



governmentattic.org

"Rummaging in the government's attic"

Description of document: Department of Justice (DOJ) Interpol National Central Bureau (NCB) FOIA Policy 2022

Requested date: 22-May-2022

Release date: 01-June-2022

Posted date: 14-August-2023

Source of document: FOIA Request
USNCB
U.S. Department of Justice
Washington, DC 20530-0001
Attention: Office of General Counsel
Email: Interpol-USNCB.FOIA@usdoj.gov

The governmentattic.org web site ("the site") is a First Amendment free speech web site and is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file. The public records published on the site were obtained from government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.



U.S. Department of Justice
INTERPOL Washington
U.S. National Central Bureau

Washington, DC 20530

June 1, 2022

FOIA # 2022-153

This responds to your request dated May 22, 2022, to INTERPOL Washington, U.S. National Central Bureau (USNCB), pursuant to the Freedom of Information Act (FOIA) requesting, “A copy of each (internal) FOIA Standard Operating Procedure (SOP) at the Interpol-NCB FOIA Office.”

We received your request on May 23, 2022. Please refer to the above FOIA number assigned to your request in any additional correspondence. The USNCB has adopted a "multi-track processing" of FOIA requests based on the estimated amount of work and time needed to process the request. The criteria for assignment to a specific track can be found in the Department of Justice FOIA Regulations at 28 C.F.R. § 16.5(b). Your request has been assigned to the simple track.

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

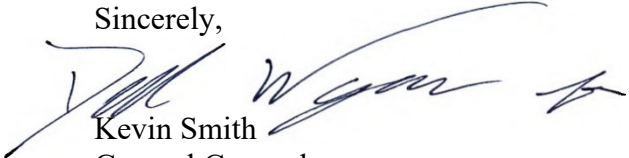
A reasonable search of the INTERPOL Washington indices located materials responsive to your request. We have reviewed the document and determined it may be released in its entirety. Please note, we are releasing the final draft of INTERPOL Washington’s FOIA policy and it is expected to be signed by the Director and finalized in the near future.

If you are not satisfied with INTERPOL Washington's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

You may contact the INTERPOL Washington FOIA Requester Service Center, as well as our FOIA Public Liaison, for any further assistance and to discuss any aspect of your request. Our contact information is as follows: INTERPOL Washington, U.S. Department of Justice, Washington, DC 20530-0001, Attention: Office of General Counsel, Tel.: 202-616-0201, Email: Interpol-USNCB.FOIA@usdoj.gov.

Sincerely,



Kevin Smith
General Counsel

Enclosures



INTERPOL Washington, U.S. National Central Bureau

POLICY DIRECTIVE

Freedom of Information Act and Privacy Act Requests Policy USNCB-DIR-604

PURPOSE:

This Policy Directive (DIR) sets forth the policy establishing the actions to be taken by INTERPOL Washington, U.S. National Central Bureau (USNCB) personnel when responding to Freedom of Information Act (FOIA) and Privacy Act (PA) requests¹.

SCOPE:

This policy applies to all USNCB employees, detailees, contractors and interns; hereafter referred to as USNCB personnel.

AUTHORITIES:²

The following laws, regulations, orders, policies, directives, and guidance govern this DIR.

- [5 U.S.C. § 552](#) Freedom of Information Act
- [5 U.S.C. § 552a](#) The Privacy Act of 1974
- [The OPEN Government Act of 2007](#)
- [The OPEN FOIA Act of 2009](#)
- [The FOIA Improvement Act of 2016](#)
- [Attorney General \(AG\) Memorandum for Heads of Executive Departments and Agencies](#), “The Freedom of Information Act (FOIA)” of March 19, 2009
- [DOJ Order 1000.2A](#) Organizational Management
- [INTERPOL-United States National Central Bureau \(USNCB\) Records](#) System – INTERPOL-001

DEFINITIONS:

FOIA request: A request submitted to the USNCB pursuant to 5 U.S.C. Section 552 for records or information on any topic within the records maintained by the USNCB.

Privacy Act request: a request submitted to the USNCB by a United States person (USPER) or a lawfully admitted alien for information about him- or herself within records maintained by the USNCB.

POLICY:

FOIA

The FOIA requires that information in the possession of agencies and departments of the executive branch of the United States Government (USG) be accessible to the public. FOIA sets

¹ The USNCB is exempted from the access and amendment provisions of the Privacy Act. However, the USNCB will normally accept and process Privacy Act requests for information under the FOIA.

² A USNCB DIR cannot supersede a law, regulation, DOJ Order, DOJ Policy Statement, Policy Memorandum, Federal Court decision or any other material issued by or under a superior authority.

the standards for determining what information the USG must disclose and what information may be withheld. FOIA also provides administrative and judicial remedies for those denied access to information.

The AG memorandum directs all executive branch departments and agencies to apply a presumption of openness when administering the FOIA/PA. The FOIA Improvement Act of 2016 codifies the requirement of foreseeable harm contained in the AG memorandum, meaning that, under the FOIA, an agency must only withhold information if the agency reasonably foresees that disclosure would harm an interest protected by an exemption or that disclosure is prohibited by law.

Therefore, the USNCB must respond to requests pursuant to the FOIA/PA within 20 business days of receipt, as required by statute [5 USC §552](#), Freedom of Information Act as amended. USNCB personnel who possess potentially responsive information must comply with requests from the Office of General Counsel (OGC), Government Information Specialist (GIS) pursuant to this requirement. USNCB personnel must grant OGC GIS access to information for the purpose of responding to FOIA/PA requests. GIS access will include all investigative and operational case file materials, administrative records, and emails.

In order to facilitate searches of USNCB records for materials responsive to FOIA requests, it is critical that all case-related messages, communications and records be saved to the USNCB's case management system (ECE). Individual DOJ or other agency email accounts should not be used for case-related communications, and if used should be saved to the relevant USNCB case files. If necessary, the USNCB GIS may request Information Technology Division (ITD) to search USNCB personnel's email accounts. ITD personnel will only access USNCB personnel's emails when it is compliant with [DOJ Order 2740.1A](#). ITD will only conduct searches of USNCB personnel's email, after given approval by the USNCB Deputy Director and notifying the affected personnel as required by DOJ Order 2740.1A section3(f)(4)(b).

The Privacy Act

The Privacy Act regulates the collection, maintenance, use, and dissemination of personal information by federal agencies. The authorized purposes for which the USNCB is permitted to disseminate personal information are listed in the USNCB's System of Records Notice (SORN), **see** <https://www.justice.gov/opcl/doj-systems-records#INTERPOL>. The purpose of the Privacy Act is to balance the government's need to maintain information about individuals with the rights of the individuals to be protected against unwarranted invasions of their privacy due to the maintenance of such information. The Privacy Act also addresses handling personal identifying information (PII). For additional guidance on PII, please refer to the USNCB and DOJ IT Security, Rules of Behavior, Cybersecurity Program, DOJ Order 0904 and Privacy and Civil Liberties, DOJ Order 0601. Any questions concerning the Privacy Act or its effect on FOIA and/or USNCB activities should be referred to the General Counsel.

I. Roles and Responsibilities

A. Office of General Counsel, Government Information Specialist

1. Receive, assign, and respond to all FOIA/PA requests.
2. Track and maintain all requests in FOIA database.

-
3. Acknowledge all FOIA/PA requests and issue search requests to all appropriate USNCB personnel.
 4. Require that the recipient of the search request acknowledge receipt via e-mail to the GIS within five business days of the request date and that the recipient produce responsive information, if any, within ten business days.
 5. Collect all information and records responsive to requests.
 6. Apply proper statutory exemptions and exclusions based on legal requirements and in consultation with the appropriate USNCB personnel.
 7. Liaise with internal and external contributors to ensure proper processing and response.
 8. Prepare final responses to requesters.
 9. Consult with General Counsel (GC) as necessary on legal requirements and proposed release determinations.
 10. Coordinate with Department of Justice's (DOJ) Office of Information Policy (OIP) on administrative appeals of USNCB FOIA requests. Provide relevant background information concerning the request to respective OIP attorney in a timely manner.
 11. Draft and prepare proposed litigation declarations. When necessary, consult with OIP for assistance in litigation matters and latest case law for FOIA matters.

B. Office of General Counsel, General Counsel

1. Act as a liaison between USNCB and assistant U.S. Attorneys (AUSAs) and DOJ attorneys for litigation matters.
2. Act as a liaison between the USNCB and other government agencies (OGAs) concerning FOIA matters.
3. Review proposed correspondence, responses, litigation declarations and submissions, and provide comments, as appropriate and necessary.

C. All USNCB Personnel

1. Acknowledge receipt of search requests from OGC GIS via email within five business days.
2. Perform searches for information (electronic and/or manual, as necessary) and identify all potentially responsive materials.³
3. Respond to GIS search requests (via e-mail) within the time frame specified and provide potentially responsive information, regardless of potentially applicable exemptions.
4. Provide "no records" responses to GIS within five business days of search requests when the requested USNCB personnel have no responsive information related to FOIA request.

³ All caseworkers should ensure that all case-related work, messages, records, etc., is documented to the relevant USNCB case files to facilitate searches for information responsive to FOIA requests, and to avoid the need to conduct searches of a caseworker's work email account.

-
5. Promptly alert the GIS when other exigencies/urgent duties may have a bearing on the necessary collection and review of responsive materials.
 6. Coordinate the review of the information with GIS, if necessary.

UPDATES:

At the discretion of the USNCB Director, this policy will be subject to periodic review, update, change, modification, implementation, or cancellation base on organizational needs.

Michael A. Hughes
Director
INTERPOL Washington
U.S. National Central Bureau

June 1, 2022
Effective Date