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Description of document: Department of the Interior (DOI) Freedom of Information Act (FOIA) Standard Operating Procedures (SOP) 2013-2021

Requested date: 23-May-2022

Release date: 25-August-2025

Posted date: 15-September-2025

Source of document: FOIA Request
Department of the Interior
Office of the Secretary (OS)
FOIA Officer
1849 C Street, NW, MS-7328, MIB
Washington, DC 20240
Fax: (202) 219-2374
Email: osfoia@ios.doi.gov
[FOIA Public Access Link \(PAL\)](#)
FOIA.gov

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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

August 25, 2025

Via Electronic Mail

RE: Freedom of Information Act (FOIA) Request No. DOI-OS-2022-003874

The Office of the Secretary (OS) FOIA Office received your FOIA request, on May 23, 2022 and assigned it control number DOI-OS-2022-003874. Please cite this number in any future communications with our office regarding your request.

Description of the Requested Records

You requested:

Copy of each (internal) FOIA Standard Operating Procedure (SOP) at the Interior Dept's Office of the Secretary 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.

Final Response

We are writing to respond to your request.

We have enclosed one file consisting of 25 pages, which is being released to you in part. Portions of these materials are being withheld under the following FOIA Exemptions:

Exemption 5

Exemption 5 allows an agency to withhold "inter-agency or intra-agency memorandums or letters which would not be available by law to a party ... in litigation with the agency." [5 U.S.C. § 552\(b\)\(5\)](#). Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, attorney-client, and commercial information privileges. We are withholding approximately 5 pages in part under Exemption 5 because they qualify to be withheld both because they meet the Exemption 5 threshold of being inter-agency or intra-agency and under the following privilege:

Deliberative Process Privilege

The deliberative process privilege protects the decision-making process of government agencies and encourages the frank exchange of ideas on legal or policy matters by ensuring agencies are not forced to operate in a fish bowl. A number of policy purposes have been attributed to the deliberative process privilege, such as: (1) assuring that subordinates will feel free to provide the decisionmaker with their uninhibited opinions and recommendations; (2) protecting against premature disclosure of proposed policies; and (3) protecting against confusing the issues and misleading the public.

The deliberative process privilege protects materials that are both predecisional and deliberative. The privilege covers records that reflect the give-and-take of the consultative process and may include recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of the agency.

The materials that have been withheld under the deliberative process privilege of Exemption 5 are both predecisional and deliberative. They do not contain or represent formal or informal agency policies or decisions. They are the result of frank and open discussions among employees of the Department of the Interior. Their contents have been held confidential by all parties and public dissemination of this information would expose the agency's decision-making process in such a way as to discourage candid discussion within the agency, and thereby undermine its ability to perform its mandated functions.

The deliberative process privilege does not apply to records created 25 years or more before the date on which the records were requested.

Exemption 6

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." [5 U.S.C. § 552\(b\)\(6\)](#). We are withholding approximately 2 pages in part under Exemption 6.

The phrase "similar files" covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency's performance of its statutory duties or otherwise let citizens know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA

constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information, email addresses, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

Exemption 7

Exemption 7 protects from disclosure "records or information compiled for law enforcement purposes" if the records fall within one or more of six specific bases for withholding set forth in subparts (A) through (F). [5 U.S.C. § 552\(b\)\(7\)\(A\)-\(F\)](#). We are withholding approximately 1 page in part under Exemption 7 because they are protected under the following subpart:

7(C)

Exemption 7(C) protects law enforcement records if their release could reasonably be expected to constitute an unwarranted invasion of personal privacy. It is regularly applied to withhold references to individuals in law enforcement files. For the materials that have been withheld under 7(C), we have determined that releasing them would constitute an unwarranted invasion of privacy because they identify individuals referenced in law enforcement records and the release of this information would not shed light on an agency's performance of its statutory duties.

Cynthia Sweeney, Government Information Specialist, is responsible for this denial.

Adrienne DiCerbo and Cindy Cafaro, Attorney-Advisor, Office of the Solicitor, Department of the Interior, Washington, D.C. was consulted.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

Fees—No Charge

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

Appeal Rights

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no**

later than 90 workdays from the date of this final response. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and BOEM concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and BOEM will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office
Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

Mediation Services

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

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
Email: ogis@nara.gov
Web: <https://www.archives.gov/ogis>
Telephone: (202) 741-5770
Toll-free: (877) 684-6448

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

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

Conclusion

This concludes our response to your request.

If you have any questions about this letter, you may contact me by email at os.foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240. Additionally, contact information for the Department's FOIA Requester Centers and FOIA Public Liaison is available at <https://www.doi.gov/foia/foiacenters>.

Sincerely,

**CYNTHIA
SWEENEY**

Cynthia Sweeney
Government Information Specialist
Office of the Secretary
FOIA Office

Digitally signed by
CYNTHIA SWEENEY
Date: 2025.08.25
15:32:29 -04'00'



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

To: Department of the Interior FOIA Contact List

From: Cindy Cafaro, Departmental FOIA Officer

Date: February 20, 2013

Subject: Important Reminder on Determining the Scope of a FOIA request

[Guidance originally distributed via email]

It has come to my attention that there is some confusion about how to determine the scope of FOIA requests. Some FOIA officers seem to be interpreting FOIA requests extremely narrowly, other FOIA officers seem to be interpreting FOIA requests extremely broadly.

For example, a FOIA requester asked for records relating to "recent" decisions about two entities. The FOIA officer said no records existed for one of the entities, because the most recent decision about that entity had been made in the 1990s and the FOIA officer determined (without asking the requester) that was not recent. In the context of the Department's interactions with the entity in question (which has been ongoing for many decades) and the context of the request, this was an unduly narrow interpretation of the request. Another FOIA requester asked for information about how a certain (named) position was filled and provided two announcement numbers. Three announcements had been made for the position in question, and neither of the two announcement numbers provided by the requester were the one under which the position was ultimately filled. So again a FOIA officer had good reason to understand what the FOIA requester wanted and to know that the bureau had responsive documents, but determined (without talking to the requester) that no records existed. This is another example of an unduly narrow interpretation of a request. On the other hand, another FOIA requester sent in three FOIA requests that sought the same records from the same office for the same time period. Another FOIA officer (yet again, without talking to the requester), made their best guess of what types of records the requester had actually wanted and responded accordingly. The requester then appealed--complaining that the FOIA officer had guessed wrong! This is an example of an unduly broad interpretation of a request.

While courts have specifically found that agencies are not required to look outside the "four corners" of a FOIA request (if a requester says they want X, it is not a requirement to provide Y and Z as well), courts have also made clear that we must ensure our review of the four corners of the request is a reasonable one.

I therefore would like to take this opportunity to remind the FOIA community that Department of Justice guidance exists on this issue. In 1995, DOJ reminded agencies that:

"As a threshold matter, an agency should make sure that it carefully reads and fairly interprets the terms of the FOIA requests that it receives, in order to ensure that it is not unduly limiting the records found responsive to those requests. To be sure, the particular terms of a FOIA request are significant and in making a FOIA request, a requester is obligated to 'reasonably describe' what is being sought. 5 U.S.C. sec. 552(a)(3). But an agency 'must be careful not to read [a] request so strictly that the requester is denied information the agency well knows exists in its files.' *Hemenway v. Hughes*, 601 F. Supp. 1002, 1005 (D.D.C. 1985). . . . In all instances, the key consideration is the need for *full and open communication with the FOIA requester*, so that the requester can make a fully informed decision about any document 'scoping' as part of the agency's administrative process."

FOIA Update, Vol. XVI, No. 3 (emphasis added).

Finally, I leave you with a recent reminder from the D.C. Circuit that "a FOIA requester need not utilize the precise jargon employed by agency officials." *Nicholls v. United States Office of Pers. Mgmt.*, 863 F. Supp. 2d 4, 10 (D.D.C. 2012). Please be wary of excessive entanglement in semantics.

Thanks again. If you have any questions about this email, please feel free to let me know.



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

To: Department of the Interior FOIA Contact List

From: Cindy Cafaro, Departmental FOIA Officer

Date: April 28, 2016

Subject: Dealing with Particularly Challenging Requesters

[Guidance originally distributed via email]

Someday, you may need to work with a particularly challenging requester. This email is meant to give advice for how to do so most effectively

We should first identify what I mean by a particularly challenging requester. By this phrase, I am not referring to a requester that has a complex request that raises complicated issues or a requester who is irritated now and again. What I am referring to is an outlier--a requester (whose request may or may not be complicated) who is consistently and strikingly irrational, extremely angry, and/or otherwise very challenging to interact with.

When you encounter such a requester, the most important thing may be to remember that they are as entitled to the records that we are required to provide under the FOIA as any other requester. We cannot treat the requester less favorably because they are challenging to deal with. On the other hand, we also cannot stop doing all our other work, for all the many requesters we assist, and jump the challenging requester to the front of the line simply because they are a particularly squeaky wheel.

While working through these issues, remember that you and the requester have (or should have) a mutual goal: efficiently resolving his or her FOIA issues with the Department.

If you are dealing with a requester who is repeatedly personally insulting, aggressive, and angry, it can be difficult to know how to react appropriately. I suggest letting such a requester know that you will communicate with them going forward through emails, which are a less emotional form of communication where it can be much easier to spot substantive issues. (As should go without saying, you will respond to their emails in a timely manner.) It is fine to let them know that you will not be addressing any personal attacks, just their substantive questions and issues.

In this situation, you are encouraged to contact your bureau FOIA Officer and me to see if we can help you and the requester in our roles as public liaisons. You may also remind the requester of their right to appeal, if appropriate, and to contact the Office of Government Information

Services. If you are feeling physical threatened, contact your bureau FOIA Officer and me immediately; we will discuss whether it is appropriate to contact the Federal Protective Services and suggest appropriate security measures.

Thank you. If you have any questions about this email, please call me so we can discuss them.



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

To: Department of the Interior FOIA Contact List

From: Cindy Cafaro, Departmental FOIA Officer

Date: June 22, 2017

Subject: Glomar Guidance

[Guidance originally distributed via email]

An interesting question came up recently about the use of *Glomar* responses (where we neither confirm nor deny responsive records exist) when dealing with a FOIA request from a requester that purportedly was participant in an alleged investigation. (For more information on what a *Glomar* response is and when it is used, see Section 10.5 of the [Handbook](#).) Guidance on how to handle this type of situation is below. Thank you for your attention, and thanks to SOL for their helpful input.

First, if a FOIA request comes in from a participant in an investigation (or pre-investigation) who has established they have personal knowledge (in other words, that they are a subject, complainant, or witness who knows the investigation is underway because of their participation in the investigation), we will not assert *Glomar* for at least some of the responsive records. More specifically, we will not assert *Glomar* for the transcripts of their own responses to investigative interviews. (We will, however, assert any valid exemptions that would otherwise apply to the investigative interviews (if there would be foreseeable harm arising from the release).) But we will assert *Glomar* for any part of the request that asks for materials concerning the investigation that are not transcripts of the participant's responses to investigative interviews if a valid exemption would protect the material if it did exist (if there would be foreseeable harm arising from such a release).

Second, in this situation, we will note in our response letter that, despite the way the request is worded, we can neither confirm nor deny whether an investigation of the scope described in the letter exists or is ongoing, but we will acknowledge that we did find interviews that pertain to the participant. (This is to ensure we do not officially acknowledge an investigation is going on or has been undertaken.)

Finally, in this situation (and all other situations where we are considering issuing a *Glomar* response):

1. If we have already officially acknowledged the existence (or nonexistence) of an investigation that has occurred or is underway (or has not occurred or is not underway), we cannot assert *Glomar*;
2. If the subject of the investigation (or potential investigation) provides a written waiver of his/her privacy rights or if the subject of the investigation (or potential investigation) is deceased, we cannot assert *Glomar*; and
3. If there may be an overriding public interest in the materials because of evidence of wrongdoing (a calculation that balances the type of wrongdoing committed and the level of responsibility held by a federal employee whose privacy rights would be implicated), work with your SOL FOIA contact to see if it would be appropriate to assert *Glomar*.



United States Department of the Interior

OFFICE OF THE SOLICITOR

To: Bureau FOIA Officers

From: Cindy Cafaro, Chief, Policy & Operational Support Team, Departmental FOIA Office

Date: January 29, 2021

Subject: Guidance on "Reverse Still-Interested" Notifications

[Guidance originally distributed via email]

Good morning, FOIA Officers. As you know, the DFO's FOIA Support Team (FST) is currently deployed to assist OS FOIA in reducing its backlog. As part of the effort, the FST has been working on a new notification to requesters that is already generating excellent results, so we wanted to share it more broadly.

You will remember that classic "still-interested" notifications are when a FOIA Office reaches out to a FOIA requester and says their request will be closed if they do not respond that they are still interested in the request within a certain time period. You will also remember that they are highly discouraged by the [Department of Justice and OGIS](#) and often anger requesters greatly. If you are ever thinking of using them, contact the DFO first.

What the FST is doing is something quite different. It began when a requester reached out to the Office of the Secretary (OS) asking to have certain recent requests withdrawn because they were stale. As the FST was working on even older OS requests from the same requester, we asked if they might like to have older requests withdrawn too and provided them with a list of these older requests with their FOIAonline tracking numbers. They did, in fact, want to withdraw some of the older requests and I began to wonder if other requesters may also have lost track of (or interest in) older requests. Given the recent administration change and our change this summer from the Electronic FOIA Tracking System (EFTS) to FOIAonline (which lead to new tracking numbers for all requests submitted via EFTS), it became clear that we could reach out to these requesters with information that would benefit them and might have the side effect of them choosing to withdraw some of their requests.

The FST therefore began collecting data and sending out such notifications, in close cooperation with OS, and the results have already been excellent for requesters, OS, and the FST.

This is the language that we use for these "reverse still-interested" notifications (hat tip to Bill Holzerland who, when hearing about this idea, immediately put his finger on the perfect name for it). You will note we are not telling requesters we will close their requests if we do not hear from them. Indeed, we are telling them the opposite--we will keep processing their

requests unless we hear otherwise from them.

Dear [requester],

Last year, the Department of the Interior transitioned to FOIAonline, a secure web-based tracking and case-management system. As part of the transition, new tracking numbers were generated for many open FOIA requests. As you have five or more open FOIA requests, please find attached a chart with your requests pending in the Office of the Secretary's FOIA Unit, including each request's original and corresponding FOIAonline request numbers. We hope you find this helpful in any future correspondence with the Office of the Secretary's FOIA Unit.

If, upon review, you are no longer interested in any of these requests, we would be happy to assist you in closing them in FOIAonline or you can withdraw them directly in FOIAonline. Please note that unless and until you contact the Office of the Secretary's FOIA Unit and ask for a particular request or requests to be withdrawn, we will continue processing all of these requests.

Please do not hesitate to reach out with any questions.

Thank you,

You will also note that this language is geared towards requesters that have five or more open requests that are not in litigation. This was the first tranche--we expect that the FST will work with OS to eventually send these notifications to every requester that has a request in the FST's purview.

Along with the language above, each requester receives a PDF chart derived from FOIAonline. The PDF chart includes the Tracking Number, Legacy Tracking Number, Requester Name, Requester Organization, Description, and Submitted Date for each of their open requests that are not in litigation (other, extraneous, fields are deleted).

Many thanks to Nick Banco and Leah Fairman for implementing this idea. If you decide you would like to use reverse still-interested notifications, please reach out to me.

Thank you.

FOIA Bulletin Number: 22-01

Subject: Internal Consultations

1. Purpose. This Freedom of Information Act (FOIA) Bulletin outlines the process the Department's FOIA personnel must follow for internal consultations .

2. Effective Date. This policy is effective November 15, 2021.

3. Authorities.

- [Title 5 of the United States Code, Section 552](#)
- [43 CFR Part 2, Section 2.13](#)
- [383 DM 15](#)
- [Secretary's Order No. 3371](#)
- [Secretary's Order No. 3378](#)

4. Coverage. This policy applies to all FOIA personnel within the bureaus/offices of the Department (except the Office of Inspector General) and supersedes any conflicting Departmental or bureau/office policies or procedures. Bureaus/offices may issue implementing procedures consistent with this policy provided that the Departmental FOIA Office (DFO) has reviewed and approved such procedures in writing before they are issued.

5. Responsibilities.

a. Each FOIA Officer, or their delegate(s), must review proposed internal consultation requests to determine whether consultation is appropriate before they are sent forward to other FOIA offices. Delegations of this responsibility must be made in writing.

b. FOIA personnel must follow the [FOIAonline Quick Guide: Consultations and Referrals](#) to send all internal consultation requests in FOIAonline.

c. Each FOIA Officer, or their delegate(s), is responsible for monitoring and ensuring the timely processing of consultation requests in FOIAonline. Delegations of this responsibility must be made in writing.

d. Each consultation request must:

- (1) Include a copy of the underlying FOIA request and the responsive record(s) with proposed bracketed redactions.
- (2) Clearly specify the portion of the responsive record(s) that implicate the equities of the office receiving the consultation request (include the specific page ranges)

e. The office receiving the consultation request must consult with their SMEs, as necessary.

f. The office receiving the consultation request has **two weeks** from the date the consultation request was sent to, in writing:

- (1) respond with its position on the proposed determinations;
- (2) request a reasonable extension of time to respond; or,
- (3) when the requirements in paragraph 5.d. above are not met by the requesting office, return the consultation request for further analysis by the requesting office.

*If the office receiving the consultation request does not respond with its position on the proposed determinations, request a reasonable extension of time to respond, or return the request for further analysis within the **two week** timeframe, the receiving office is deemed to have assented to the proposed determinations. The office requesting the consultation should note the contact attempt and non-response in its case file and proceed with the proposed release.*

6. Distribution. This policy will be distributed to all FOIA personnel upon issuance. Bureau FOIA Officers are responsible for distributing it to all FOIA personnel new to the Department as part of their orientation materials. This policy will also be made available to all FOIA personnel on the Department's FOIA website accessible at <https://doimspp.sharepoint.com/sites/ocio-solicitor-dfo/SitePages/FOIA-Laws-Regulations-Policies-Procedures.aspx>, which provides additional FOIA resources.

7. Rights and Benefits. This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or FOIA personnel, or any other person.



United States Department of the Interior

OFFICE OF THE SOLICITOR

Memorandum

To: Bureau/Office FOIA Officers
FOIA Contacts

From: Cindy Cafaro, Chief, Policy and Operational Support Team, Departmental Freedom of Information Act (FOIA) Office

Date: July 6, 2021

Subject: White House Consultations

This memorandum contains updated, consolidated instructions on how to handle White House consultations. These instructions supersede any previous instructions on this subject.

As background, Section 9.8.B of the [Department of the Interior FOIA Handbook](#) discusses when consultation with the White House is needed in the FOIA context. It also notes that if consultation with the White House is needed, you must notify the Solicitor's Office (SOL). I am your SOL contact for these consultations. In that role, I will initiate any consultation and inform you of the outcome and any necessary next steps. Please ensure that the records you send to me as part of the consultation process are redacted in accordance with the instructions below.

When you are sending a record to me that may need consultation under Section 9.8.B., please use the following release/redaction protocols:

- White House employee's name: Release in full
- White House employee's title: Release in full
- White House employee's office: Release in full
- White House employee's phone number(s): Withhold in full
- White House employee's email addresses: Withhold in full
 - If the White House employee's name would be missing because of the removal of their email address, the redaction should include their full name (for example, "Jane K. Smith--Exemption 6" over where Jane K. Smith's email address would have been)

Additionally, please send the record to me via an email that includes:

- A copy of the request;
- A clean copy of the record;
- A copy of the record with any proposed redactions noted, along with applicable rationales for redactions (for example, a particular FOIA exemption);

- A paragraph summarizing the context of the request and record;
- A sentence summarizing why the record may need White House consultation under Section 9.8.B.; and
- Whether the record is subject to a litigation deadline.

Please note that the most recent Department of Justice (DOJ) discussion of this process is still contained in this [Office of Information Policy Guidance](#). In this guidance, DOJ notes that:

[W]hen agencies locate records involving White House equities in response to a FOIA request . . . they should consult with the White House Counsel's Office in advance of the deadline for responding to the request. Because there are numerous offices that make up the Executive Office of the President (EOP), some of which are subject to the FOIA, others of which are not, consultations should be directed to different offices as described below. . . .

[W]hen agencies locate White House-related records or information in their files and the White House Office with equity in that material is not itself subject to the FOIA, agencies should continue to consult with their agency contact in the White House Counsel's Office. . . . [This the process discussed above, where packages are sent to me.]

[W]hen agencies locate White House-related records or information in their files and the White House Office with equity in that material is itself subject to the FOIA, they should continue to consult with the FOIA office within the applicable EOP office. [This is done directly by the bureau, like any other consultation with agencies or offices subject to the FOIA, and the packages are not sent to me.] These offices include:

- the Council on Environmental Quality,
- Office of Management and Budget,
- Office of National Drug Control Policy,
- Office of Science and Technology Policy, and
- the Office of the U.S. Trade Representative. . . .

In all cases, agencies remain responsible for responding directly to the FOIA requester once these EOP consultations have been completed.

If you have any questions about whether a White House consultation may be necessary for a particular record, or how such a consultation should take place, please bring it to my attention.

NON-LITIGATION PROCESSING SOPs

ASSIGNMENT/FIRST STEPS

Once a request is ready to process, it is assigned to a processor through FOIAonline. Within the shared drive case folder, the “1. Intake” and “2. Searches” sub folders should already be populated within the case folder. Processor creates the following folder and subfolders for each electronic case folder **only as needed**:

- “3. Review”
 - “3a. Original Records”
 - Contains a workable copy of the records found in “1c. Original Records”
 - “3b. Working”
 - Contains files pulled from “2c. Original Records” being actively processed
 - If multiple releases are being done, there will be a folder for each one
 - Ex: March 2021
 - Ex: June 2020
 - Within the working folder, or sub folder as appropriate, there should be two folders
 - “Non-Responsive” folder
 - Contains records deemed non-responsive to the request
 - “Responsive” folder
 - Contains records deemed responsive to the request
 - “3c. Consults_Referrals_Submitter Notices”
 - **Only name it with what is in it**, meaning if you only have consults, you do not need to use the “referrals” part, etc.
 - Contains subfolders for any consults, referrals, or submitter notices that occur during processing
 - Ex: “BOEM Consult”
 - All consult materials and related correspondence
 - Ex: “DOJ Referral”
 - All referral materials and related correspondence
 - Ex: “123 Corp Submitter Notice”
 - All materials and related correspondence
 - If rolling releases are done, this will contain a subfolder for each interim/partial release set of consults/referrals/submitter notice
 - “3d. Pending”
 - Contains records pending review and approval prior to release or legal review
 - “3e. Legal Review”

- Contains package to go to legal review, once they have cleared the “pending” stage, as well as transmittal email, and any correspondence from SOL regarding legal sufficiency of proposed withholding
- If rolling releases are done, this will contain a subfolder for each interim/partial release legal review submission
- Packages consist of, at a minimum of 1) records with brackets and any comments, 2) draft of release letter (final or interim), and 3) original request. May contain any needed additional information, such as changed scope, other reference documentation, etc.
- “3f. WH Consult”



- “4. Response”
 - Contains records transmitted to requester, and final response letter
 - If rolling releases are done, this will contain a subfolder for each interim/partial release

INITIAL REVIEW

Processor shall copy any records in the “2a. Original Records” folder that they intend to work on into the “3a. Original Records” folder. Then place a copy of any files being worked on into the “3b. Working” folder - this may be all the records, or in the case of rolling releases, batches of documents. Processor shall not make any changes to the original documents received from the custodian and shall only work on copies made thereof. All records shall use the proper [naming conventions](#). Admin forms located on the shared drive are to be kept current, as are the comments page on FOIAonline.

If records are still in .msg format or are a .pst file, processor shall use Outlook to convert documents to Adobe PDF. This includes downloading and attaching and email attachments as needed.

Processor is required to track pages reviewed per week and time spent doing so. This information is reported on the weekly report.

- If the processor reviews the same set multiple times, it is only counted once for page count purposes

Review records for [responsiveness](#) and apply necessary exemptions **this MUST include clear thought process/analysis throughout. This is particularly important for foreseeable harm analysis.**

- Merely stating that something would “chill speech” is not enough, you must explain the why/how and tie it to the material you suggest withholding
- Redactions are made using overlay text in Adobe
 - Redactions are done in overlay text and consist of just the redaction code.

- If redacting all or some of an email address and the name is not readily apparent elsewhere on the page, the person's name is placed in the overlay text next to the redaction code. EXAMPLE: (B)(6) - Sam Johnson.
- It is the processor's duty to determine if Subject Matter Expert (SME) or Custodian input is needed in determining any potential foreseeable harm in release. Any conversations regarding a case shall take place using their personal OS mailbox (see Decision Memorandum OSF-20-002, dated October 4, 2019), and be saved in the case folder, as well as noted on the Admin Sheet.
 - If you are unsure, check with the FOIA Officer or Deputy FOIA Officer in order to avoid unnecessarily burdening other offices

The redactions are not finalized until the records have been reviewed by a SOL attorney. Any questions or comments for the attorney should be placed in a sticky note in Adobe.

If, during the initial review, the processor determines there are no responsive records to the request, they shall task it to the Deputy FOIA Officer in FOIAonline to get concurrence using the "review" task.

CONSULTS: While conducting initial review, the processor shall note any pages or whole documents that require consultation with another bureau, outside entity, or the White House. For non White House consults, the processor shall prepare and process per the standard [consult process](#). All consults other than WH must be completed prior to submission to SOL for legal review. Consults must be cleared by the Deputy FOIA Officer or FOIA Officer prior to sending. This is to be done as you find them, not during final review and approval.

Internal to OS Consult follow up policy:

- For all internal to OS (meaning it is not leaving Office of the Secretary employees) consults, the following timelines must be adhered to barring special instructions from the FOIA Officer or Deputy
 - Once a consult is sent, the processor shall follow up after 5 business days have elapsed without a response
 - If the SME responds with "I am working on it" or anything along those lines, the processor shall follow up no later than five business days after that response
 - If the processor has followed up two times and there is still no resolution to the consult, the consult shall be elevated to the Deputy

Once processor review is complete, they shall task a "review" task to the Deputy FOIA Officer or FOIA Officer through FOIAonline unless other instructions have been given. This task is to include how many pages, whether it is a final or interim response, location of records to review, and processor name.

REFERRALS: If, during their initial review, the processor believes records are more properly reviewed and released by another entity due to the level of agency/bureau level expertise required to review properly, the processor will get prior concurrence from the Deputy FOIA Officer or FOIA Officer. Once provided, they shall contact that entity and inform them they will be referring the records to them. Referrals occur when most of the documents are properly reviewed by an entity outside OS FOIA.

Example: documents where most of the substantive material originates from National Park Service, not OS/DOI. This also may occur if a consult to another bureau or agency has gone without response for an excessive period of time. [\(Referral Process\)](#)

SOL REVIEW: Any proposed withholdings other than the [pre-approved withholdings](#) must be approved by the Solicitors Office (SOL). Once the processor has finalized their initial review, and review and approval is finished, the processor shall transmit the request and records to SOL. [\(SOL Transmittal Process\)](#) **Full grants do not need SOL review unless specifically directed to do so.** Processor shall update the FOIAonline comments section and the Admin form in the shared drive when a case is sent to SOL to review.

POST SOL REVIEW: Once SOL indicates their review is complete, the processor shall make any suggested edits to the proposed withholdings or discuss further as needed with SOL before preparing for the next steps.

1.



RESPONSE AND CLOSE OUT: Once the records have been through any necessary White House consults, the processor shall proceed with closing out the request and sending the final response to the requester.

- Processor MUST check with the FOIA Officer or the Deputy to determine whether any additional visibility is needed prior to release of records.
- If it is determined that no added visibility is recommended - Processor shall:
 - a. Conduct a final metadata/hidden information sweep of all records to be released.
 - b. Save all records to be released in the "4. Response" folder.
 - To the extent feasible, records should be condensed into as few files as possible and named using the proper naming conventions
 - c. Finalize the final release letter, convert to PDF, and save in the case folder.
 - d. Request peer review of their letter
 - e. Once peer review is complete, the processor shall sign the letter and then send the letter and documents to the requestor
 - If the requester has a FOIAonline account, records should be uploaded and sent via that system
 - If the requester does not have an account, records should be uploaded to FOIAonline, and then transmitted via email and a copy of the sent email saved in the shared drive

- f. Once the processor has sent the final response out, they shall close out the request in FOIAonline.
- g. Rename the electronic case file to include "CLOSED" and the date of closure
 - Example: 20-00001 CLOSED 4 1 20
- h. Move the case file to the "Closed Requests" Folder in the shared drive for the appropriate Fiscal Year
- If additional visibility is recommended – Processor Shall
 - a. prepare final bracketed package that includes all substantive sticky notes and incorporates SOL feedback
 - Examples of notes to remove include but are not limited to: "WH equity" notes, notes about whether items are public or not, or other notes of that nature.
 - Examples of notes you might keep in: notes giving background substantive deliberative discussion as to why something was/was not recommended for withholding under B5 Deliberative Process
 - b. Email the records (combined as they are to be sent to the requester), the original request, and final response letter (unsigned) to the Deputy FOIA Officer with the following subject line
 - Proposed Release - DOI-OS-XXXX-XXXXXX (requester last name)
 - c. Deputy FOIA Officer will spot check, then move on to FOIA Officer for final review and visibility
 - d. Once it is cleared, Deputy will inform processor and processor shall move on to the final steps as outlined above for the "no additional visibility" release

Processing Notes

- We always redact the current secretary's email under B6. The current one is:

☞ (b) (6)

- Additional emails to be withheld under B6:

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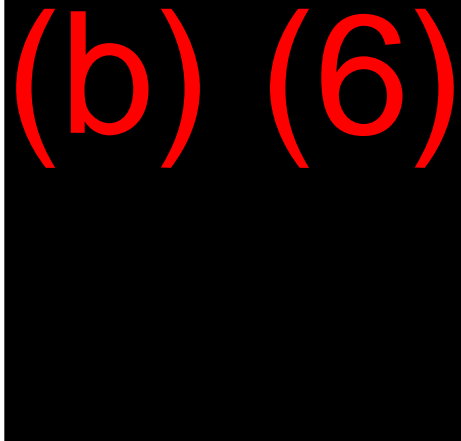
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- Use the "B6 Email addresses" text files found [here](#) to run a search in Adobe "find and redact" function for a base set of emails to be withheld. This **does not** mean every email needing to be withheld has been addressed. The processor is still responsible for reviewing the records and making any additional withholdings necessary
- The only number you are to use to refer to request is the FOIAonline number. DO NOT use the legacy number.
- Items that should **always** be withheld under B6
 - ☞ Fbi.gov emails
 - ☞ State Department email addresses and contact information is withheld
 - ☞ DHS email addresses
 - **EXCEPT** fema.dhs.gov emails. Those should be released
 - ☞ .mil email addresses
 - ☞ Any private, personal email
 - It is not private if it is out in the public sphere intentionally
 - This does not include things such as buzzfile or "people search"
 - ☞ Any private, personal phone number that is not in a signature block
 - It is not private if it is out in the public sphere intentionally
 - This does not include things such as buzzfile or "people search"
- Information in signature blocks is generally released.
 - ☞ The exception to this is White House information, which is always redacted under B6.
 - ☞ A signature block is anything **regularly** included under a person's signature. This may be simply a number, or it may be as extensive as a number + address + email, or some variant thereof.

- Boilerplate language for all letters is [here](#). Always feel free to use other processors approved letters as templates/examples for additional accuracy
- When coming across draft documents, conduct an open-source search for the final version if possible, to identify 1) any differences between the draft and final and 2) if those differences would cause harm upon release. In the event an open-source search does not produce a public version of the document, an SME consultation may be necessary. If only grammatical or stylistic changes have been made and there is no other harm in the document, release is generally recommended.
- Security personnel names and contact information is coded with B6, B7(c), and B7(e).

☞ Current (partial) list of names to look for:

- (b) (6), (b) (7)(C)
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- Check cell phone or personal looking phone numbers in the body of emails to see if they have been deliberately made public. If so, leave a note with where you found it. Things like “buzzfile” or “people search” etc do not count
- We do not redact business emails or office contact information
 - ☞ Examples of this are:
 - “.org”, “.net” or other non-governmental, non-personal email address endings
- Sticky notes in Adobe are your friend! Use them to ask any questions or to explain to SOL why you are doing something.
- White House Information:

(b) (5)



- Release generally for travel related items:
 - Approval codes - unless there is a decline
 - Merchant ID
 - Seat #
 - Flight Tail # or Flight number (typically 4 alpha/numeric)
 - Airport Code (usually 3 letters)
 - Issuing location
 - Booking Agent code
 - Ticket # - unless pre travel
 - Locator number – unless pre travel
 - Travel ID – if a one time code
 - TV and TA numbers – unless pre travel
- ✧ Withhold generally for travel related items:
 - FF#
 - Confirmation # for flights
 - Home Address
 - cc numbers - B5 Commercial – unless it is indicated that is a personal card
 - TSA Precheck of Known Traveler numbers

The following items fall into a very limited category that may be withheld without obtaining further consultation with SOL. Requires specific language in transmittal letter. See [FOIA Bulletin Number: 20-01](#), dated March 27, 2020:

(b)(6):

- .mil email addresses (withhold in full)
- Social Security Numbers
- Place of birth

Consults

Who?

Consults may occur with both other Department of the Interior bureaus and other governmental entities.

When?

A consultation occurs when the processor comes across substantive material or communications that originated from another bureau or organization and determines the originating bureau or agency is in the best position to determine what, if any, foreseeable harm there is in release. Examples include: materials provided to OS from BLM with recommended actions, draft or final substantive documents originating outside OS, substantive discussions between OS and State Department where State is contributing in a substantive manner. Note: **All consults must be approved by either the FOIA Officer or the Deputy FOIA Officer. All consults other than WH must be completed prior to submission to SOL for legal review.**

How?

If, during an initial review, the processor determines there are materials that require consult, the following steps are to occur:

1. Material is marked with which entity or entities they need to be sent.
 - a. If in Adobe - use a sticky note with the name of the organization.
2. A folder is created in the case folder titled "2d. Consults/Referrals/Submitter Notice" and processor places consult material in that folder.
 - a. If in Adobe - Extract the pages needed (do not delete from original package) and place them in folder.
3. Email the correct entity requesting the consultation. ([DOI Contacts](#))
 - a. Email should include records for them to review as well as a copy of the original request
 - b. See [Bulletin](#) for more details and requirements
4. Note date sent in the Admin Sheet and/or FOIAonline and follow up with entity as needed to ensure timely response.
5. Once the entity responds, save their response in the case folder in the appropriate folder and apply any suggested withholdings, or, if you do not agree with them, note them for SOL for discussion during SOL review.

Sample e-mail language:

Email Subject: Informal Consult – DOI-OS-XXXX-XXXXXX

Good morning,

While processing a Freedom of Information Act request from the [requester name or organization], dated [date of original request], the Department of the Interior's Office of the Secretary (OS) located XX pages containing material that may be of interest to your agency.

We have attached the [insert number of pages]pages, as well as a copy of the request. Please review the attached records, mark any proposed redaction(s), state the exemption(s) you would claim for each proposed redaction, and return the records along with your proposed redactions to us, by [date you need response by]. After carefully considering your proposals, we will issue a final release to the requester. Thank you.

White House Consults

(b) (5)



(b) (5)



SOL Transmittal

When?

SOL review occurs after the processor is finished with any initial review and non White House consults, and any required peer review is completed.

How?

1. If reviewed in Adobe, the processor uploads the contents of “3f. Legal Review” into the “SOL Review” Folder in the [OSF SharePoint Site](#) in its own folder and complete the “Review Tracker” spreadsheet.
2. Emails the SOL POC (Jeffrey Scott), CC’ing the Deputy FOIA Officer informing them they have uploaded everything to teams. They then note this in the Admin Sheet
 - a. Required language:

Subject: *Legal Review – DOI-OS-XXXX-XXXXXX*

Per current OS FOIA guidelines, I have uploaded the responsive records, original request, and draft final letter for FOIA request [insert request number] for SOL FOIA review in the SOL Review folder on SharePoint. Thank you.

3. The SOL attorney who conducts the review will contact you when it is completed.
 - a. All feedback from SOL should CC Leah, and if it does not, it is the processors responsibility to forward it to her for visibility