Requesters, Requests, and Users. Below this is a "Select Report Criteria: None" dropdown menu. To the right of the dropdown are "Generate" and "Delete Criteria" buttons. A "Next" button is located at the bottom right. A note at the bottom states: "Note: Select a Report Type and a Report Criteria, click the Next button to customize and generate the report."

Select the appropriate report criteria and output fields. The key is to select “All Overdue Requests” in the Request status field. It will be useful to select Request ID, Program Office, and Due Date as output fields. A saved report will be added to the system to check overdue Request for Document – stay tuned.

The screenshot shows the 'Request For Documents Report' configuration interface. The left sidebar contains navigation links: Requests, Retention, File Cabinet, Admin, Reports, Annual Reports, Custom Reports, Billing Reports, Request Mgmt Reports, Document Reports, and Audit Reports. The main area is titled 'Request For Documents Report' and includes a 'Sign Out' link.

**Report Header Display Options:**

- ☒ Display on 1st page
- ☐ Display on all pages
- ☐ Do not display on any pages

**Select Options:**

- Group By:
- Action History: ☐
- Sort By: Processed Days
- Sort Order: Ascending

**Filter By:**

- Request Number:
- Action Officer:
- Requested between:  to
- Completed between:  to
- Action Office:

**[Action Office - Individual View]**

- ☒ Select All Program Offices

**Program Office:**

- 
- 
- 
- 
- 
- 

**Status:**

- 

**Request Status:**

- 
- 
- 
- 
- 
- 

**Request Type:**

- 
- 
- 
- 
- 

**Processed:**

- ☒ Processed
- ☐ Remaining

**Request Age:**

- 

**RFD Age:**

- 

**Completed:**

- 
- ☐ Default to today's date

**Custom Fields:**

- Request Information:
- Program Offices Queried:
- Initials of Processor:



The resulting report will resemble the screen shot below.

The screenshot shows a web browser window with the URL <https://vnpvftfoia-app.cdc.gov/FOIApress/main.aspx?scrwidth=1280&scrheight=1000>. The browser tabs show 'FOIApress - User: cpo9'. The application interface includes a sidebar with navigation options: Requests, Retention, File Cabinet, Admin, Reports, Annual Reports, Custom Reports, Billing Reports, Request Mgmt Reports, Document Reports, and Audit Reports. The main content area displays the 'Request For Documents Report' for the Centers for Disease Control and Prevention (1600 Clifton Road, NE, MS D-54, Atlanta, GA 30333). The report date is 04/03/2014 at 1:13:28 PM. The report contains a table with the following data:

Request ID	Program Office	Due date
07-00010-FOIA	NIOSH	10/06/2006
07-00021-FOIA	NIOSH	10/10/2006
07-00026-FOIA	MASO	10/11/2006
07-00027-FOIA	Other(Other(fmc4@cdc.gov))	10/11/2006
07-00031-FOIA	Other(Other(fmc4@cdc.gov))	11/02/2006
07-00033-FOIA	Other(Other(fmc4@cdc.gov))	10/12/2006
07-00038-FOIA	NCD	11/02/2006
07-00049-FOIA	NIOSH	11/07/2006
07-00065-FOIA	NIOSH	11/09/2006
07-00066-FOIA	NIOSH	11/09/2006
07-00069-FOIA	NIOSH	11/09/2006
07-00072-FOIA	Other(Other(foirequests@cdc.gov))	11/10/2006
07-00076-FOIA	NIOSH	11/14/2006
07-00082-FOIA	NCHS	11/09/2006
07-00083-FOIA	NIOSH	11/17/2006
07-00083-FOIA	Other(Other(EBrown1@cdc.gov))	11/17/2006
07-00083-FOIA	NIOSH	11/14/2006
07-00083-FOIA	Other(Other(EBrown1@cdc.gov))	11/14/2006
07-00084-FOIA	Other(Other(EBrown1@cdc.gov))	11/17/2006
07-00089-FOIA	Other(Other(MLandry@cdc.gov))	11/21/2006

Below the table, it states 'Total No of Request For Documents : 12182'. The page number is 'Page 1 of 610'.

NOTE: If you need to request additional information from the program, please enter a second Request for Documents Action in the system (see page 39). This is the only way we can document request for additional information.

## Check Program Response for Accuracy

- Make sure all required forms are completed
- Re-review incoming request to ensure documents are properly scoped
  - For no records responses perform brief intra/internet searches to confirm.
  - Are the response documents for the correct subject or the right contract/grant number? Peruse the entire package to get a sense of what documents you have and how you should proceed.
  - Are the response forms (CDC/ATSDR FOIA Response Sheet (this form is sent with the Request For Documents)) from the program(s) completed? Is cost information provided so that fees can be determined?
  - Has the program provided a copy of the assurance of confidentiality if the requested documents should be withheld under such an assurance? (Check with OGC before releasing information under an expired assurance of confidentiality.)

## Check Case File for Special Needs

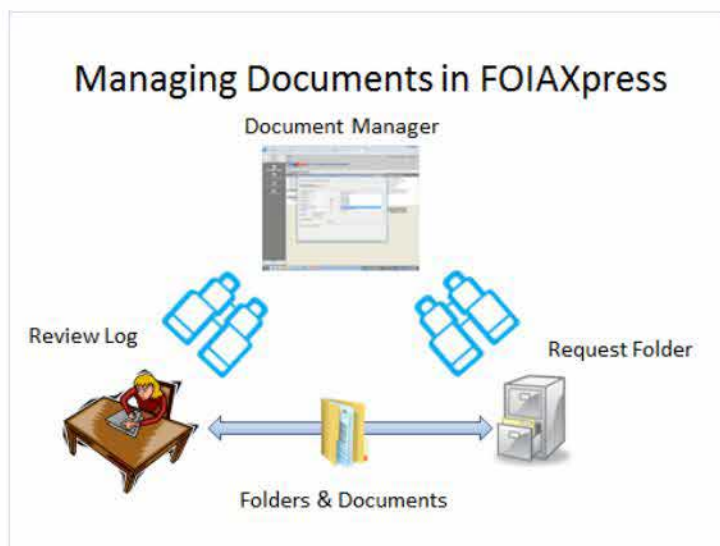
- Before any documents are reviewed, carefully read the request, any notes from the notes file, and any entries on the database. Then proceed through this checklist to ensure that all issues related to the request are handled (e.g. fee waivers, expedited processing, authorization, pre-disclosure notifications, fee delinquencies, and tolling).
  - Is this a sensitive response that requires an alert to the FOIA Officer, OGC, and/or the Division of Media Relations before mailing (e.g. Select Agent, Human Capital Resource Management Office, Equal Opportunity Office)?
  - Does OGC need to review the response because the program has used language that deviates from the correspondence boiler-plated language or because the subject is one of concern or sensitivity (i.e., Thimerosal, Autism, etc.)?
  - Does the requester have an unpaid invoice from a previous request? If so, it must be paid before the new request is processed.
  - Will there be fees? Did the requester set a limit for what he is willing to pay? If so, do the fees exceed his limit? Complete and check the invoice form against the program's cost sheet. Remember Category II and Category III requesters are entitled to some free stuff. Category I pay for everything. Remember that fees are not charged if they are under \$25 (except for special services, such as certification).
  - Is pre-payment necessary? Pre-payment is necessary if the fees are over \$250 for a Category I requester, if fees are over \$25 for a Category II or III requester, if the requester has set a limit for what he is willing to pay and fees exceed it, if the requester has a history of slow payment, or if the requester is denied a fee waiver.
- Checklist for Reviewers
  - Are the response documents for the correct subject or the right contract/grant number? Peruse the entire package to get a sense of what documents you have and how you should proceed.

- Are the response forms from the program(s) completed? Is cost information provided so that fees can be determined?
- Is this a sensitive response that requires an alert to the FOIA Officer, OGC, and/or the Division of Media Relations before mailing?
- Does OGC need to review the response because the program has used created language or because the subject is one of concern or sensitivity (i.e., thimerosal, autism, etc.)?
- Has the program provided a copy of the assurance of confidentiality if the requested documents should be withheld under such an assurance? (Check with OGC before releasing information under an expired assurance of confidentiality.)
- Does the requester have an unpaid invoice from a previous request? If so, it must be paid before the new request is processed.
- Will there be fees? Did the requester set a limit for what he is willing to pay? If so, do the fees exceed his limit? Complete and check the invoice form against the program's cost sheet. Remember Category II and Category III requesters are entitled to some free stuff. Category I pay for everything. Remember that fees are not charged if they are under \$25 (except for special services, such as certification).
- Is pre-payment necessary? Pre-payment is necessary if the fees are over \$250 for a Category I requester, if fees are over \$25 for a Category II or III requester, if the requester has set a limit for what he is willing to pay and fees exceed it, if the requester has a history of slow payment, or if the requester is denied a fee waiver.
- Does the requester want certified records? If so, be sure to charge \$10 for each document certified. OGC must certify the document(s) after you have completed your review. Be sure to tell OGC if the package is redacted; they word the affidavit differently. Charge a fee for certification even if there are no other fees and/or fees do not exceed the \$25 threshold. Certification is a special service which is always charged.
- Does the requester want a fee waiver? If so, make a determination concerning whether he qualifies (unless previously addressed) and write him about the fee waiver determination. If he is denied, send an invoice for the amount due on his request. Don't forget to give appeal rights when you deny a fee waiver.
- Does the requester need an authorization form for release of a third party's personal records, such as medical records? Is there a correct authorization form in the case folder? It should be specific to CDC, be signed and notarized and bear a notary seal. If the records are for a live minor, they can only be released to a health care provider. Medical records for a living person with AIDS must also be released to a health care provider. Has a health care provider's name and address been given? Write the requester to correct any problems found with the authorization form(s) before the case is reviewed.
- Is the request a referral from PHS or HHS and does the response need to be provided to that office for release to the requester?

- Is the request from a member of Congress? If so, be sure a copy of the response is provided to the DIMES Lead Executive Correspondence Specialist. Also, don't forget to use a special salutation in the letter.
- Is the request a subpoena from DeKalb County? If so, let OGC review the response before release.
- Have you addressed the response to the correct address? Check the database for the requester's individual data to verify the current address. The database manager is occasionally notified of address changes after a request is received and records the new address on the log. The address on the firm's letterhead may not be the most current address.

## Review Documents

### Working with documents in FOIAXpress



**Document Manager** – Think of Document Manager as the user interface to work with documents in FOIAXpress. From the Document Management interface you can manage documents and folders. **Any redactions or annotations to documents must be performed to documents that are in the Review Log.** If redactions or annotations are performed to documents directly within the Document Manager, FOIAXpress does not identify those pages as being reviewed and “Pages Reviewed” counts will not be accurate.

**Documents** – These are the material collected in response to a FOIA request and can be Word, Excel, pdf, or other file types.

**Folders** – Documents are contained in folders in FOIAXpress. Folders are associated with FOIA Requests and are moved back and forth between the Review Log and the Request Folder.

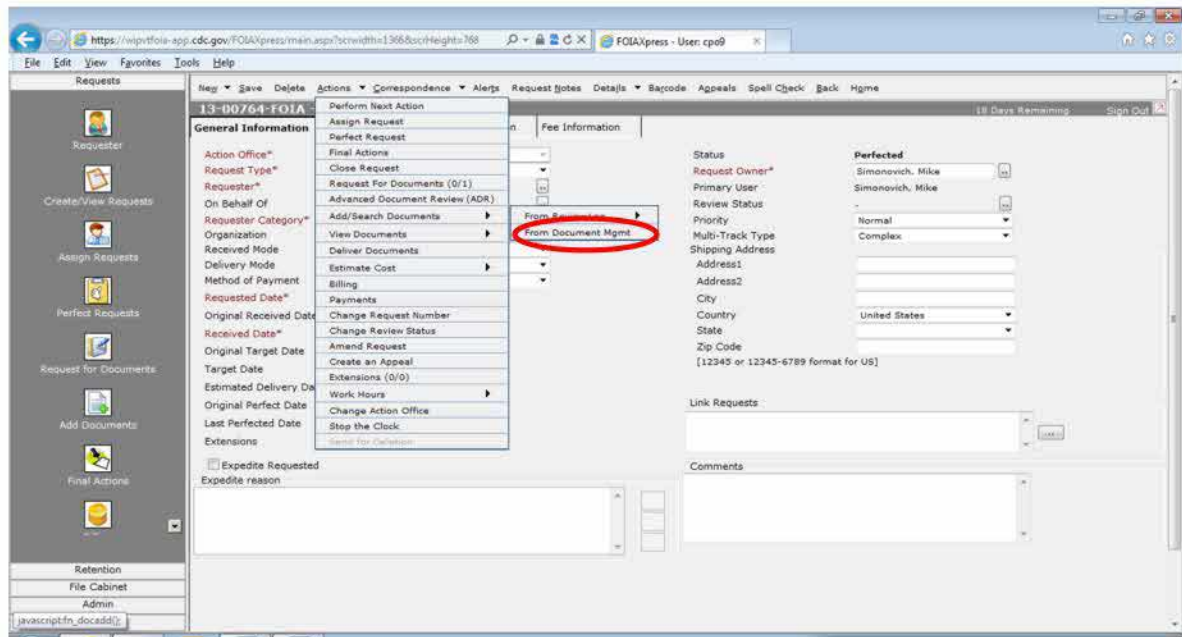
**Review Log** – Think of the Review Log as your desktop. This is where you place folders when you are working on the documents in the folder. NOTE: documents are to be redacted and notated when in the Review Log.

**Request Folder** – Think of the Request Folder as the file cabinet in FOIAXpress. When you are done working on a folder, place it into the Request Folder. This should be done at the end of every day. NOTE: documents *cannot* be redacted and notated when in the Request Folder.



## How to import documents into FOIAXpress

- From the “Actions” drop down list, hover over “Add/Search Documents”
- Click “From Document Mgmt”



- Select appropriate File Cabinet Drawer FY
- Click “New”



https://wipvtfoia-app.cdc.gov/?doaction=dmcaseview&from=request&RequestID=8373&CaseID=13-00764- - Windo...

Search **New** Clear Spell Check Close

**Folder Information** | Index Fields

General Information

Folder Name :

Action Office : HQ

Created Date :

Created By :

Request Information

Request # :

Added to ☒ Request Folder ☐ Review Log

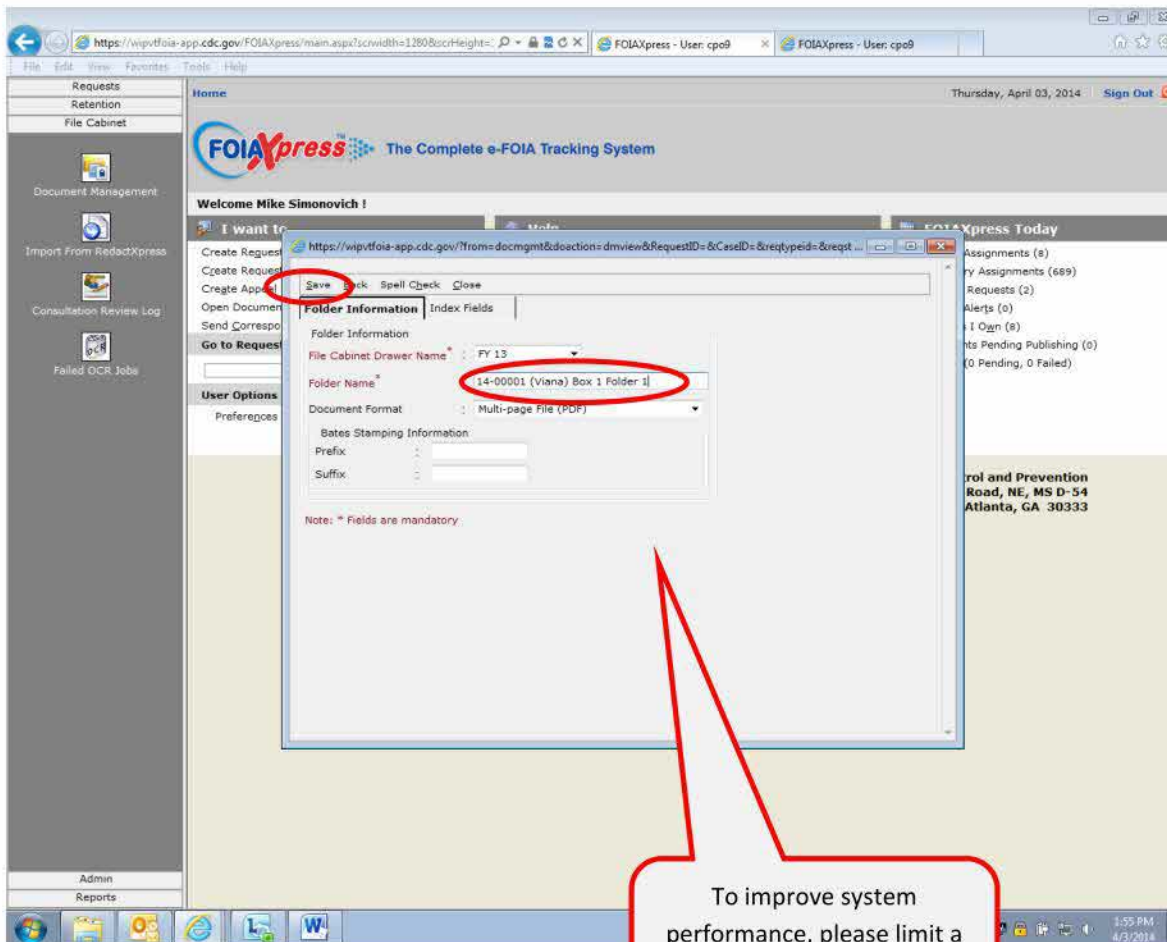
Full Text Search  -> ?

**File Cabinet Drawers \***

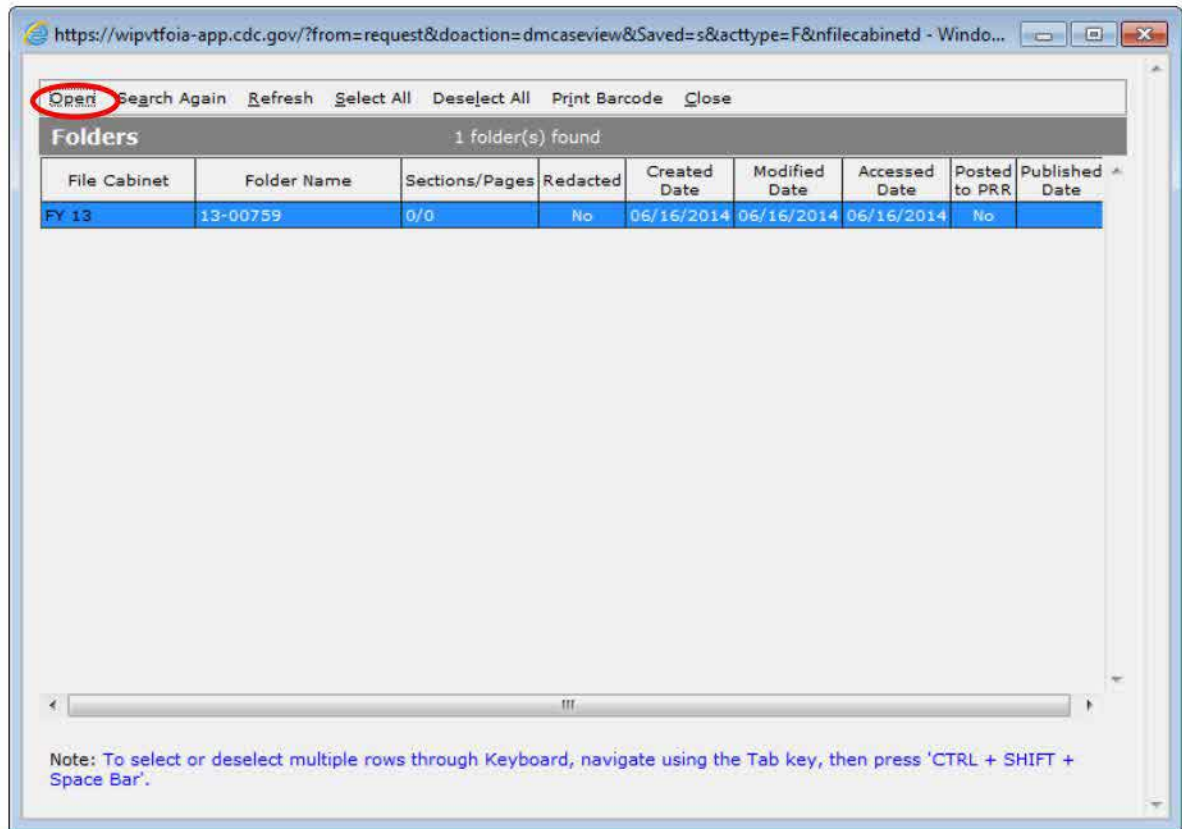
- FY 05 (10)
- FY 06 (20)
- FY 07 (221)
- FY 08 (215)
- FY 09 (283)
- FY 10 (333)
- FY 11 (524)
- FY 12 (470)
- FY 13 (242)**
- Public Packages (97)
- Temp (4)

Note: \* Fields are mandatory

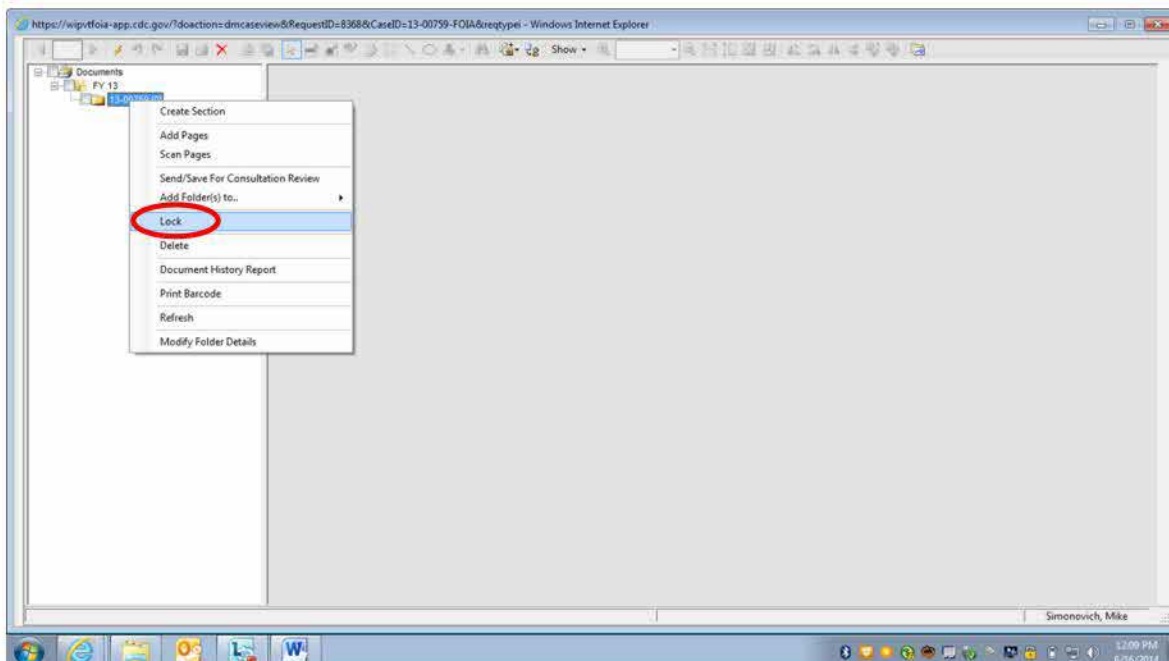
- Name the folder **"Request # (Requester Last Name) Sub folder name"**
  - Example 14-00001 (Viana) Box 1 Folder 1
  - Example 14-00001 (Viana) March-April 2012
  - Example 14-00001 (Viana) Contracts 200199999
- Click "Save"



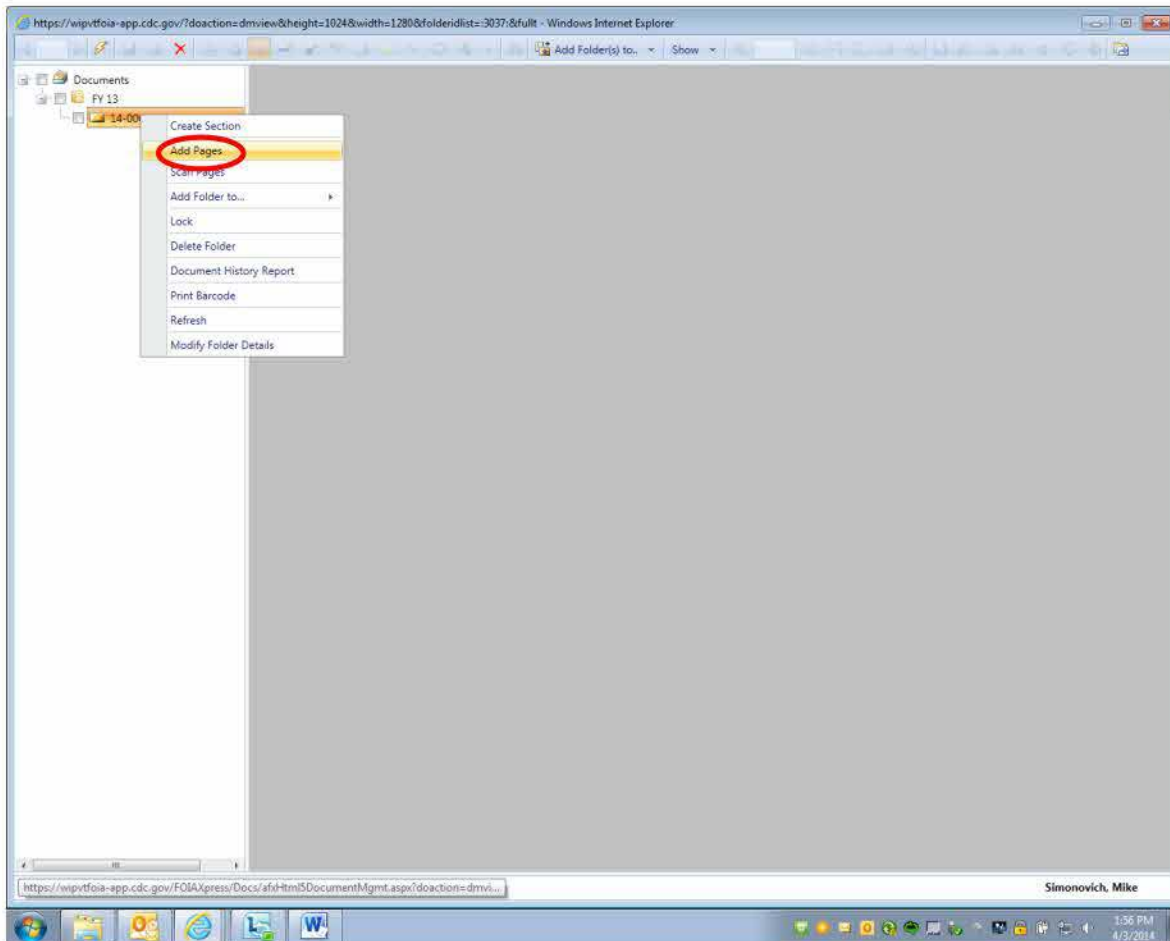
- Click Open



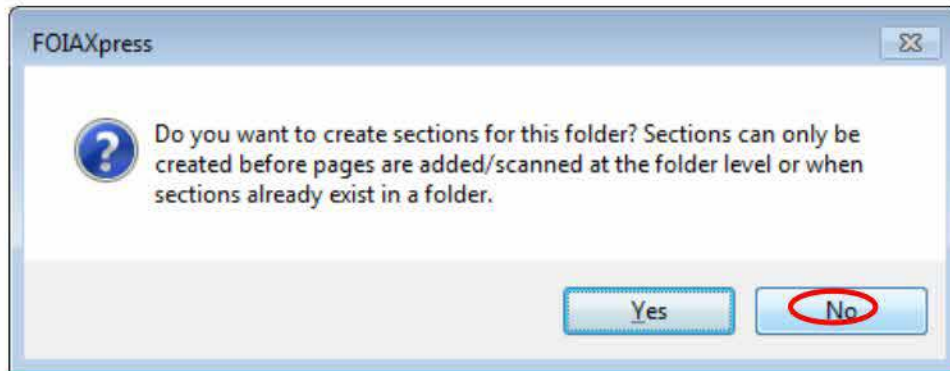
- Right click the folder, select "Lock"



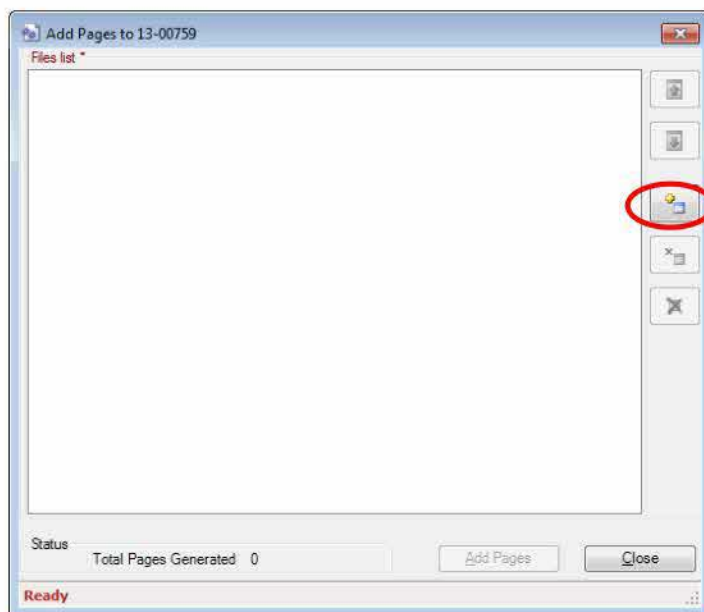
- Click “Add Pages”
  - The system will ask “Do you want to create sections for this folder?”
  - This step is optional, consult with your work stream leader.



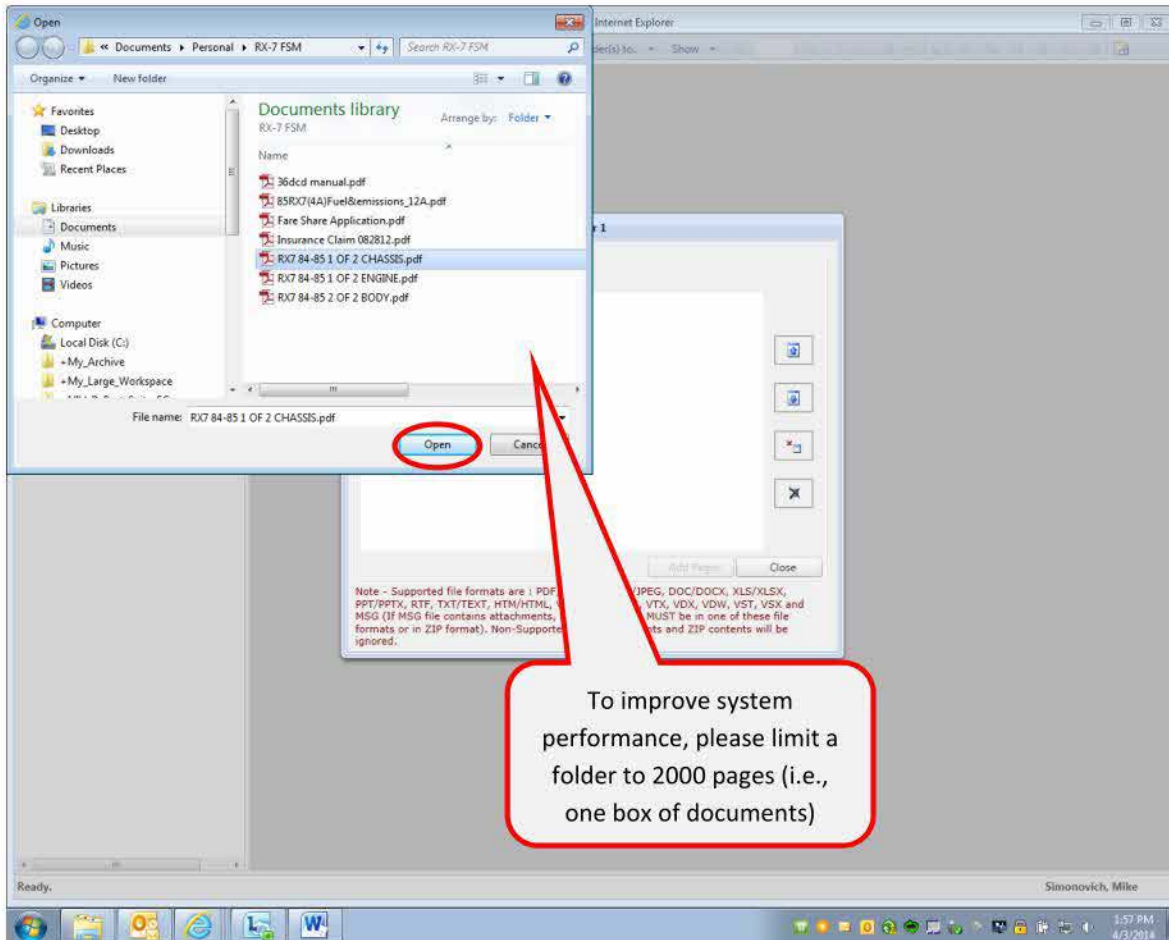
- Generally there is not a need to create “Sections”. However, Sections can be useful if you have multiple documents you would like to add into the same folder
- Click “No”, unless you want to create Sections.



- Left click the “+” symbol

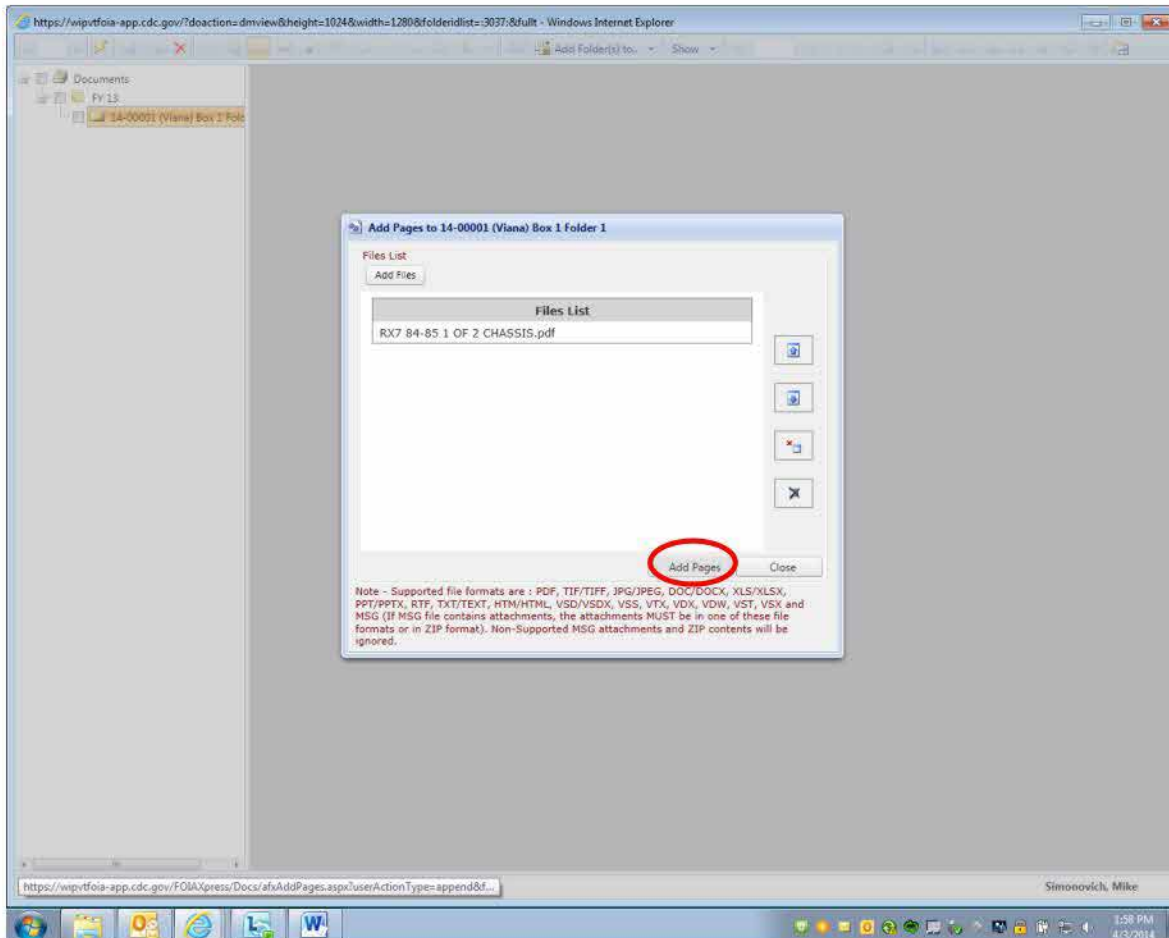


- Click Browse
- Find the folder where you previously saved the files(desktop, network drive)
- Highlight the files you wish to upload
- Click “Open”





- Reorder selected files into appropriate order
- Click Add Pages and confirm.
- Click Add Pages
- FOIAXpress will ask “Are you sure you want to add pages from the file list?”
- Click “Yes”
- When finished uploading, click OK



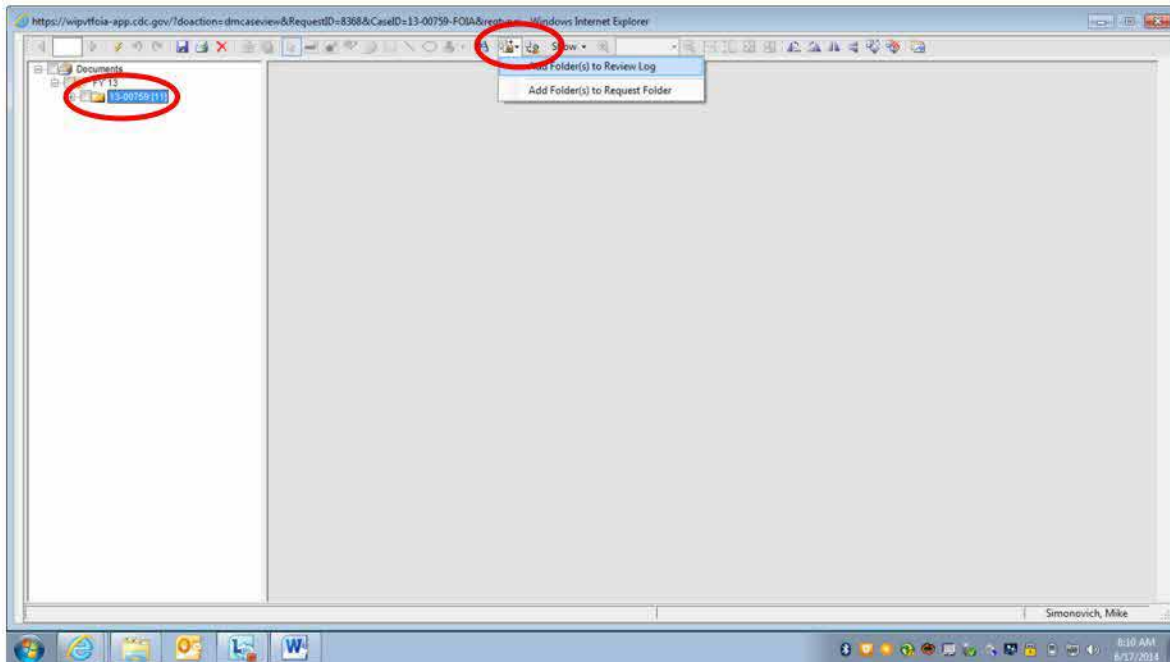
## Review Log

When working with documents it is critical that the documents are added to the Review Log.

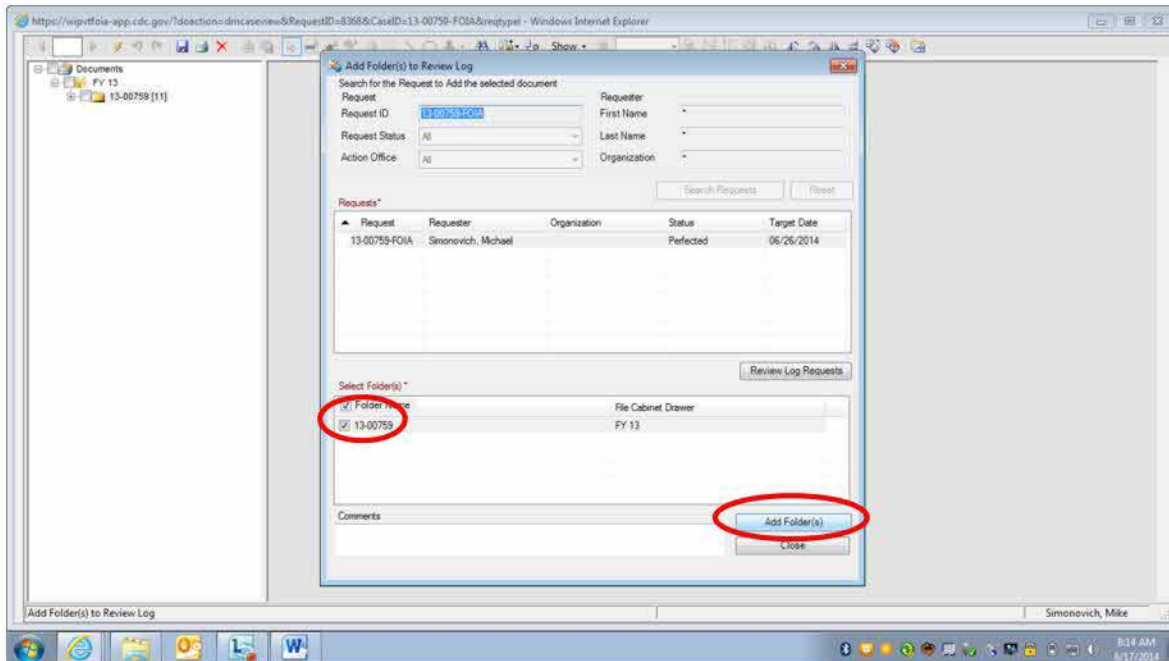
**Only documents added to the Review Log are to be redacted or annotated.**

To add documents to the Review Log do the following:

- Highlight the folder on the left hand navigation pane.
- Click the down arrow Click the “Add Folders” icon (see below).
- Click “Add Folder(s) to Review Log.



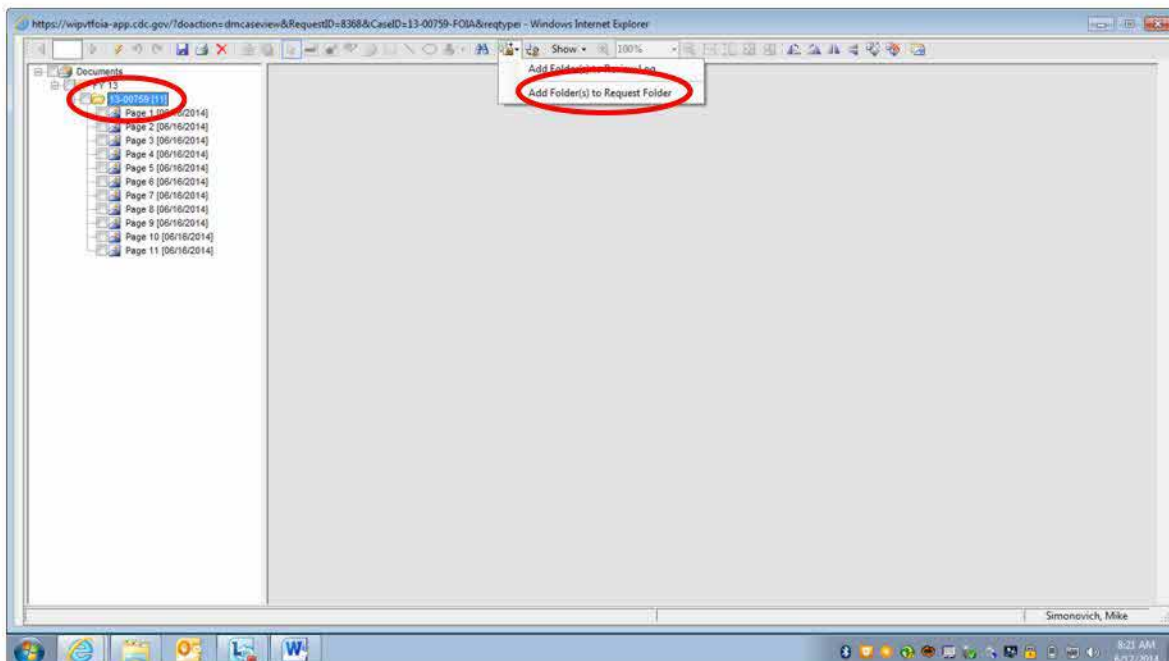
- Select the folder or folders you want to add to the Review Log by checking the appropriate check boxes.
- Click “Add Folders”.



## Request Folder

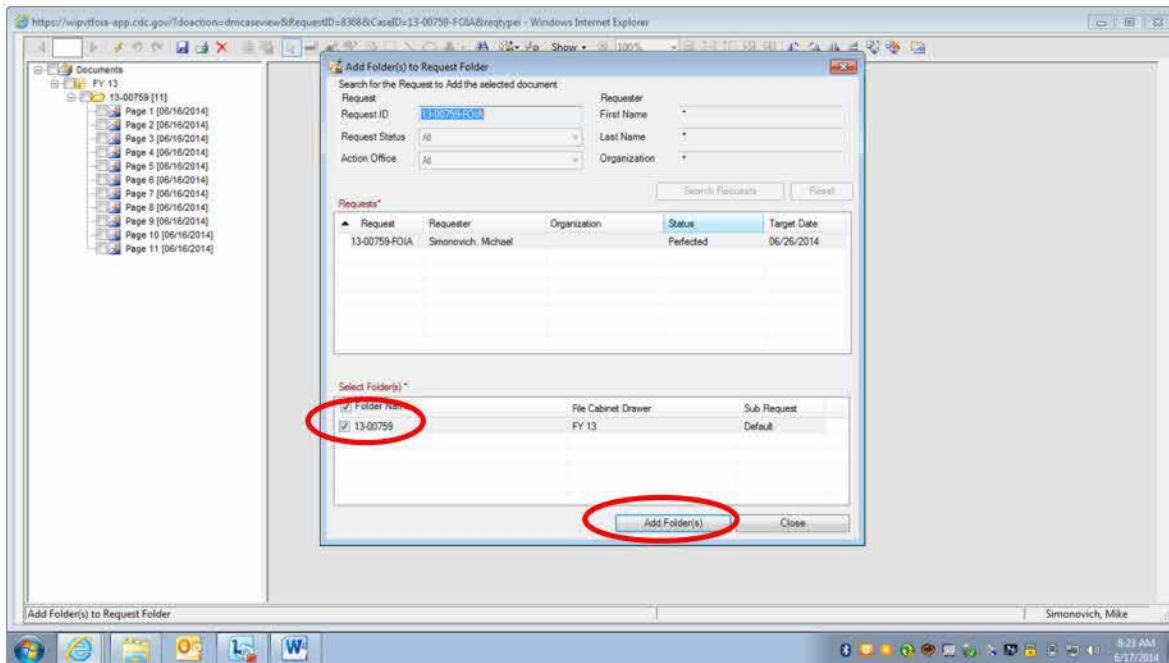
When you are finished working with documents it is critical to move the folders to the Request Folder. At the end of each working session in FOIAXpress all folders must be moved to the Request Folder.

- To move folders to the Request Folder highlight the folder in the left hand navigation pane.
- Click the "Add Folders" icon (see below).
- Click "Add Folder(s) to Request Folder."



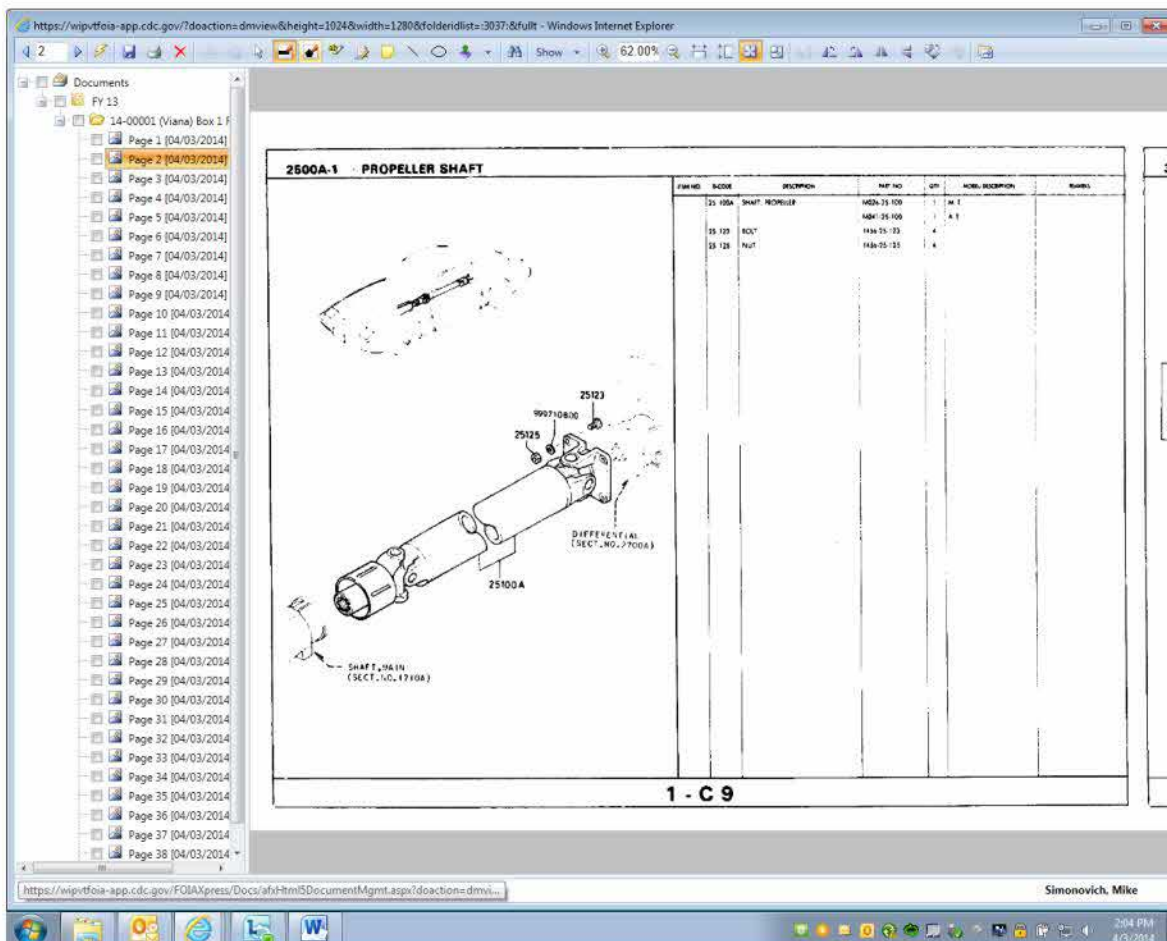
Select the folder or folders you want to add to the Review Log by checking the appropriate check boxes.

- Click “Add Folders”.

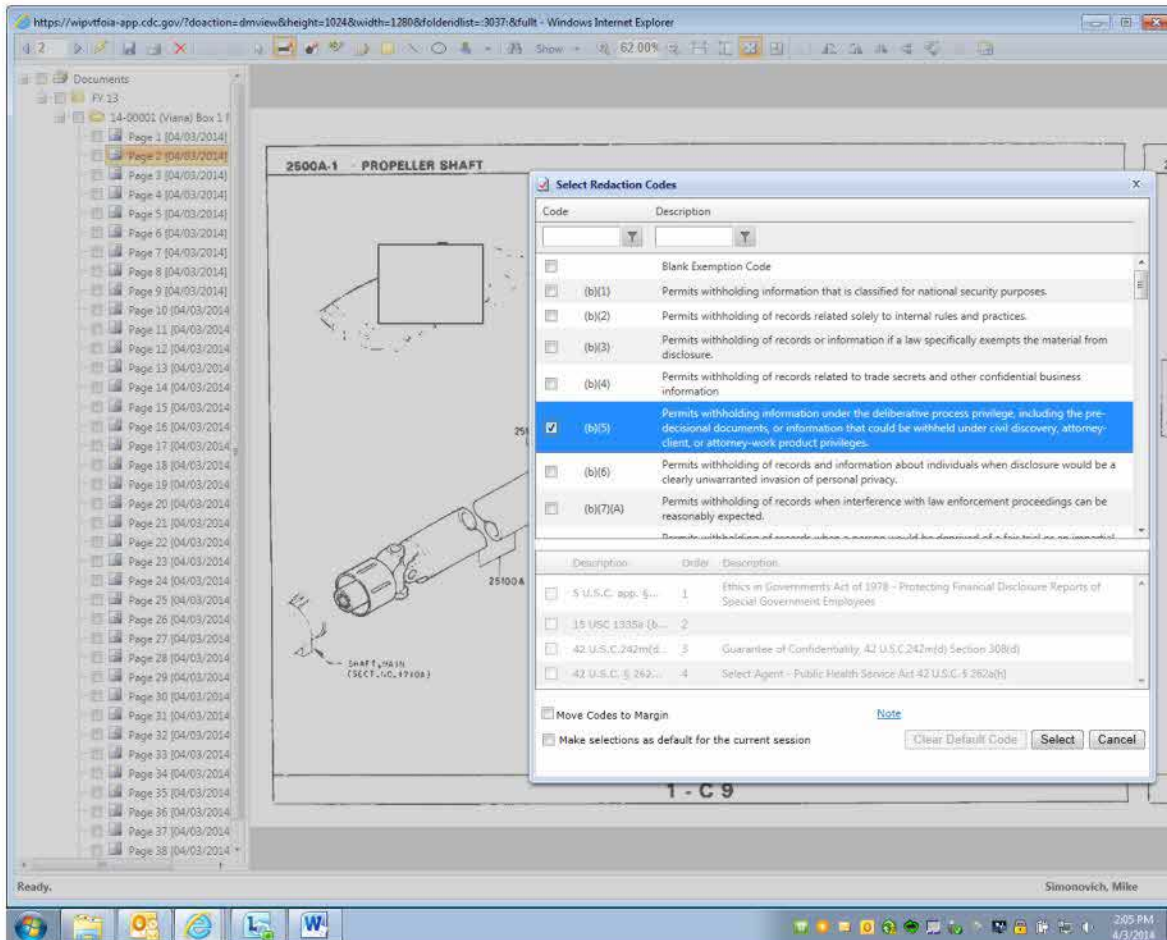


## Procedure to redact documents in FOIAXpress that preserves layers

- Select the redaction tool or polygon redaction mode by right clicking the page, or use the appropriate toolbar icon
- Use your mouse to click and drag to create a box. Polygon redaction mode uses clicks to draw



- Select the redaction code(s)
  - Default redaction code can be set from redaction code selection screen
- Select Ok

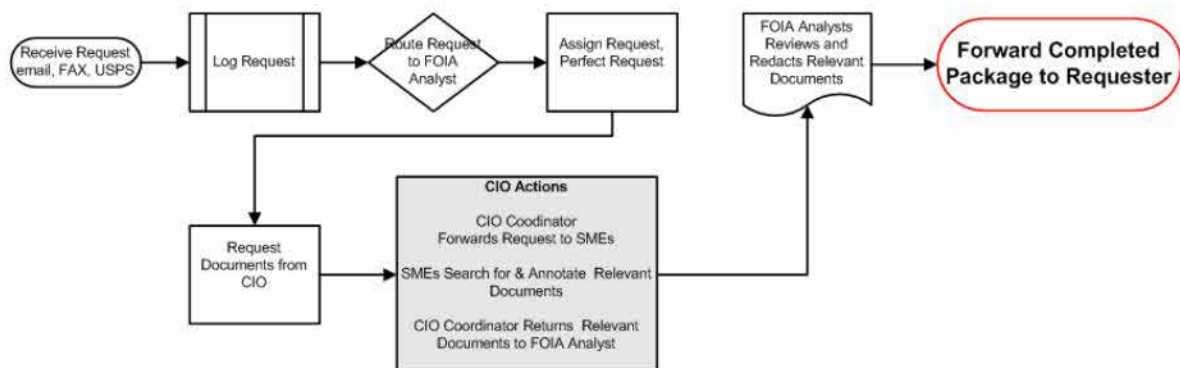


- If you need to change redaction code(s), right click redaction box, select “Redaction Code(s)” and select the new code.

- [Criteria for denial](http://www.justice.gov/oip/foia_guide09.htm) ([http://www.justice.gov/oip/foia\\_guide09.htm](http://www.justice.gov/oip/foia_guide09.htm))
- If there are any questions regarding the denial, check with Taffy or Bruno prior to sending out the final response.



## Respond to Requester



- Once the FOIA Analysts reviews and redacts relevant documents, he/or she will access the home screen in FOIA Xpress, select “Correspondence” and “Send”. From the drop down list of “Select Letter Template,” select the applicable template. The FOIA Analysts will be responsible for determining the appropriate language to include in their final determination letters (use Microsoft Word auto text for letter editing). Some examples may include the following types of letters:
  - Release documents in full (with or without fees)
  - CDC does not create or maintain
  - Release documents in part and provide appeal rights (with or without fees)
  - Withhold documents in full and provide appeal rights
  - No records and provide appeal rights
  - Referrals to other HHS components and/or other Federal Agencies
  - Fee Waivers
- Templates to use when responding to requester
  - See Appendix I for template letters
- Once a final determination has been made, the FOIA analyst should review the original request to determine the requester’s preference (e.g. paper files, electronic files, Microsoft Excel). Note: There are several file types that cannot be uploaded electronically (e.g. ARC-GIS files from ATSDR, SAS database files, Excel spreadsheets that are very large and when printed would be the equivalent of thousands of printed pages).
  - The ARC-GIS files from ATSDR do not have to be redacted, unless the program notes otherwise. Analysts should copy the files sent by ATSDR to a disc and send this disc to the requester. The original disc should be maintained in the paper case file. Enter a note in the database Comments field to reflect that the responsive records could not be loaded into FOIAXpress, but that a copy resides in the hard copy case file.
  - SAS databases may be provided electronically to requesters using the same process outlined above for ARC-GIS files. However, analysts should note any

program concerns about releasing any of the data fields. Analysts may also need to talk to SMEs in order to get a list of the data fields included in the SAS database. Should any part of an SAS database need redaction, the SME at the program will have to perform the redactions since the FOIA Office cannot open or manipulate SAS files. Consult with your work stream leader, and if needed, with the FOIA Officer, before directing the program to perform any redactions

- Large Excel files may be provided electronically to requesters using the same process outlined above for ARC-GIS files. If any rows or columns of the Excel spreadsheet need to be redacted, this should be done by the analyst. The entire row or column must be deleted. Do not merely “hide” the field! The name or type of the deleted field should be clearly indicated in the final response to the requester. Make sure what is released to the requester is the redacted version of the file. You should save both the “clean” file and the redacted file to the disc that is kept in the hard copy case file.
- NOTE: Some databases may be converted or exported to a more user-friendly platform, such as Excel. DO NOT agree to let the program do this UNLESS the SME is willing to send a written statement guaranteeing that the original data integrity is intact and no data, data fields, or data cells, have shifted during the migration.

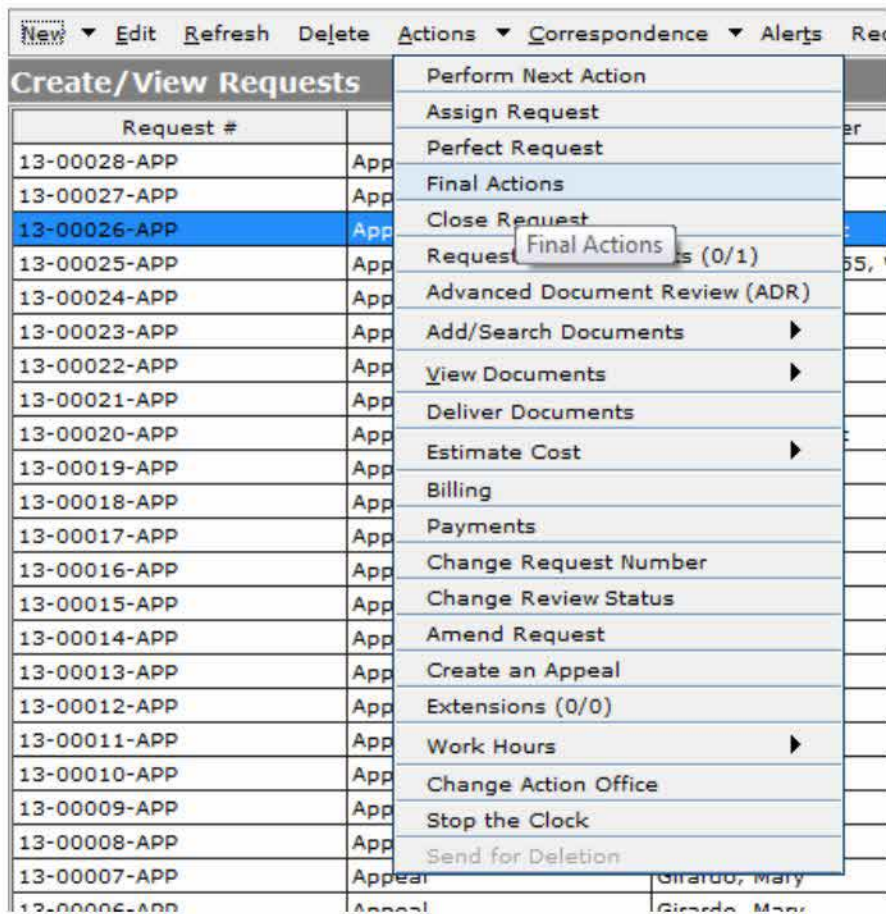
## Reporting Media Requests to CDC's Office of the Associate Director for Communications (OADC) – Part 2

- Once the Primary User completes document redaction and the Workstream Lead approves release, the Primary User will send a copy of the request and the responsive document set to OADC for review.
- Points of Contact and recipients of the email in OADC are:
  - Katherine Lyon Daniel ([KLD8@cdc.gov](mailto:KLD8@cdc.gov)), Associate Director for Communications, OADC
  - Kate Galatas, Associate Deputy Director, OADC
- This release communication to OADC should include the following:
  - Request Number
  - Responsive document set
  - Deadline for responses from OADC
  - Inform OADC that any questions or comments should be directed to:
    - FOIA Officer
    - Deputy FOIA Officer
    - Designee
- The Primary User should consult with the Workstream Lead in order to provide OADC with a realistic deadline for responding back to the FOIA Office with questions, comments, etc... this deadline will depend upon the complexity and scope of responsive document set.
- The Primary User and Workstream Lead should also confirm with the FOIA Officer to whom to list in the communication as POC for questions or comments.



## Working with Appeals

When you have finished your response to a FOIA appeal and sent it to PHS, you should click Actions>Final Actions.



Once you are in the Final Actions screen, you should double click the reason for the appeal (adequacy of search, partial denial, expedited processing, etc) under the “Description” heading.

Save Remove Final Actions View Documents Spell Check Back

### 13-00026-APP - Final Actions

Dates

Requested	: 05/22/2013	FOIAXpress Calculated Disposition	: -
Received	: 05/24/2013	Reportable Disposition*	: [v]
Target	: 06/24/2013		
Last Perfected	: 05/24/2013		
Disposition Accepted	: 09/17/2014		

Request Descriptions

Description	Action
appealing 2nd interim response to 12-00500, dated April 23, 2013	TBD

Double-click on each line item to update the "TBD" action.

In the pop up window the system opens, you should click into the drop down menu and select “Other Reasons”, select “Awaiting PHS Final Adjudication”, and then click apply at the top of the window. Now, back at the Final Actions screen, click save.



https://wipvtfoia-app.cdc.gov/?cmbid=Other Reasons&oaction=TBD&recdt=05/24/2013&Act=F&Category=- Windows Inter...

Apply Spell Check Close

Sub Request Information

Request Type: Appeal

Request #

Sub Request

Action: Completely Reversed/Remanded  
Completely Affirmed  
Partially Affirmed & Partially Reversed/Remanded  
**Other Reasons**

Action Date: 09/17/2014

Notes

**Other Reason**

Code	Description
<input type="checkbox"/> D(9)	No Action Taken
<input type="checkbox"/> DHS	DHS Record
<input type="checkbox"/> Out of Scope	Out of Scope
<input type="checkbox"/> IHS	IHS Record
<input type="checkbox"/> Referral - HHS	Referral to HHS
<input type="checkbox"/> Referral - PHS	Referral to PHS
<input type="checkbox"/> Referral - FDA	Referral to FDA
<input type="checkbox"/> Referral - NIH	Referral to NIH
<input type="checkbox"/> Scanning error	pages not scanned correctly
<input type="checkbox"/> Federal Subpoena	Federal Subpoena
<input type="checkbox"/> USPHS	USPHS Record
<input type="checkbox"/> DOI	DOI Record

Now that the Final Action has been completed, click Actions>Close request. Use the current date as the close out date. We will change it to the date of the final decision letter when PSC responds to the requester. Set the Review Status to "Awaiting PHS Final Adjudication", then click Save.

Save Spell Check Back

**13-00026-APP - Close Request**

Close Request Details

Request# : 13-00026-APP

Requester : McMahon, Robert

Organization : Eberly McMahon LLC

Fee Waiver : N/A

Fee Due : \$0

Received Date : 05/24/2013

Last Perfected Date : 05/24/2013

Disposition Accepted Date : 09/17/2014

**Closed Date\*** : 09/18/2014

Current Status : Disposition Accepted

Final Disposition : Other Reasons

Review Status : Awaiting PHS Final Adjudication

Multi-Track Type : **Complex**

No. of Pages Released\* : 0 Generated Count : 0

No. of Pages Reviewed\* : 0 Generated Count : 0

Notes :

### **Appeals Involving a Subsequent Release**

If your appeal requires a subsequent release:

- Release subsequent responsive documents
- Submit requester letter to PSC
- Change review status to “Awaiting PHS Final Adjudication” and “Close” the request
- PSC will contact the requester to see if the requester will withdraw (moot) the appeal
  - If yes, change the status to “Closed – Completely Affirmed”
  - If no, leave status as “Awaiting PHS Final Adjudication” and change Request Status to “Amended.” Work with PSC to close the appeal.



## Working with “Still Interested” Inquiries

According to the Department of Justice (DOJ) Office of Information Policy (OIP), a practice used by some FOIA offices is to reach out to FOIA requestors to determine if the requestor is still interested in receiving responsive documents to their FOIA request. This alleviates FOIA offices from expending effort in researching, redacting and reviewing responsive documents to a request that is no longer needed.

This communication with requestors does not replace any other communication with the requestor during processing of a FOIA request such as refining the scope of a request (perfecting) or informing a requestor that payment of a fee is required for a particular FOIA request.

According to the DOJ/OIP guidance on the subject, there are several guidelines that FOIA offices should follow in the use of “Still Interested” inquiries:

### Implementation Checklist for OIP Guidance on “Still-Interested” Inquiries

1. Ensure there are reasonable grounds to make a “still-interested” inquiry.
2. Absent good cause, do not make multiple “still-interested” inquiries.
3. Use requester’s preferred method of communication and in the absence of a preference, communicate by telephone or email as the default.
4. Memorialize any decision by a requester to withdraw a request that is conveyed by telephone by sending the requester a brief email or letter noting the withdrawal.
5. Provide requesters no less than thirty (30) working days to respond to the “still-interested” inquiry and ensure that there is a simple way to do so.
6. Advise the requester that if they elect not to respond to the inquiry, the request will be administratively closed at the conclusion of the designated time period (which must be at least 30 working days).
7. Prior to administratively closing a request based upon the lack of a response by the requester, make good faith efforts to reach out to the requester using multiple methods of communication.
8. In the event a requester responds to the “still- interested” inquiry within a reasonable time after the deadline has passed, reopen the request and place it back into the processing queue where it would have been.

*Updated July*

### Recommended process for making “Still Interested” inquiries

1. Anyone within the FOIA Office can make a recommendation to the CDC FOIA Officer to reach out to a requestor for a “Still Interested?” inquiry.
2. The CDC FOIA Office evaluates currently open FOIA requests.
  - Has the request been open an extraordinary amount of time?
  - Has the CDC FOIA Office released responsive documents related to another request?
  - Examine the request and search the FOIAXpress system for similar keywords.
3. The CDC FOIA Officer is the sole authority for approving reaching out to a requestor for a “Still Interested?” inquiry.
4. The person assigned to the “Still Interested” inquiry should examine the request to determine the preferred method of communicating.
5. The assigned FOIA staff person should contact the requestor via preferred method of communication.
  - If by letter, use the template in FOIAXpress.
  - If the preferred method of communication is telephone, once the assigned FOIA staff person gets an answer from the requestor), the assigned FOIA staff person should follow up with an email to the requestor as confirmation of the conversation and the requestor’s decision.

## Appendix I

### Correspondence Templates (Request)

Subject ... Type	Created By	Created Date
AAAA Request	Viana, Bruno	11/09/2006
Acknowledgement and Fee Waiver Request	Viana, Bruno	03/20/2007
Acknowledgement expedited processing requests Request	Hinchey, Kelly	02/11/2008
Acknowledgement Letter - Category 1 & 2 Request	Viana, Bruno	10/05/2006
Acknowledgement Letter - Category 3 Request	Viana, Bruno	10/05/2006
Acknowledgement referred from another agency Request	Hinchey, Kelly	05/08/2008
Authorization - Category 1 & 2 Request	Viana, Bruno	10/04/2006
Authorization - Category 3 Request	Viana, Bruno	10/04/2006
Cancellation duplicate request Request	Hinchey, Kelly	05/12/2008
Expedited Service Denial - All Categories Request	Viana, Bruno	10/05/2006
Expedited Service Denial - Media Request	Viana, Bruno	10/05/2006
Fee Waiver & Expedited Denial Category 1& 2-feeestimate Request	Viana, Bruno	10/05/2006
Fee Waiver & Expedited Denial Category 3-will provide cost est Request	Viana, Bruno	10/05/2006
Fee Waiver Denial - Category 1 & 2 Request	Viana, Bruno	10/05/2006
Fee Waiver Denial -Will Provide Cost Estimate-- Category 3 Request	Viana, Bruno	10/05/2006
Fee Waiver Denial with Fees" Category 3 Request	Viana, Bruno	10/05/2006
Forwarding to FDA Request	Hinchey, Kelly	04/21/2008
Forwarding to PHS Request	Hinchey, Kelly	04/21/2008

More Info - Category 1 & 2 Request	Viana, Bruno	10/17/2006
More Info - Category 3 Request	Viana, Bruno	10/17/2006
Narrow the Scope Letter Request	Norris, Taffy	11/27/2007
Not an Agency Record Request	Norris, Taffy	01/22/2008
PDN Request	Viana, Bruno	07/17/2008
PDN More Time Request	Viana, Bruno	07/17/2008
Pot pie auth Request	Hinchey, Kelly	04/04/2008
Prepay \$250 - Category 1 & 2 Request	Viana, Bruno	10/05/2006
Prepay \$250 - Category 3 Request	Viana, Bruno	10/05/2006
Prepay - Category III Request	Norris, Taffy	05/18/2007
Prove Media Status-freelance Request	Norris, Taffy	01/22/2007
Referral to FDA Request	Hinchey, Kelly	04/21/2008
Referral to PHS Request	Hinchey, Kelly	04/21/2008
Referral to Public Inquiries Request	Hinchey, Kelly	04/21/2008
Status - final review Request	Hinchey, Kelly	04/23/2008
Status - Program searching Request	Hinchey, Kelly	04/23/2008
Subpoena Letter - Category 1 & 2 Request	Viana, Bruno	10/17/2006
Subpoena Letter - Category 3 Request	Viana, Bruno	10/17/2006

## Appendix II

### Common Topics Handled by CDC Components Receiving FOIA Requests

#### OID

Infectious Diseases, including parasitic and vector-borne diseases  
Importation and quarantine of animals  
Food-borne outbreaks  
Immunization issues, including vaccine safety issues  
Deaths on cruise ships and outbreaks of vaccine-preventable illnesses on cruise ships  
investigations of infections caused by improper use of medical equipment, infected medicine/medical products, and/or improper procedures in medical center settings  
AIDS research/prevention

#### NIOSH

Medical records of uranium miners, beryllium miners, and energy plant workers who worked with radioactive substances  
B-reader and A-reader certifications  
Miner safety issues  
investigations of fire fighter fatalities  
Fire fighter safety issues  
investigations of occupational health hazards  
Medical records of workers at popcorn manufacturing plants

#### NCEH/ATSDR

Health consultations regarding environmental hazards (at Superfund sites, landfills, former or current manufacturing sites, etc.)  
Formaldehyde in FEMA trailers  
Toxicological profiles and their development  
Hazardous substances Lead-related issues Vessel sanitation  
Gastrointestinal illness outbreaks on cruise ships

#### OCSO

IRB (institutional Review Board) reviews/issues  
Scientific protocols  
Laboratory animal care and use



## NCCDPHP

Smoking and tobacco issues, including cigarette ingredients

Oral health, including some fluoridation issues

Assisted reproductive technology

Heart disease, cancer, and diabetes issues

Adolescent and school health

PGO Contracts

Grants

Cooperative agreements Task orders/modifications Purchase orders

## NCIPC

Violence prevention

Injury prevention

## NCBDDD

Birth defects Developmental disabilities Fetal alcohol syndrome Hereditary blood disorders

Thalidomide

## OPHPR

Select agent issues (except select agents used at CDC) Strategic National Stockpile

Emergency preparedness, including states' public health emergency preparedness

cooperative agreements

Permits to import etiological agents

## ETHICS

Financial disclosure forms (Form 450) Outside employment forms (Form 520)



## Appendix III

### Mailing Procedures

---Read through the letter to check for errors or omissions.

---Make sure all enclosures/attachments are with the original of the letter.

---Log out the request, making sure first to read the notes on the first screen to see if there are any special instructions and/or items still to be completed. For example, has a fee waiver request been addressed? Then go to the last screen and make sure that the initials of the reviewer are noted (on letters dealing with final actions). For interim responses, note the details in the "Notes" box on the first screen. For final responses, check to make sure that the request for documents action has been previously recorded. Then, complete the "Final Actions" and "Close Case". If the disposition of the case is "other reasons," make a note of what the reason is in the notes box on the "Close Case" screen before closing.

---For final letters closing a case, make at least three copies of the letter—one for the file, one for the reading file, and one for the program coordinator who provided the documents. If more than one program provided documents, make a copy of the letter for each program's coordinator.

---For final letters with an invoice, attach a copy of the invoice to the file copy, the reading file copy and the original of the letter. Make a copy of the letter only to send to the program coordinator, and make a copy of the invoice to put in the invoice binder. DO NOT FORGET THE INVOICE BINDER COPY. File the invoice binder copy in the correct lettered section alphabetically.

---For letters with an invoice for an upfront estimate and/or upfront billing because of the amount of the fee, make two copies of the letter and three copies of the invoice. Attach invoices to the file copy and the reading file copy (as well as to the original letter) and put the third invoice copy in the invoice binder in the front section for estimates and/or pre-payment. Put the file copy of the letter and invoice in a red folder, label with the case number and name (sticky note), and place in the pending file in the lower drawer (also known as the \$ drawer or money drawer). Pending until payment is received or more than thirty days have elapsed.

---For other interim letters (need for more information, correct authorization, narrowed scope, etc.) which require a response from the requester, make two copies—a reading file copy and a file copy which goes in the top pending file drawer in a red labeled folder until a response is received or the case is closed for non-response.

---Put the FOIA Office mailstop (D-.54) in the return address on all envelopes mailed. Appendix IV

## **Tips for Determining Where to Route a Request**

Many requests are routine and where to route them is easily determined. However, there are always new requests about subjects never requested before. If you're not sure where a request should go or even what the request is about, here are some tips about how to locate the appropriate area in CDC that would handle it.

### **Computer Searches**

If a scientific name is used in the request that is unfamiliar to you, go to [google.com](http://google.com) to determine what the name is. What you may have thought was an infectious disease could turn out to be a medical condition caused by an occupational hazard or a term related to an environmental hazard. Google is also useful if you are trying to determine whether another agency should handle the request instead of CDC.

Search CDC's intranet using a key word or words from the request to see what program may have documents listed pertaining to that subject. If you think you know which program should receive the request or have it narrowed down to two programs, search on the Center's/Program's website for the topic.

Search CDC's website. News releases from CDC posted on the website can show topics which may have prompted a request on a particular issue. Many items publicly available on the website are the subjects of requests by persons who did not search on [www.cdc.gov](http://www.cdc.gov) first.

### **Organizational Charts**

Organizational Charts for the National Centers or their components can reveal program units which deal with particular subjects that may not readily be associated with the name of that Center. Following this page are the organizational charts of some of the Centers with a variety of diverse functions. Studying the organizational charts may show you who will likely handle a topic. You may want to follow up by searching the Center's website for further verification.

### **Database Search**

Search FOIA Express by typing a key word or words in the subject box of the search screen followed by an asterisk. Previous requests on that same subject will be listed. Look at each one to determine which is most closely related to the new request and note where it was routed for documents.

## Appendix V

### Example Program Description of Documents and Cost Estimate

Type of Document (ex: email, Word, spreadsheet, presentation)	# of this Type	Est TOTAL # of pages	Topic	Description/Comments/Concerns
Documents	24	230	Background science	Literature searches (hepatitis, toxicology, pathology).
Documents	325	1810	Data/Analysis	Raw and identifiable data
Documents	27	82	EOC Planning	EOC never activated
Documents	55	245	Epi Aid: data	Documents potentially contain personally identifiable information
Documents	200	1240	Epi Aid: documents	Epi-1, Epi-2, OMB, IRB, protocol, report to Frieden, draft questionnaire, call for cases/case study was led and conducted by HI; different study than the outbreak investigation/Epi Aid
Documents	2	10	Hawaii case-control study	Paper was authored by HI with CDC co-authors; submitted by HI for publication but was rejected
Documents	170	700	HI paper: drafts and discussion	
Documents	125	345	Leadership	Info shared with CDC leadership
Documents	300	2750	National Surveillance	Surveillance done across the country to look for cases in states other than HI
Documents	130	515	Official communications	Epi-X, HAN-these are publicly available
Documents	90	1805	Other Federal Agencies: DOD	Documents may contain identifiable information
Documents	312	1384	Other Federal Agencies: FDA	
Documents	50	190	Other studies: NIH	Other studies explored, none have been started
Documents	6	30	Presentation	EIS conference abstracts, Tuesday Morning Seminar, 2-minute update, USPS Symposium,
Documents	35	260	Publication	MMWR/notes from the field
Documents	161	643	Study Ops: Conf Call, Sched etc.	Basic day to day ops: conf call and meeting scheduling, roles/responsibilities, field
<b>TOTAL</b>	<b>2012</b>	<b>12239</b>		

Type of Document (ex: email, Word, spreadsheet, presentation)	# of this Type	Est TOTAL # of pages	Topic	Description/Comments/Concerns
Email	450	2060	Background Science	Literature searches (hepatitis, toxicology, pathology),
Email	39	273	Clinical findings	clinical findings
Email	24	111	Communications development	Comm development
Email	1354	806	Data/Analysis	Discussion of and questions about data analysis
Email	410	1900	Epi Aid	Planning, execution, documentation related to the actual Epi Aid in HI
Email	63	360	Hawaii case-control study	Study was led and conducted by HI; different study than the outbreak investigation/Epi Aid
Email	63	265	HI Daily situation reports	SITREP originating from HI and shared with collaborating partners
Email	342	866	HI paper: drafts and discussion	Paper was authored by HI with CDC co-authors; submitted by HI for publication but was rejected
Email	45	210	International cases	CDC worked with WHO to identify cases in other countries; very few were found
Email	10	45	Leadership	Info shared with CDC leadership
Email	71	330	Medical Abstract	Data Collection
Email	688	4362	National surveillance	Surveillance done across the country to look for cases in states other than HI
Email	4	15	Official communications	Epi-X, HAN-these are publicly available

Email	250	1363	Other federal agencies: FDA	Other federal agencies: FDA
Email	266	1085	Other federal agencies: DOD	Discussion with and info about case finding among DOD staff
Email	65	455	Other possible studies: NIH	Discussion of possibility of other studies; none have been started
Email	44	240	Presentation	EIS conference abstracts, Tuesday Morning Seminar, 2-minute update, USPS Symposium, scheduling, roles/responsibilities, field assignment etc.
Email	1401	5249	Study Ops: Conf Call, Sched etc.	
<hr/>				
TOTAL	5589	19995		

Reset Form

Case No.: <b>14-00391</b>		<b>Invoice of Fees for Freedom of Information Act Services</b>				
Date of Invoice:		DEPARTMENT OF HEALTH & HUMAN SERVICES				
Requester's Name, Organization, and Address: John David Hart The Law Offices of John David Hart Wells Fargo Tower 201 Main Street, Suite 1720 Fort Worth, TX 76102		<b>Instructions:</b> 1. Please write the case number, shown at the top of this form, on your check or money order. 2. Make your check or money order payable to: <b>United States Department of Treasury.</b> 3. Return one copy of this form with your remittance. 4. Mail to: Centers for Disease Control and Prevention FMO/Debt Management Branch P.O. Box 15080 Atlanta, GA 30333 5. Payment is due within 30 days from the date of this invoice. Interest will be charged after the due date.				
Category: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3						
Service	No. of Items or Hours	Price per Item or Hour	Subtotal	Allowance (If applicable)	Total	
<b>Reproduction</b>	Standard Pages (10 1/2 x 11 or 10 1/2 x 14)	32,234	\$ .10/Page	\$3,223.40		\$3,223.40
	Other Reproduction	2	\$46.00	\$92.00		\$92.00
<b>Search Costs</b>	Rate 1 (GS 1-6)		\$23.00/hr.			
	Rate 2 (GS 9-14)	27.00	\$46.00/hr.	\$1,242.00		\$1,242.00
	Rate 3 (GS 15 & above)	3.00	\$83.00/hr.	\$249.00		\$249.00
<b>Review Costs</b>	Rate 1 (GS 1-6)		\$23.00/hr.			
	Rate 2 (GS 9-14)	229.00	\$46.00/hr.	\$10,534.00		\$10,534.00
	Rate 3 (GS 15 & above)	40.00	\$83.00/hr.	\$3,320.00		\$3,320.00
<b>Computer Costs</b>	Machine Time, Materials					
	Rate 1		\$23.00/hr.			
	Operator's Time or Search Time	97.00	\$46.00/hr.	\$4,462.00		\$4,462.00
	Rate 3	20.00	\$83.00/hr.	\$1,660.00		\$1,660.00
<b>Certification</b>			\$10.00 /ea.			
<b>Special Mailing Charges</b>						
			Pay Total of <span style="border-bottom: 1px solid black; display: inline-block; width: 100px;"></span>			
Person Preparing Invoice		Phone No. (770) 488-6399				
<b>Notes:</b> The people with documents are: Josh Schier, Art Chang, Rebecca Noe, Kevin Chatham-Stephens, Ethel Taylor, Johnni Daniel, and Stephanie Kieszak. They are Rate 2 category, GS9-14. Lauren Lewis is a GS 15. The types of documents found are emails, Word, spreadsheets, presentations and documents from other agencies. The attached spreadsheet is a description of the documents. Ms. Kieszak will copy files to CD which takes 2 hours.						

CDC 0.1227 (E), Revised January 2008, CDC Adobe Acrobat X, 3508 Electronic Version, July 2012

Print

Save Form



## Appendix VI

### The Freedom of Information Act, 5 U.S.C. § 552 As Amended By Public Law No. 110-175, 121 Stat. 2524

*Below is the foil text of the Freedom of Information Act in a form showing all amendments to the statute made by the "Openness Promotes Effectiveness in our National Government Act of 2007." All newly enacted provisions are in boldface type.*

§ 552. Public information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public-

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying-

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register;

(C) administrative staff manuals and instructions to staff that affect a member of the public;

(D) copies of all records, regardless of form or format, which have been released to any person under paragraph (3) and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and

(E) a general index of the records referred to under subparagraph (D);

unless the materials are promptly published and copies offered for sale. For records created on or after November 1, 1996, within one year after such date, each agency shall make such records available, including by computer telecommunications or, if computer telecommunications means have not been established by the agency, by other electronic means. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, staff manual, instruction, or copies of records referred to in subparagraph (D). However, in each case the justification for the deletion shall be explained fully in writing, and the extent of such deletion shall be indicated on the portion of the record which is made available or published, unless including that indication would harm an interest protected by the exemption in subsection (b) under which the deletion is made. If technically feasible, the extent of the deletion shall be indicated at the place in the record where the deletion was made. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of an index on request at a cost not to exceed the direct cost of duplication. Each agency shall make the index referred to in subparagraph (E) available by computer telecommunications by December 31, 1999. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if-

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.

(3)(A) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, and except as provided in subparagraph (E), each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

(B) In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible for purposes of this section.

(C) In responding under this paragraph to a request for records, an agency shall make reasonable efforts to search for the records in electronic form or format, except when such efforts would significantly interfere with the operation of the agency's automated information system.

(D) For purposes of this paragraph, the term "search" means to review, manually or by automated means, agency records for the purpose of locating those records which are responsive to a request.

(E) An agency, or part of an agency, that is an element of the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) shall not make any record available under this paragraph to--

(i) any government entity, other than a State, territory, commonwealth, or district of the United States, or any subdivision thereof; or

(ii) a representative of a government entity described in clause (i).

(4)(A)(i) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of requests under this section and establishing procedures and guidelines for determining when such fees should be waived or reduced. Such schedule shall conform to the guidelines which shall be promulgated, pursuant to notice and receipt of public comment, by the Director of the Office of Management and Budget and which shall provide for a uniform schedule of fees for all agencies.

(ii) Such agency regulations shall provide that-

(I) fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are requested for commercial use;

(II) fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research; or a representative of the news media; and

(III) for any request not described in (I) or (II), fees shall be limited to reasonable standard charges for document search and duplication.

In this clause, the term 'a representative of the news media' means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. In this clause, the term 'news' means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of 'news') who make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), such alternative media shall be considered to be news-media entities. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.

(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the

operations or activities of the government and is not primarily in the commercial interest of the requester.

(iv) Fee schedules shall provide for the recovery of only the direct costs of search, duplication, or review. Review costs shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed under this section and for the purposes of withholding any portions exempt from disclosure under this section. Review costs may not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section. No fee may be charged by any agency under this section-

(I) if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee; or

(II) for any request described in clause (ii)(II) or (III) of this subparagraph for the first two hours of search time or for the first one hundred pages of duplication.

(v) No agency may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed \$250.

(vi) Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records.

(vii) In any action by a requester regarding the waiver of fees under this section, the court shall determine the matter de novo: Provided, That the court's review of the matter shall be limited to the record before the agency.

**(viii) An agency shall not assess search fees (or in the case of a requester described under clause (ii)(II), duplication fees) under this subparagraph if the agency fails to comply with any time limit under paragraph (6), if no unusual or exceptional circumstances (as those terms are defined for purposes of paragraphs (6)(B) and (C), respectively) apply to the processing of the request. [Effective one year from date of enactment]**

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has



jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action. In addition to any other matters to which a court accords substantial weight; a court shall accord substantial weight to an affidavit of an agency concerning the agency's determination as to technical feasibility under paragraph (2)(C) and subsection (b) and reproducibility under paragraph (3)(B).

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause is shown.

[(D) Repealed. Pub. L. 98-620, title IV, Sec. 402(2), Nov. 8, 1984, 98 Stat. 3357.]

(E)(i) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(ii) For purposes of this subparagraph, a complainant has substantially prevailed if the complainant has obtained relief through either-

(I) a judicial order, or an enforceable written agreement or consent decree; or

(II) a voluntary or unilateral change in position by the agency, if the complainant's claim is not insubstantial.

(F)(i) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned



and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.

(ii) The Attorney General shall-

(I) notify the Special Counsel of each civil action described under the first sentence of clause (i); and

(II) annually submit a report to Congress on the number of such civil actions in the preceding year.

(iii) The Special Counsel shall annually submit a report to Congress on the actions taken by the Special Counsel under clause (i).

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

(5) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall-

(i) determine within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

The 20-day period under clause (i) shall commence on the date on which the request is first received by the appropriate component of the agency, but in any event not later than ten days after the request is first received by any component of the

agency that is designated in the agency's regulations under this section to receive requests under this section. The 20-day period shall not be tolled by the agency except-

(I) that the agency may make one request to the requester for information and toll the 20-day period while it is awaiting such information that it has reasonably requested from the requester under this section; or

(II) if necessary to clarify with the requester issues regarding fee assessment. In either case, the agency's receipt of the requester's response to the agency's request for information or clarification ends the tolling period.

(Effective one year from date of enactment]

(B)(i) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days, except as provided in clause (ii) of this subparagraph.

(ii) With respect to a request for which a written notice under clause (i) extends the time limits prescribed under clause (i) of subparagraph (A), the agency shall notify the person making the request if the request cannot be processed within the time limit specified in that clause and shall provide the person an opportunity to limit the scope of the request so that it may be processed within that time limit or an opportunity to arrange with the agency an alternative time frame for processing the request or a modified request. To aid the requester, each agency shall make available its FOIA Public Liaison, who shall assist in the resolution of any disputes between the requester and the agency. [Effective one year from date of enactment]. Refusal by the person to reasonably modify the request or arrange such an alternative time frame shall be considered as a factor in determining whether exceptional circumstances exist for purposes of subparagraph (C).

(iii) As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular requests-

(I) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(II) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(III) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(iv) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for the aggregation of certain requests by the same requestor, or by a group of requestors acting in concert, if the agency reasonably believes that such requests actually constitute a single request, which would otherwise satisfy the unusual circumstances specified in this subparagraph, and the requests involve clearly related matters. Multiple requests involving unrelated matters shall not be aggregated.

(C)(i) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

(ii) For purposes of this subparagraph, the term "exceptional circumstances" does not include a delay that results from a predictable agency workload of requests under this section, unless the agency demonstrates reasonable progress in reducing its backlog of pending requests.

(iii) Refusal by a person to reasonably modify the scope of a request or arrange an alternative time frame for processing a

request (or a modified request) under clause (ii) after being given an opportunity to do so by the agency to whom the person made the request shall be considered as a factor in determining whether exceptional circumstances exist for purposes of this subparagraph.

(D)(i) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for multitrack processing of requests for records based on the amount of work or time (or both) involved in processing requests.

(ii) Regulations under this subparagraph may provide a person making a request that does not qualify for the fastest multitrack processing an opportunity to limit the scope of the request in order to qualify for faster processing.

(iii) This subparagraph shall not be considered to affect the requirement under subparagraph (C) to exercise due diligence.

(E)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing for expedited processing of requests for records-

(I) in cases in which the person requesting the records demonstrates a compelling need; and

(II) in other cases determined by the agency.

(ii) Notwithstanding clause (i), regulations under this subparagraph must ensure-

(I) that a determination of whether to provide expedited processing shall be made, and notice of the determination shall be provided to the person making the request, within 10 days after the date of the request; and

(II) expeditious consideration of administrative appeals of such determinations of whether to provide expedited processing.

(iii) An agency shall process as soon as practicable any request for records to which the agency has granted expedited processing under this subparagraph. Agency action to deny or affirm denial of a request for expedited processing pursuant to this subparagraph, and failure by an agency to respond in a timely manner to such a request shall be subject to judicial review under paragraph (4),

except that the judicial review shall be based on the record before the agency at the time of the determination.

(iv) A district court of the United States shall not have jurisdiction to review an agency denial of expedited processing of a request for records after the agency has provided a complete response to the request.

(v) For purposes of this subparagraph, the term "compelling need" means-

(I) that a failure to obtain requested records on an expedited basis under this paragraph could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(II) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

(vi) A demonstration of a compelling need by a person making a request for expedited processing shall be made by a statement certified by such person to be true and correct to the best of such person's knowledge and belief.

(F) In denying a request for records, in whole or in part, an agency shall make a reasonable effort to estimate the volume of any requested matter the provision of which is denied, and shall provide any such estimate to the person making the request, unless providing such estimate would harm an interest protected by the exemption in subsection (b) pursuant to which the denial is made.

(7) Each agency shall-

(A) establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request; and

(B) establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including-

(i) the date on which the agency originally received the request; and

(ii) an estimated date on which the agency will complete action on the request.

[Effective one year from date of enactment]

(b) This section does not apply to matters that **are**-

(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;



(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection. The amount of information deleted, **and the exemption under which the deletion is made**, shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted, **and the exemption under which the deletion is made**, shall be indicated at the place in the record where such deletion is made.

(c)(1) Whenever a request is made which involves access to records described in subsection (b)(7)(A) **and**-

(A) the investigation or proceeding involves a possible violation of criminal law; and

(B) there is reason to believe that (i) the subject of the investigation or proceeding is not aware of its pendency, and (ii) disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings, the agency may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this section.

(2) Whenever informant records maintained by a criminal law enforcement agency under an informant's name or personal identifier are requested by a third party according to the informant's name or personal identifier, the agency may treat the records as not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed.

(3) Whenever a request is made which involves access to records maintained by the Federal Bureau of Investigation pertaining to foreign intelligence or counterintelligence, or international terrorism, and the existence of the records is classified information as provided in subsection (b)(1), the Bureau may, as long as the existence of the records remains classified information, treat the records as not subject to the requirements of this section.

(d) This section does not authorize the withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

(e)(1) On or before February 1 of each year, each agency shall submit to the Attorney General of the United States a report which shall cover the preceding fiscal year and which shall include-

(A) the number of determinations made by the agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

(B)(i) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information; and

(ii) a complete list of all statutes that the agency relies upon to authorize the agency to withhold information under subsection (b)(3), the number of occasions on which each statute was relied upon, a description of whether a court has upheld the decision of the agency to withhold information under each such statute, and a concise description of the scope of any information withheld;

(C) the number of requests for records pending before the agency as of September 30 of the preceding year, and the median and average number of days that such requests had been pending before the agency as of that date;

(D) the number of requests for records received by the agency and the number of requests which the agency processed;

(E) the median number of days taken by the agency to process different types of requests, based on the date on which the requests were received by the agency;

(F) the average number of days for the agency to respond to a request beginning on the date on which the request was received by the agency, the median number of days for the agency to respond to such requests, and the range in number of days for the agency to respond to such requests;

(G) based on the number of business days that have elapsed since each request was originally received by the agency-

(i) the number of requests for records to which the agency has responded with a determination within a period up to and including 20 days, and in 20-day increments up to and including 200 days;

(ii) the number of requests for records to which the agency has responded with a determination within a period greater than 200 days and less than 301 days;

(iii) the number of requests for records to which the agency has responded with a determination within a period greater than 300 days and less than 401 days; and

(iv) the number of requests for records to which the agency has responded with a determination within a period greater than 400 days;

(H) the average number of days for the agency to provide the granted information beginning on the date on which the request was originally filed, the median number of days for the agency to provide the granted information, and the range in number of days for the agency to provide the granted information;

(I) the median and average number of days for the agency to respond to administrative appeals based on the date on which the appeals originally were received by the agency, the highest number of business days taken by the agency to respond to an administrative appeal, and the lowest number of business days taken by the agency to respond to an administrative appeal;

(J) data on the 10 active requests with the earliest filing dates pending at each agency, including the amount of time that has elapsed since each request was originally received by the agency;

(K) data on the 10 active administrative appeals with the earliest filing dates pending before the agency as of September 30 of the preceding year, including the number of business days that have elapsed since the requests were originally received by the agency;

(L) the number of expedited review requests that are granted and denied, the average and median number of days for adjudicating expedited review requests, and the number adjudicated within the required 10 days;

(M) the number of fee waiver requests that are granted and denied, and the average and median number of days for adjudicating fee waiver determinations;

(N) the total amount of fees collected by the agency for processing requests; and

tG) (0) the number of full-time staff of the agency devoted to processing requests for records under this section, and the total amount expended by the agency for processing such requests.

**(2) Information in each report submitted under paragraph (1) shall be expressed in terms of each principal component of the agency and for the agency overall.**

(3) Each agency shall make each such report available to the public including by computer telecommunications, or if computer telecommunications means have not been established by the agency, by other electronic means. **In addition, each agency shall make the raw statistical data used in its reports available electronically to the public upon request.**

(4) The Attorney General of the United States shall make each report which has been made available by electronic means available at a single electronic access point. The Attorney General of the United States shall notify the Chairman and ranking minority member of the Committee on Government Reform and Oversight of the House of Representatives and the Chairman and ranking minority member of the Committees on Governmental Affairs and the Judiciary of the Senate, no later than April 1 of the year in which each such report is issued, that such reports are available by electronic means.

f41 (5) The Attorney General of the United States, in consultation with the Director of the Office of Management and Budget, shall develop reporting and performance guidelines in connection with reports required by this subsection by October 1, 1997, and may establish additional requirements for such reports as the Attorney General determines may be useful.

fB (6) The Attorney General of the United States shall submit an annual report on or before April of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subparagraphs (E), (F), and (G) of subsection (a)(4). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(f) For purposes of this section, the term-

(I) "agency" as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

(2) "record" and any other term used in this section in reference to information includes any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format.

(2) 'record' and any other term used in this section in reference to information includes-

(A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and

(B) any information described under subparagraph (A) that is maintained for an agency by an entity under Government contract, for the purposes of records management.

(g) The head of each agency shall prepare and make publicly available upon request, reference material or a guide for requesting records or information from the agency, subject to the exemptions in subsection (b), including-

(1) an index of all major information systems of the agency;

(2) a description of major information and record locator systems maintained by the agency; and

(3) a handbook for obtaining various types and categories of public information from the agency pursuant to chapter 35 of title 44, and under this section.

(h)(1) There is established the Office of Government Information Services within the National Archives and Records Administration.

(2) The Office of Government Information Services shall-

(A) review policies and procedures of administrative agencies under this section;

(B) review compliance with this section by administrative agencies; and

(C) recommend policy changes to Congress and the President to improve the administration of this section.

(3) The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under this section and administrative agencies as a non-exclusive alternative to

litigation and, at the discretion of the Office, may issue advisory opinions if mediation has not resolved the dispute.

(i) The Government Accountability Office shall conduct audits of administrative agencies on the implementation of this section and issue reports detailing the results of such audits.

(j) Each agency shall designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

(k) The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency-

(1) have agency-wide responsibility for efficient and appropriate compliance with this section;

(2) monitor implementation of this section throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing this section;

(3) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of this section;

(4) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing this section;

(5) facilitate public understanding of the purposes of the statutory exemptions of this section by including concise descriptions of the exemptions in both the agency's handbook issued under subsection (g), and the agency's annual report on this section, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply; and

(6) designate one or more FOIA Public Liaisons.

(l) FOIA Public Liaisons shall report to the agency Chief FOIA Officer and shall serve as supervisory officials to whom a requester under this section can raise concerns about the service the requester has received from the FOIA Requester Center, following an initial response from the FOIA Requester Center Staff. FOIA Public Liaisons shall be responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.



# *FOIA Office Standard Operating Procedures for Administrative Appeals*

Version 1.1

07/22/2015

## VERSION HISTORY

Version #	Drafted By	Draft Date	Approved By	Approval Date	Reason
1.0	Dan Riedford	06/25/2015			Initial version
1.1	Dan Riedford	07/22/2015			Incorporate FOIA Office edits and comments

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# Background

The **Freedom of Information Act (FOIA)** provides members of the general public with a right to access records produced, collected, and/or maintained by Executive Branch agencies of the Federal government. Under the provisions of the FOIA, any individual, partnership, corporation, or public or private organization, regardless of nationality, may submit a request for documents produced or collected by CDC.

## EXEMPTIONS

However, there are some important limitations to this right of public access. The FOIA identifies nine types of documents that are **exempt** from its requirements for disclosure:

- 1) classified national defense and foreign relations information,
- 2) internal agency personnel rules and practices,
- 3) information that is prohibited from disclosure by another law,
- 4) trade secrets and other confidential commercial information,
- 5) inter-agency or intra-agency communications that are protected by legal privileges,
- 6) information that would invade someone's personal privacy,
- 7) certain information compiled for law enforcement purposes,
- 8) information relating to the supervision of financial institutions, and
- 9) geological information on wells

## WITHOLDING

When a request for documents is received by CDC's FOIA Office, the appropriate Center(s), Institute(s) or Office(s) (CIO) is/are asked to search their records for materials covered by the request. If any of the records identified in response to a request contain information that is protected from disclosure by one of the FOIA's nine exemptions, the FOIA Office redacts those portions of the records. If a request is denied in whole or in part, the FOIA Office provides the requester with an estimate of the amount of material withheld and the reason(s) for the denial. Sometimes CDC cannot locate any records in response to a request. In those cases, the FOIA Office will inform the requester that no records responsive to the request could be found.

## BACKLOG

While CDC makes every effort to respond to FOIA requests as quickly as possible, CDC's FOIA Office is currently operating under a backlog. Federal courts have held that an agency operating under a backlog may process FOIA requests on a first-in, first-out basis, provided it assigns a reasonable portion of its staff to work on the backlog. The FOIA also allows an agency to set up processing queues so that simple requests do not have to wait to be handled because a more complicated request was received by the agency first.



## FEES

Agencies are allowed to recover part of the costs associated with their processing of FOIA requests by assessing fees that have been established by the Office of Management and Budget (OMB). Requesters are placed into three categories for the purpose of assessing fees:

- 1) Commercial Organization
- 2) Education or Non-commercial Scientific/News Media
- 3) All Others

## Administrative Appeals

A requester who is dissatisfied with any element of CDC's response to his or her request can file an administrative appeal with HHS. Depending upon the CDC action or determination with which the requester is dissatisfied, an appeal can be filed at any time during the processing of his or her request. However, an appeal must be filed no later than 30 calendar days after CDC's final determination is sent to the requester. If the 30<sup>th</sup> day falls on a weekend or holiday, the requester is given until the next business day to file an appeal. All appeals must be in writing, but they may be sent either via regular mail or e-mail. There is no fee or cost incurred by the requester for filing an appeal.

## GROUNDINGS FOR APPEAL

Grounds for appeal include:

- CDC's refusal to release a record, either in whole or in part
- The adequacy of CDC's search because
- A final determination has been made that CDC has no responsive records, or
- The requester believes that CDC's response did not capture all responsive records
- CDC's determination that a record being sought is not subject to the FOIA provisions for release because
- The record is available from the Federal government under a different statute that sets a fee for its release, or
- The record is routinely distributed as part of a regular Federal government program's activities, such as a PHS health education brochure
- CDC's denial of a request for expedited processing
- CDC's failure to respond to the FOIA request in a timely manner (constructive denial)
- CDC's denial of a fee waiver request

## INTAKE: HHS

According to the HHS Departmental FOIA Regulations, HHS must provide a response to the requester within 20 working (business) days after it receives his or her appeal. The Division of FOIA Services in the HHS Program Support Center (PSC) is responsible for reviewing and responding to any appeal filed by a requester who is dissatisfied with the FOIA response he or she has received from CDC or from any of the other Public Health Service (PHS) agencies. When an appeal is received, the PSC logs it in using a PSC FOIA appeal number in the format of: **PSC – XX – XXXX –A**. This format is similar to the one that is used to track CDC FOIA requests, with the first two-digits of the number indicating the fiscal year in which the appeal is received and the remaining (four) digits of the number representing its chronological order in relation to all the FOIA appeals received by the PSC during that year; the addition of the letter “**A**” at the end indicates that it is an appeal. It should always be kept in mind, however, that the PSC appeal number **is not** the same as either:

- 1) the original identification number that CDC had assigned to the underlying FOIA request, or
- 2) the identification number that CDC will assign to the FOIA appeal

While this may seem like a minor detail, failure to keep it in mind can nonetheless create needless confusion and/or delay when discussing a requester’s appeal, either verbally or in writing, with others in the FOIA Office, the CIO, OGC, or the PSC.

## INTAKE: CDC

Once the appeal has been logged in by PSC staff, a copy of it will be relayed to CDC’s FOIA Office via either regular mail or e-mail, depending on the format in which the appeal was received by HHS. The PSC FOIA appeal will be routed to the work stream leader in whose area of responsibility the original FOIA request occurred; he or she will then assign the appeal to be handled by an analyst on his or her team. Unless the work stream leader has already entered the appeal into the **FOIAXpress** system, the first step the analyst should take after receiving an administrative appeal is to log it in.

## LOG IN THE APPEAL

- 1) Open **FOIAXpress**.
  - Under the heading “**I want to . .**” select **Create an Appeal**. The **New Appeal** screen will appear:



- 2) Start by filling in all relevant data fields under the **General Information** tab. If necessary, refer to the underlying FOIA request and/or the FOIA appeal document from the PSC to ensure that the information you enter in all the data fields is correct.
  - The **Request Type** chosen from the drop-down menu should be “Appeal”
  - The **Appeal Sub-Type** chosen from the drop-down menu should match the basis for appeal identified by the requester. If you are unsure of which Sub-Type applies, or if none of the options in the menu seems to match the basis for the appeal stated by the requester, check with your work stream leader.
  - The **Requester** should be the same person who made the underlying (initial) request and who is listed in **FOIAXpress** in connection with it. Particularly when the initial requester was a reporter or researcher, the appeal request may come from someone else in his or her organization – an attorney, editor, or administrator. However, the initial requester should continue to be listed on all appeal-related documents and forms. Additionally, if the requester does represent an organization, the information you enter in the **On Behalf Of** data field should be the same as was listed for the underlying request. (This does not apply if the requester is an individual asking for documents on behalf of himself or herself)
  - The **Requester Category** chosen from the drop-down menu should also match the one listed in the initial request.
  - It is critically important that the **only** information listed in the **Reference** data field be the underlying (initial) FOIA request number assigned by CDC to the matter that is now the subject of the appeal you are handling. The PSC appeal number or any other identifier **should not** be listed here.
  - The **Received Mode** and the **Delivery Mode** will generally be the same, but may vary if circumstances (or the requester) dictate the use of alternate means of delivery.

- The **Requested Date** is the actual date of the requester's appeal. In many (but not all) circumstances, particularly when the appeal is made via e-mail, the **Original Received Date** and the **Received Date** will be the same as the **Requested Date**. However, the **Original Received Date** and the **Received Date** should **always** match each other and should **always** match the PSC date stamp on the appeal request document you receive. The date that the PSC receives an appeal, rather than the date that a requester sends it, is when the clock starts in regard to the agency's duty to provide a response to the appeal. This can be an important consideration if the requester submits an appeal by mail and there is a significant time lag between when he or she sends it and when it is received by the PSC.
  - Similarly, a single day should be listed under **Original Target Date**, **Target Date**, and **Estimated Delivery Date**; it should be 20 working (business) days after the day that appears as the **Original Received Date** and as the **Received Date**.
  - Your name should automatically be listed by **FOIAXpress** in the **Request Owner** data field if you enter the appeal information. Check with your work stream leader if someone's name is listed.
  - Generally, the correct choice in the drop-down menu for **Priority** will be "Normal." Your work stream leader will inform you if a different choice is appropriate for the appeal you are handling.
  - The choice you make in the drop-down menu for **Multi-Track Type** should match the designation for the underlying FOIA request. Your work stream leader will inform you if a different designation should be used for the appeal you are handling.
  - Carefully check the information listed in all of the **Shipping Address** data fields to insure that it is current and matches the address listed on the requester's appeal. The requester may have moved since making the initial request, or may have asked to have the requested documents delivered somewhere other than the address he or she listed on the appeal request. If you have any question or concern about the proper address to enter, check with you work stream leader.
  - Generally, it will not be necessary to enter any information in the **Link Requests** data box, since the underlying (initial) FOIA request number should be listed in the **Reference** data field. The **Link Requests** data box should only be used in special circumstances as identified by your work stream leader.
  - The **Comments** section should list the PSC FOIA appeal number as a reference for any future questions or communication with the PSC.
- 3) In most cases, you will not need to check or enter any data under the **Custom Fields** tab. Only custom fields that have been specifically enabled for the appeal you are handling will appear there; in such circumstances, you will receive instructions from your work stream leader about how to proceed.
- 4) Under the **Appeal Information** tab:
- The basis for the requester's appeal should be listed in the first (upper) data box
  - This tab also provides spaces to indicate any modifications agreed to by the requester in order to facilitate the processing of his or her request (date range boxes and lower data box) and to list any alternate contact information he or she has provided.



- If you have a copy of the requester's appeal in electronic form, you should click on the paper clip button (on the far right of the screen) to attach the appeal document to the **FOIAXpress** appeal file. If you have only a hard copy of the appeal, scan and save it, then attach it.
- 5) The **Fee Information** tab is only relevant if the appeal pertains to CDC's denial of a Fee Waiver request. Check with your work stream leader about what, if anything, to enter under this tab if the appeal does involve a Fee Waiver denial.
- 6) If you need to close out the **New Appeal** screen before you have finished filling out all of the relevant data fields, be sure to click on **Save** in the banner of options listed at the top of the screen before you leave the page. If you fail to do so, any information you have made will be lost. Similarly, be sure to save the page after you have entered all relevant data.

After you have entered and saved information in all the relevant data fields, **FOIAXpress** will create a new CDC request number for the appeal in the format of **XX-XXXXX-APP**. As is the case with an initial CDC FOIA request or a PSC FOIA appeal, the first two digits of the number indicate the fiscal year in which the appeal is received and the remaining (five) digits of the number represent its chronological order of receipt in relation to all the FOIA appeals received by CDC during that year; similar to, but different from the approach used by the PSC, CDC uses the letters "**APP**" to indicate that the number designates an appeal. As has already been noted above, the appeal number will be entirely **new** and **different** from **both** the CDC FOIA initial request number **and** the PSC FOIA appeal number. Again, this fact should always be kept in mind when communicating with others about the appeal.

## NOTIFY OGC AND FOIA OFFICE MANAGEMENT

After the analyst has logged the appeal into **FOIAXpress** and the system has assigned a number to the appeal, the analyst should e-mail it as an attachment to Senior Attorney Kenya Ford in CDC's Office of General Counsel (OGC); the FOIA Office Director and Deputy Director should also be copied. The e-mail should provide the following three pieces of identifying information:

- 1) the CDC FOIA Appeal request number,
- 2) the PSC FOIA Appeal request number, and
- 3) the CDC FOIA request number for the underlying (initial) request for documents.

OGC is responsible for preparing and assembling the appeal response document that is sent to the PSC on behalf of CDC. As part of that process, OGC drafts the legal arguments in support of the FOIA Office's position. In order to provide a timely and persuasive response to the appeal, OGC relies upon CDC's FOIA Office to provide a written summary of the relevant administrative history to date, copies of all documents in the administrative record, and a brief explanation of:

- 1) the action (or inaction) about which the requester has filed the appeal, and
- 2) the factual, policy, and/or statutory basis for that (in)action

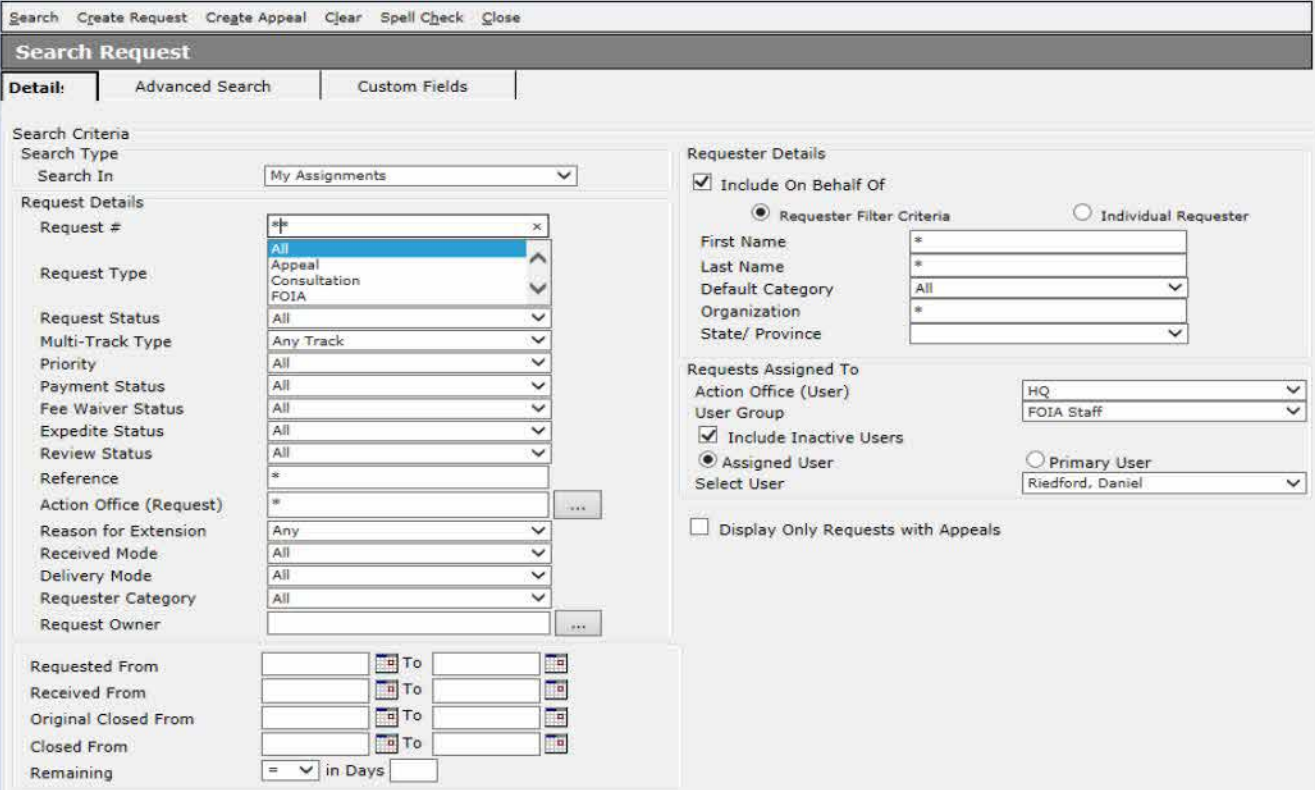
In some cases, OGC may also rely upon the FOIA Office to state why the relief requested is impractical, unreasonable, or impossible to provide. All of this material must be provided to OGC before it can begin the process of preparing CDC's defense. As noted above, HHS has only 20 days to respond to a FOIA appeal; this means that CDC's timeframe for providing a defense to the PSC is even shorter. Consequently, an analyst who receives an administrative appeal to process should immediately inform his or her work stream leader of any issues that could potentially affect the timely preparation and production of relevant materials for OGC.

## REVIEW THE APPEAL

Before processing an administrative appeal, the analyst should first carefully read the appeal document forwarded by the PSC FOIA Office. The analyst should completely understand both the nature of the requester's complaint and the action he or she wants HHS to have CDC take to resolve that complaint. If there is any question about either the meaning of the complaint or of the relief requested, the analyst should raise the question with his or her work stream leader and obtain guidance about how to proceed.

If your work stream leader logged in the appeal before assigning it to you, your next step after reviewing the document should be to ensure that the **FOIAExpress** log-in process has been completed.

- 1) Open **FOIAExpress** and go to **Requests > Create/View Requests** in the navigation bar.
  - The **Search** screen will appear:



**Note:** \* are used for wild card searching.  
Search displays the number of matching records as specified in Admin > Configuration > Request > Maximum number of requests to be returned by request search.

- Enter the appeal number on the **Request #** box and choose **Appeal** in the drop-down menu for **Request Type**. Click on **Search** in the banner at the top of the screen.
- A screen like this should appear:



- 2) Check to make sure that the appeal number in the bright blue line of information at the top of the screen matches the number for the appeal you have been assigned to handle. If it doesn't, consult your work stream leader.
  - If the numbers do match, double click anywhere on the bright blue line.
  - An **Appeal** screen should appear:

- 3) Under the **General Information** tab, check to make sure that the information entered in all the data fields is correct. Follow the same checklist outlined on pages 3 through 5 above.
  - Similarly verify the information listed under the **Appeal Information** tab, consistent with the instructions on page 5 above.

- As noted above on page 5, there will generally not be any need to enter information under the **Fee Information** or **Custom Information** tabs. Your work stream leader will tell you if any of the data fields under these tabs are relevant to the appeal you are handling.
- If you make any changes or additions to the information listed under one or more of the tabs on the **Appeal** screen, be sure to click on **Save** in the banner of options listed at the top of the screen before you leave the page to ensure that the information you changed or added is not lost.

### ADMINISTRATIVE RECORD: DOCUMENTS

As was noted above, OGC relies upon CDC's FOIA Office to provide several important pieces of the appeal response document that is sent to the PSC on behalf of CDC. The first of those is a collection of all the correspondence and other documents related to CDC's processing of the FOIA request that is at issue in the appeal.

- 1) Return to the **FOIAXpress** home screen and go to **Requests > Create/View Requests** in the navigation bar.
- 2) On the **Search** screen, enter the request number for the initial request upon which the appeal is based (for example, 14-00507).
- 3) In the banner of options listed at the top of the screen, click on **Correspondence > Log**
- 4) Print off a copy of each document in the correspondence log and arrange the documents in chronological order, starting with the earliest (this should be the original request) and moving backward in time to the most recent document in the log.
- 5) Remove any duplicate or alternately-formatted documents (i.e., Word and PDF versions of the same document).
- 6) Determine how many **separate documents** there are (a multi-page document is still only one document).
- 7) Print out, in numerical order, a set of document identification sheets using the following format:
- 8) Set the top margin for four inches
- 9) Set the horizontal alignment for "center," with 6 points of spacing after each line
- 10) Set the font for Calibri at 20 points.
- 11) Set the caps lock on.
- 12) Enter the relevant information on each page on four lines roughly in the middle of the page

CDC FOIA Appeal Response

CDC Appeal No: XX-XXXXX-APP

CDC Case No: XX-XXXXX

Attachment X (i.e., 1, 2, 3, etc)

- 13) Insert the appropriate document identification sheet in front of each document in chronological order. For example, the document identification sheet named "Attachment 1" should go in front of the



original FOIA request; the document identification sheet named "Attachment 2" should go in front of the next document in chronological order; this process should be followed until each document in the correspondence log has a document identification sheet.

- 14) Scan the entire set of correspondence documents and attachment sheets and save it as a single document with the following name format: CDC Appeal No: XX-XXXXX-APP Administrative Documents

## ADMINISTRATIVE RECORD: SUMMARY

To help with its preparation of an appeal response document, OGC also relies upon CDC's FOIA Office to provide a complete but concise summary of all the administrative activity that occurred from the time that the initial request was received by CDC through the last activity that took place before the requester filed his or her FOIA appeal with HHS. This summary should be just detailed enough to explain to the reader what has occurred, and why, without overburdening him or her with minutiae or extraneous information. The summary should be neutral in tone; the analyst should not use any language that characterizes behavior or attitude, whether on the part of the requester (e.g., unreasonable, unrealistic, angry, antagonistic) or on the part of the CDC FOIA Office and the record-holding CIO(s) (e.g., diligent, helpful, overwhelmed, reasonable, calm). Finally, the summary should be a chronological statement of events that references each of the administrative documents the analyst has assembled and numbered. It should generally follow the format of the following sample.

**[NOTE: THE SAMPLE IS INTENDED TO PROVIDE ONLY GENERAL GUIDANCE ABOUT SUMMARIZING THE ADMINISTRATIVE RECORD. IF AN INITIAL REQUEST THAT HAS BEEN APPEALED DOES NOT INVOLVE ONE OR MORE OF THE EVENTS OR ACTIVITIES THAT ARE DISCUSSED IN THE SAMPLE, THE ANALYST SHOULD NOT TRY TO INCLUDE THEM IN THE SUMMARY HE OR SHE IS PREPARING. CONVERSELY, THIS SUMMARY DOES NOT ATTEMPT TO ILLUSTRATE ALL POSSIBLE EVENTS AND ACTIVITIES THAT MAY OCCUR DURING THE PROCESSING OF A FOIA REQUEST. AN ANALYST SHOULD NOT EXCLUDE AN EVENT OR ACTIVITY FROM THE SUMMARY HE OR SHE PREPARES SIMPLY BECAUSE HE OR SHE DOES NOT SEE IT IN THIS SAMPLE.]**

On [INDICATE THE DATE SENT], [REQUESTER] filed a Freedom of Information (FOIA) request via [INDICATE THE METHOD BY WHICH THE REQUEST WAS SENT, USUALLY EITHER EMAIL OR U.S. MAIL] with the Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR). (Attachment 1) The CDC/ATSDR FOIA Office received the request on [INDICATE THE DAY ACTUALLY RECEIVED, AS DEMONSTRATED BY THE FOIA OFFICE DATE STAMP ON THE FIRST PAGE OF THE REQUEST DOCUMENT<sup>1</sup>] (Attachment 1)

**[NOTE: EACH EVENT OR ACTIVITY THAT OCCURS SHOULD BE FOLLOWED BY A REFERENCE TO THE ATTACHMENT WHICH DESCRIBES THE EVENT OR ACTIVITY. THIS MAY MEAN THAT MULTIPLE EVENTS OR ACTIVITIES REFER TO THE SAME ATTACHMENT. WHILE THAT MAY APPEAR TO BE REPETITIOUS, IT ENABLES THE OGC ATTORNEY PREPARING THE APPEAL RESPONSE DOCUMENT TO QUICKLY AND EASILY FIND THE RELEVANT DOCUMENT FOR THAT ACTIVITY OR EVENT. HERE (AND IN MOST CASES), A SINGLE DOCUMENT IN THE CORRESPONDENCE LOG (AND THEREFORE A SINGLE ATTACHMENT) REPRESENTS BOTH THE SENT AND RECEIVED REQUEST; IT ALSO CONTAINS A DESCRIPTION OF THE DOCUMENTS THE REQUESTER SEEKS AND ANY SPECIAL STATUS BELIEVES HIS OR HER REQUEST SHOULD RECEIVE.]**

01-22-14 P01:19 IN

<sup>1</sup>See, for example:



In his FOIA request, [REQUESTOR] sought:

- The names of all players who were on the roster of the professional baseball team in St. Louis, MO from 1948 through 1952.
- The number of days each of the players identified spent on the disabled list because of accidental head injuries during the years in question. (Attachment 1)

Additionally, [REQUESTER] requested expedited service and a fee waiver, based on public interest in the subject matter of his request and his position as a reporter with the Associated Press news organization. (Attachment 1)

On [DATE], the CDC/ATSDR FOIA Office mailed [REQUESTER] a letter acknowledging receipt of his FOIA request and assigning the request # XX-XXXX. (Attachment 2) The letter also stated that his request for a fee waiver would be addressed if and when: 1) documents were located, and 2) the actual or estimated costs of duplicating the documents exceeded \$25.00. (Attachment 2) On the same day, the CDC/ATSDR FOIA Office mailed [REQUESTER] a letter in response to his request for expedited service. (Attachment 3) [REQUESTER] was notified that it had been determined that his request met the criteria for granting expedited service and that program staff would be directed to initiate a search for records pertaining to his request on an expedited basis. (Attachment 3)

On [DATE] [NAME OF FOIA ANALYST] sent the FOIA request to the National Center for Injury Prevention and Control (NCIPC) with instructions to handle the request on an expedited basis. (Attachment 4) The request was routed to NCIPC because it is the organizational unit within CDC/ATSDR tasked with tracking accidental injuries.

On [DATE] [NAME OF FOIA ANALYST] received an email from NCIPC FOIA Coordinator [NAME OF COORDINATOR] requesting clarification of the request. (Attachment 5) [NAME OF COORDINATOR] noted that there had been two professional baseball teams in St. Louis – the St. Louis Cardinals and the St. Louis Browns -- during the period for which [REQUESTER] sought roster and head injury documents (Attachment 5) and asked whether the request referred to members of the St. Louis Cardinals team, the St. Louis Browns team, or both.

On [DATE], the CDC/ATSDR FOIA Office mailed [REQUESTER] a letter asking for clarification of the issue raised by NCIPC. (Attachment 6) [REQUESTER] responded in a letter on [DATE] indicating that he only wanted information about the St. Louis Cardinals team (Attachment 7)

On [DATE], NCIPC submitted a Response Form which indicated that it had searched and found some of the records requested, but that parts of the documents should be withheld because they were protected from disclosure by exemption 6 on the grounds of personal privacy (Attachment 8). The Response Form also indicated that all of the records in the possession of NCIPC (Attachment 9) had originated with and been obtained from the Bureau of Labor Statistics in the U.S. Department of Labor.

On [DATE], the CDC/ATSDR FOIA Office forwarded FOIA request # XX-XXXX to the Bureau of Labor Statistics (Attachment 10) and mailed [REQUESTER] a letter notifying him of that fact. (Attachment 11)

On [DATE], [REQUESTER] appealed the failure of CDC/ATSDR to provide him with the documents he had requested. (Attachment 12). The CDC/ATSDR FOIA Office received the appeal via email from the PSC on [DATE]. (Attachment 13)



After you have finished writing your summary of the administrative activity that took place before the requester filed his or her FOIA appeal with HHS, carefully review it to make sure that it is clear, complete, and concise. It should provide enough detail to allow someone completely unfamiliar with the FOIA request to understand the basics of the process -- what happened to the request, when it happened, and why it happened -- prior to the requester's filing an appeal with HHS. When you are satisfied that those criteria have been met, save the document with the following name format: CDC Appeal No: XX-XXXXX-APP Administrative Summary.

### CAUSE FOR APPEAL

As was noted above, the final piece of the appeal response for which OGC relies upon the CDC FOIA Office to prepare consists of two parts:

- A summary of the action or inaction about which the requester has filed the appeal, and
- An explanation of the factual, policy, and/or statutory basis for that action or inaction

At first glance these two items may seem rather trivial. After all, it is relatively easy to identify the grounds upon which a requester claims that his or her FOIA appeal is justified – it is usually the primary, and often the only, issue addressed in the appeal request. However, the fact that the justification claimed by the requester is easy to spot does not necessarily mean that it is easy to understand. Furthermore, even when the claimed justification is easy to understand, its applicability to the subject matter of his or her request may not be. Finally, whether or not it actually does apply may turn upon a fact that would seem obscure or unimportant to an outside observer. All of which means that the OGC attorney preparing the agency's response to a FOIA appeal must rely upon the CDC FOIA Office to identify any subtleties at issue in the appeal. The same factors come into play with regard to explaining why the FOIA Office's action or inaction was reasonable under the specific circumstances in which the initial FOIA request was handled. While a list of the various steps in the administrative process will certainly show what actions the FOIA Office did or did not take, it may not be obvious from the list why an action was or was not taken. The context may seem obvious to the analyst preparing materials for the appeal response – he or she may have, in fact, handled the underlying FOIA request; even that is not the case, though, the analyst will be much more familiar than the OGC attorney with the practices and procedures the FOIA Office follows.

In the example provided above, the requester might understandably be frustrated and upset when informed by the CDC/ATSDR FOIA Office that the agency does have documents responsive to his request, but that it is referring his request to the Department of Labor rather than providing those records to him. However, while NCIPC may have copies of the documents, the records do not belong to CDC/ATSDR. Consequently, the decision whether or not to release them is not for CDC/ATSDR to make – that right and responsibility rests with the Department of Labor, the actual owner and official repository of the documents. The Federal agency that originated the records may have regulations and/or procedures dictating how such records are to be handled, particularly in regard to issues such as personal privacy, which NCIPC flagged as a concern when it forwarded the documents to the CDC/ATSDR FOIA Office. Such situations are specifically addressed by the HHS FOIA regulations, which clearly indicate that the approach taken by the FOIA Office in the example above properly conformed with HHS policy:

### **Sec. 5.23 Referral of requests outside the Department.**

If you request records that were created by, or provided to us by, another Federal agency, and if that agency asserts control over the records, we may refer the records and your request to that agency. We may likewise refer requests for classified records to the agency that classified them. In these cases, the other agency will process and respond to your request, to the extent it concerns those records, under that agency's regulation, and you need not make a separate request to that agency. We will notify you when we refer your request to another agency.

Your description of the issues that the appeal involves need not be long or complicated. In fact, it may be only a few, short sentences. But it should provide the OGC attorney with a thorough understanding not only of the issues that form the basis for the requester's appeal, but also of any and all possible considerations – statutory, policy, practical, etc. – that justify the action or inaction about which requester is complaining. The document in which you provide that explanation should be saved with the following name format: CDC Appeal No: XX-XXXXX-APP Issues Summary.

## **RESPONSE PACKAGE: REVIEW AND DELIVERY**

When you have finished preparing the three parts of the appeals package, review them one last time to make sure that they provide a complete and coherent picture of the administrative history of the original request. Depending upon complexity of the administrative process, and of your experience in preparing appeal response packages, your work stream leader may want to review your package to before it leaves the FOIA Office. Check to make sure that you have his or her approval before relaying it to OGC. When you have obtained that approval, address an email to Senior Attorney Kenya Ford at OGC, with copies to the FOIA Office Director and Deputy Director and your work stream leader and attach the three documents you have prepared:

- 1) The set of administrative documents related to the original request, in chronological order:  
CDC Appeal No: XX-XXXXX-APP Administrative Documents
- 2) The narrative description of the administrative processing of the original request:  
CDC Appeal No: XX-XXXXX-APP Administrative Summary
- 3) The description of the FOIA Office actions at issue in the requester's appeal:  
CDC Appeal No: XX-XXXXX-APP Issues Summary

Make sure to designate the email as "high importance" and request a "read receipt" to insure that it is received in a timely manner. If you do not receive a "read receipt" from Ms. Ford within two working days, notify your work stream leader so that he or she can check on the status of the appeal response.



**From:** Viana, Bruno A. (CDC/OCOO/OD)  
**Sent:** Tue, 24 Jan 2023 16:59:35 +0000  
**To:** Andoh, Roger (CDC/OCOO/OD); Aquino, Lita (CDC/NIOSH/OD/ODDM); Clemons, Anthony (CDC/OCOO/OD); Davidi, Leigh (CDC/OCOO/OD); Davis, Jonesa A. (CDC/OCOO/OD); Diaz, Irma S. (CDC/OCOO/OD); Eberhart, Myisha (CDC/OCOO/OD); Fitzgerald, Emily (CDC/NIOSH/OD/ODDM); Friend, Rachel (CDC/OCOO/OD); Harper, Mark Neville (CDC/OCOO/OD); Hohl, Ryan (CDC/OCOO/OD); Jones, Yvonne (CDC/OCOO/OD); Lightner, Kendra (CDC/OCOO/OD); Okpewho, Carolyn (CDC/OCOO/OD); Patronik, Michael (CDC/OCOO/OD); Schofield, LaShonda (CDC/OCOO/OD); Scott, Yuliya (CDC/OCOO/OD); Shamir, Gilan (CDC/OCOO/OD); Spencer, Laura (CDC/OCOO/OD); Staats, Elizabeth (CDC/OCOO/OD); Thomas, Paula (CDC/OCOO/OD); Tutukuri, Srinath (CDC/OCOO/OD)  
**Subject:** Overly Broad Letters

Good morning, FOIA Team.

While letters indicating a request is overly broad are a legitimate practice in some circumstances, Roger and I want to remind staff to be mindful of sending these letters to requesters **only** when appropriate. We can always reach out to a requester to seek clarification about the records they are seeking, but, as we head into the new fiscal year, I want to make sure we all get started on the right foot with these types of communications with requesters.

Please remember the three goals Roger established when he joined the office: 1. Reduce the CDC/ATSDR FOIA Office backlog, 2. Improve response times and 3. Improve customer service.

A couple important reminders:

1. Remember, the requester must "**reasonably describe**" the records sought. The Court of Appeals for the District of Columbia has held that the key to whether a request satisfies this requirement is the ability of agency staff to determine precisely what records are being requested. Courts have recognized that the legislative history of the 1974 FOIA amendments indicates that a description of a requested record **is sufficient if it enables a professional agency employee familiar with the subject area to locate the record with a "reasonable amount of effort."**

2. Even if the request "is not a model of clarity," an agency should carefully consider the nature of each request and give a reasonable interpretation to its terms and overall content. Only in certain, context-specific circumstances is a request considered not reasonably described: for example, when a request is so broad and sweeping that it lacks specificity, and when fulfilling a request would require "an unreasonably burdensome search."

What constitutes an "unreasonably burdensome search" hinges more on the agency's process of **identifying** what records are responsive to a FOIA request than on the **volume** of records retrieved by a search. A FOIA officer must be able to determine the custodians to be searched and the subject matter must have boundaries.

For example, the following types of requests have been found by courts to be not reasonably described:

- A request for records of a government official's "representatives or agents." This request was not reasonably described because it was difficult to identify who was a representative or agent of the named official, and arguably every employee of the relevant agency may have qualified as such.



- A request for documents that “reference or regard in any way” a certain topic. Requests drafted such as this make it difficult to identify the outer bounds of the subject matter of a request. However, in contrast, another court found that a request asking for records “involving” a certain topic was reasonably described, in part because it cited a specific statutory provision, included multiple search terms, had a delimited time frame, and clearly identified which state agency’s communications were requested.
- 

Courts have recognized that an agency's FOIA staff is neither required to have "clairvoyant capabilities" to discern the requester's needs, nor must they spend "countless numbers of personnel hours seeking needles in bureaucratic haystacks."

A request that retrieves a large volume of material should not be rejected as overly broad on that basis alone. Nevertheless, “the post-search burden matters to the reasonableness of a FOIA request.” If you have a reasonable basis for believing that the request will elicit a large volume of records, either through experience with past requests or based on a preliminary search, you should engage the requester and work with them on how best to clarify the scope of the request. If you have questions about whether a request may be overly broad, you should seek advice from leadership/supervisors before sending the letter to ensure all angles of the request have been considered.

In instances where a requester submits a multi-part request, we should proceed with the portions of request that meet the two points described above, and reach out to the requester for clarification on the rest.

At this link, [The Importance of Good Communication with FOIA Requesters | OIP | Department of Justice](#), you will find OIP guidance on good communications with requesters. Please pay close attention to the “Discussing the Scope and Status of the Request” section.

Also relevant to this topic, please review the information provided here regarding the limitations on tolling requests: [New Limitations on Tolling the FOIA's Response Time | OIP | Department of Justice](#).

Lastly, I encourage all of you to take the DOJ OIP training at the link below. As you will see once you open the training, the training has a table of contents on the left navigation panel, so you can go back and revisit the training if you’d like, rather than going through it all in one sitting.

[FOIA Training for Professional Employees \(justice.gov\)](#)

**Bruno Viana**

Deputy Director

Freedom of Information Act (FOIA)

Office of the Chief Operating Officer (OCOO)