Description of document:	Defense Threat Reduction Agency (DTRA) Freedom of Information Act (FOIA) Standard Operating Procedure (SOP) 2022(?)
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DEFENSE THREAT REDUCTION AGENCY
8725 JOHN J. KINGMAN ROAD, STOP 6201
FORT BELVOIR, VA 22060-6201

June 23, 2022

Re: FOIA Case No.: 22-053

This is our final response to your Freedom of Information Act (FOIA) request perfected May 23, 2022 and assigned FOIA case number 22-053 by the Defense Threat Reduction Agency (DTRA). You requested a copy of each (internal) FOIA Standard Operating Procedure (SOP) at the DTRA FOIA Office.

Enclosed is a copy of the record deemed responsive to your request. This record is being released to you in full. No fees are due as the assessable costs total $25.00 or less.

If you have any questions concerning the processing of this request, you may contact the DTRA FOIA Public Liaison by phone at (703)767-1792 or by email at dtrafoiaprivacy@mail.mil.

Sincerely,

Jerlean Ross

Jerlean Ross
Government Information Specialist
Freedom of Information/Privacy Act Office

Standard Operating Procedures for Processing Freedom of Information and Privacy Act Requests

Step 1. Receiving a FOIA/PA Request (Day 1-2)

Receiving a Freedom of Information Act (FOIA) and Privacy Act (PA) Request: FOIA and PA requests are received by e-mail and mail. FOIA/PA Requests should be logged into FOIAXpress within 48 hours of receipt.

Initial Review:

1. Read the request thoroughly to determine if the request is "Perfected."
   - A perfected request should:
     i. Request for agency records submitted in writing
     ii. Request reasonably describes records requested
     iii. Request complies with agencies regulations for making requests

2. Log FOIA/PA request in FOIAXpress. Requests are to be logged in using the date the request was received. Requests received after 4:00 p.m. and weekends are deemed as being received the next business day.

3. Create a Case File Folder on the share drive using the assigned case number in FOIAXpress.

Step 2. Processing a FOIA/PA Request (Day 3)

Processing a FOIA/PA Request:

1. **Acknowledging Receipt**:

   - "Perfected" FOIA Request: Send acknowledgement letter within 24 to 48 hours after receipt of the request. (See email acknowledgement templates)

   - "Not Perfected" FOIA Request: FOIA Analyst send the requestor an e-mail informing them that the request is not perfected and request additional information. (See email not perfected templates)

2. Review the FOIA request to determine Fee Category:

   - Commercial Requestor. To determine whether a requestor falls in this fee category, the Component must determine how a FOIA requester will use the documents requested. When there is reasonable cause to doubt the records sought, or when that use is not clear from the

FOIA request itself, the Component should seek additional clarification from the FOIA requester before assigning the FOIA request to a specific category. FOIA requesters should indicate a willingness to pay all search, review, and duplication costs when the records are requested for commercial use. Commercial requesters are **not** entitled to 2 hours of free search time and 100 free pages of reproduction.

- News Media. A representative of the news media, who uses editorial skills to turn raw material into a distinct work, and has the ability to disseminate the finished product to a large audience. A person or entity that merely disseminates documents received pursuant to the FOIA to an audience would not qualify as a representative of the news media. Additionally, applying a label such as "reporter" to a person on staff of an organization that not otherwise meet the definition of a representative of the news media does not create media status for FOIA purposes. Representatives of the news media do not include private libraries, private repositories of government records, information vendors, data brokers, or similar marketers of information, whether to industries and businesses or other entities. FOIA requesters should indicate a willingness to pay duplication charges in excess of 100 pages if more than 100 pages of records are desired.

- Educational Institution. FOIA request is made by an educational institution whose purpose is scholarly research. A FOIA request made by a faculty or staff member or a student of an educational institution that serves an individual research goal and not a scholarly research goal of the institution would not qualify for this fee category. FOIA requesters should indicate a willingness to pay duplication charges in excess of 100 pages if more than 100 pages of records are desired.

- Non-Commercial Scientific Institution. FOIA request is made by a non-commercial scientific institution whose purpose is scientific research. FOIA requesters should indicate a willingness to pay duplication charges in excess of 100 pages if more than 100 pages of records are desired.

- All Other. FOIA requesters who do not fit into any of the previous categories should indicate a willingness to pay assessable search and duplication costs if more than 2 hours of search effort or 100 pages of records are required. Fees are waived or reduced if the fee waiver criteria are met.

- Privacy Act. FOIA requesters ask for information about themselves pursuant to the Privacy Act. In these cases, the only assessable processing fees are for duplication. A requester who is making a request for records about himself or herself, regardless of whether the records are in a Privacy Act system of records, must comply with the verification of identity.

- Standard for Prepayment of Fees: The FOIA requester has a history of failing to pay fees in a timely fashion (within 30 days of the billing date) on a previous FOIA request; OR the fee

will exceed $250. DTRA can require prepayment upon completion of the processing, but before actual delivery of the records to the requestor.

3. Fees:
   - Check for outstanding fees from previous request (conduct search in FOIAXpress)
   - Fee Waiver requested
   - Expedited processing request (Note: Expedited requests must be approved by the IDA)
     - A requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for making the request for expedited processing. (See expedited template to submit to IDA)
     - The requestor will be notify in writing within **10 calendar days** of the receipt of a request for expedited processing of its decision whether to grant or deny expedited processing.

4. Acknowledgement Letter: Complete the "Acknowledgment" letter within 72 hours of a "Perfected" FOIA request.

   - Acknowledgement letters for cases requesting expedited processing or denial of fee waivers are required to be routed through General Counsel and the IDA before sending to the FOIA requester.
   - If the case involves contracts or there are unusual circumstances, the Agency must notify the requestor that additional time will be needed to process the request.

Step 3. Conducting A Search/Review for Records:

Directorate/Staff Office Subject Matter Experts (SMEs) are required to conduct a search and/or review files for responsive records. Due to the significant of FOIA timeline completion requirement, SMEs are given 7 workdays to complete the search and/or review.

Tasking a FOIA/PA request for a search/review of records:

1. Determine which Directorate/Staff Office, SME is likely to possess records responsive to the request.

2. Generate the tasking in "EMTS2" to the Directorate/Staff Office, SME to conduct a search/review for responsive documents. (see EMTS2 tasker guidance template)

3. EMTS2 FOIA/PA request tasker will include: DTRA Form 57, FOIA request, and tasker guidance to the Directorate/Staff Office, SME within 72 hours of a "Perfected" FOIA request. Consultation responsive documents are sent to the SME via e-mail.

Process for Contract Records:

1. Task Contract Department to conduct a search for copies of contract documents pertaining to the FOIA request or get a fee estimate if the requester ask for one and send it to the requester and see if they agree to pay the fees. Suspense date timeline 7 working days. The tasking will be sent via email and the following is included:
    - FOIA Request
    - DTRA Form 57
    - Tasker Guidance (e-mail)

2. Contract Office will load responsive documents to the J: Drive FOIA Contract folder and send an email when completed. Contract Office should also provide name for the Program Manager(s) for those contracts.

3. FOIA Analyst should review the contracts and verify the DTRA Form 57 has been filled out correctly.

4. Next contact Program Manager to obtain and/or verify Contracting Company POC (Submitter) information.

5. Prepare EMTS2 tasker guidance to task Program Manager to conduct a review and release determination. Suspense date timeline 7 working days. The tasking will be sent via email and the following is included:

    - FOIA Request
    - DTRA Form 57
    - Tasker Guidance (e-mail)

6. Prepare Submitter Notification letter and e-mail it the Contracting Company POC to conduct a review and release determination. Suspense date timeline 7 working days.

7. FOIA Analyst review all redactions and load contracts in FOIAXpress and make submitter recommended redactions.

8. After completing Submitter and Program Manager redactions task Contract Office to conduct a review/release determination. Load copies of the contract with Program Manager and Submitter recommend redactions in the contract folder located on the J: Drive. In the same folder, create a Contract Office "Review folder" load a copy of the consolidated redacted document, the DTRA Form 57 (Contract Office will use the original DTRA Form 57 to complete the "Review" portion). Once all documents are loaded in the Contract Office review folder on the J: Drive send an email to the Contract Office.

9. Once the Contract Office completes their review, they will load a spreadsheet and completed DTRA Form 57 in the Contract Review folder and send an email notification to the FOIA analyst they have completed the review.

10. FOIA Analyst review and make any changes to the document in FOIAXpress and prepare final package for legal review and IDA approval:

    TAB A: Copy of the FOIA request and any supporting documents, such as (amended FOIA request; Fee Waiver or Expedited Processing)

    TAB B: Contract Office, Program Manager and Submitter (folders should include copies of the redacted documents)

    TAB C: Final Redacted document (Translucent and Opaque)

11. After GC and the IDA approve the package, then the redacted document is provided to the submitter requester with the Intent To Release Notice letting them know that this is how DTRA plan to release the document. Timeline 7 working days.

12. After the 7 working days the redacted document is sent to the requester.

Step 4. Review Process Documents (Day 10-12)

Reviewing Responsive Documents:

When the DTRA Form 57 and responsive documents are returned from the Directorate/Staff Offices, SME the FOIA Analyst should review:

1. DTRA Form 57 to ensure:
   - at least one response has been checked
   - if withholding in full or part is recommended, the FOIA exemptions are specified and/or a justification is given
   - if referral is recommended
   - if the hours searched/reviewed/number of documents and number of pages competed
   - if it has been signed by the appropriate official from the Directorate/Staff Office

2. Responsive Documents to ensure:
   - information determined to be non-releasable is highlighted or bracketed and appropriate justification for the redaction (See exemption code at the end of this document)

   - Determine if it is necessary to send documents to another agency for referral or consultation.

Step 5. Processing Responsive Documents (Day 4-9)

1. Complete redactions on responsive documents using FOIAXpress if required
2. Prepare final letter (see templates)
3. Create the Final Package and submit to GC for legal review with the following tabs:

   TAB A: Copy of the FOIA request and any supporting documents, such as (amended FOIA request; Fee Waiver or Expedited Processing)

   TAB B: DTRA Form 57's, Emails from Directorate SMEs

   TAB C: Final Redacted document (Translucent and Opaque), Final Response Letter

4. After GC review submit the package to the FOIA Chief for review/approval.
5. The package is ready to be release after the Chief review/approval

Step 6. Conduct Legal Review (Day 13-17)

1. Review Request, DTRA Form 57's, responsive documents, and final letter for legal issues
2. If changes are necessary, move to the analyst's "Needs Revision or Additional Information" folder, if changes are necessary.
3. If no changes are required, sign the DTRA Form 1A and move file to the analyst's "Reviewed" folder.
4. Legal will send an email to the analyst to let them know the case is ready for the IDA's review.

Step 7. Send to IDA Review (Day 17)

1. Conduct a final review of the case file to prepare it for IDA.
2. Move to IDA's folder and notify him that the document is ready for his review.

Step 8. IDA Review (Day 18-20)

1. Review Request, DTRA Form 57's, responsive documents, and final letter.
2. Send to FOIA analyst for corrections, if necessary.
3. Sign the DTRA Form 1A form when the case is ready for release.

Step 9. Closing a FOIA Request (Day 20)

FOIA requests are required to be closed within 48 hours after the final package is signed. The FOIA Analyst should:

1. Send the final letter and/or responsive documents to the requestor via email or mail. (See FOIA request for guidance)
2. Upload DTRA Form 1, Final letter and DTRA Form 57 and all responsive documents in FOIAXpress
3. Complete the final steps in FOIAXpress to close the FOIA request
4. File FOIA request case file in accordance to office approved file plan.

FOIA Appeals: If a request is initially denied in whole or in part under one or more of the below exemptions or denied for some other reason, the requestor will be advised of their appeal rights and the proper procedures for submitting the appeal within 90 day.

FOIA exemptions:

Records (or portions of records) will be disclosed unless that disclosure harms an interest protected by a FOIA exemption. The nine FOIA exemptions are cited in the Act as 5 U.S.C. §552 (b)(1) through (b)(9):

(b)(1)--records currently and properly classified in the interest of national security;
(b)(2)--records related solely to the internal personnel rules and practices of the DoD or any of the DoD Components.

(b)(3)--records protected by another law that specifically exempts the information from public release;
(b)(4)--trade secrets and commercial or financial information obtained from a private source which would cause substantial competitive harm to the source if disclosed;
(b)(5)--internal records that are deliberative in nature and are part of the decision making process that contain opinions and recommendations;
(b)(6)--records which if released, would result in a clearly unwarranted invasion of personal privacy;
(b)(7)--investigatory records or information compiled for law enforcement purposes;
(b)(8)--records for the use of any agency responsible for the regulation or supervision of financial institutions; and
(b)(9)--records containing geological and geophysical information (including maps) concerning wells.