

# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

National Business Center  
Denver Federal Center, Building 50  
P.O. Box 25047  
Denver, Colorado 80225-0047

In Reply Refer to:

1278 (BC-650A)P

JAN 27 1997

WO IM 97-39,

WO IM 97-46,

WO IM 96-60 and Changes 1 and 2

E-MAIL Transmission

Instruction Memorandum No. BC-97-017

Expires: 09/30/98

To: All BC, RS, HR, Center Directors and Group Administrators/Supervisors

From: Liaison, National Business Center

Subject: Records Required to be Made Public Electronically by  
November 1, 1997 - Public Law 104-231

DDS 2/14/97

Please distribute this IM as widely as possible. One purpose of this IM is to inform all employees of their responsibilities under the provisions of the Electronic Freedom of Information Act (PL 104-231)(E-FOIA). This IM is also issued to solicit comments and assistance in order for the National Denver Centers to implement the requirements of the law on or before the due dates described below.

Attention all employees: Any records created on or after November 1, 1996, that fit the descriptions in this IM will need to be made available to the Public in electronic format by November 1, 1997. Please keep this in mind while cleaning out electronic files.

As you may have heard President Clinton aligned the E-FOIA bill in October 1996. Several WO directives have been issued to explain the requirements of the law. Most have been written in legalese or Freedom of Information Act (FOIA) language. This IM is being issued to try to interpret those directives and to explain requirements as they relate to you and your staff.

Electronic FOIA expanded the definition of a "public" record. Which means there are additional records we will be making available to the public without a FOIA request. These records include:

- (1) Those statements of policy and interpretation which have been adopted by BLM and are not published in the Federal Register. These records include:  
All BC, RS, and HR IMs and IBs. Like WO directives, our directives will be identified as Public (P), Nonpublic (N), or Limited to BLM Only (L). This designation will be found

near the subject file code on each directive. Effective immediately, each originating office/staff is responsible for assigning an access designation to each directive it issues. All directives issued on or after November 1, 1996, must have an access designation. See WO IM 96-60 and Changes 1 and 2 (Attachments 1, 2 and 3) for more detail.

Final Opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

- (2) Administrative staff manuals and instructions to staff that affect a member of the public. These records include:

Manuals and Handbooks. All manuals and handbooks issued by any of the 3 Denver Centers, since November 1, 1996, will have to have an access code ("P-, ~N" or "L") assigned to them. All manuals and handbooks created on or after November 1, 1996, have to be available to members of the public electronically after November 1, 1997.

- (3) Copies of all records, regardless of form or format which have been released to any person under the FOIA after November 1, 1996, which, because of the subject matter, are likely to become the subject of subsequent FOIA requests for substantially the same records. With input from each Field Office, the Department will be maintaining an index of these records as required by the law.

The Bureau has identified these records as those that have been released more than 3 times in 1 year under FOIA. For calendar year 1996, this will include VISA IMPACT cardholder names and office addressee and probably portions of the Wild Horae and Burro data bases.

Here is the schedule of events as required by E-FOIA:

November 1, 1996 Public records, including those described above, created on or after this date will need to be made available to the public. See below for date and format requirements.

March 1, 1997 Public records will need to be made available to the public in paper format by this date.

November 1, 1997 Public records will need to be made available to the public in electronic format by this date. These records may be made available via Internet or other electronic means.

The Bureau E-FOIA Implementation Team is responsible for tasks to meet the March 1, 1997, deadline. The following are tasks that offices must begin now in order to meet all deadlines. Your input is needed.

- (1) Determine the categories of documents required to be publicly available in electronic format. Please submit a list of records you think apply to the new definition to Donna Emmons at BC-650A. Please list specific documents, other than IMA or IBA, created after November 1, 1996, which would be required to be made publicly available.
- (2) Begin placing such information in electronic format. For each record you list in (1), please provide your suggestions on how access to these records should be given and how the record would best be stored and provided.
- (3) Ensure that only "public" portions of the documents are made publicly available. Please

provide suggestions on how to aggregate the documents you have listed in (1) and (2). The Bureau Implementation Team is looking into software options so your input will be greatly appreciated.

- (4) Begin collection and indexing of required electronic records. Each Group Administrator from the BC and HR and RS Center Directors should provide the name of an individual who will be responsible for: - collecting and indexing this information; - acting as contact for E-FOIA access matters; and, - creating and maintaining a directory for this information.

Please provide the above information to Donna Emmons by February 14, 1997. Thank you in advance for your assistance.

Some of the other provisions of E-FOIA include:

- (1) BLM must provide records in formats requested by the FOIA requester when the Bureau has the capability to do so and the request is reasonable.

The Department is strongly encouraging us to make information available using Internet or other technology in our reading rooms or at another location for the public to use in accessing this information.

- (2) We are required to make a reasonable effort to search for records in an electronic format (which includes email messages), except where such efforts would interfere significantly with the bureau/office's automated information systems.

In the past, most FOIA searches were done only in paper records. Electronic FOIA requires us to search all formats, including email messages, databases and other electronic files.

- (3) Identify where sensitive information was removed (redactions) were made in the electronic file provided in response to a FOIA request. The FOIA exemption and amount of information deleted must also be provided.

This will require the purchase of a software package. The Bureau and Department Implementation Teams are looking into this.

If you have any questions, please feel free to contact Donna Emmons via email or at 236-6369.

### 3 Attachments

- 1-WO IM 96-60 (2 pp)
- 2-WO IM 96-60, Change 1 (1 p)
- 3-WO IM 96-60, Change 2 (2 pp)

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240  
JAN 27 1997

In Reply Refer To:  
1220 (530)  
IM 94-187; MS 1278

EMS TRANSMISSION 3/1/96  
Instruction Memorandum No. 96-60  
Expires: 9/30/97

To: All WO and FO Officiala

From Director

Subject: Subject: Proceasing of Temporary Directivea and Posting on the Internet Internal  
BLM Home Pages

Effective February 26, 1996, all BLM Offices are to provide an electronic copy of at lesat the cover IM/IB to their Directives Team. All temporary directivea are to be created in WordPerfect 5.1 (or standard version number) or converted to that package. After the Bureau goea to WordPerfect 6.0, that will be the standard. The font is Timea Roman 12 point. The top, bottom, left, and right margina are set to one inch. All directives should be sent electronically following your State's electronic mail procedures for more efficient and timely delivery of temporary directives. If any attachments are unavailable in electronic format, i.e. pamphlet, tape, map, etc., indicate in the cover IM/IB, that the attachment is being sent under separate cover.

A Washington Office Internet Team is established which ia reaponable for creating and maintaining Web sites for the Public (external) and BLM employeea (internal). The BLM Internal Home Page should serve as a template for field officesa as they develop their internal home pages. This home page can be viewed by typing in "http://web.blm.gov" for the Uniform Resource Locators (URL) adressa of your internal browser. Included on the BLM Internal Home Page ia a category for Washington Office Directives. Under that category are posted the Fiscal Year 1996 Instruction Memoranda (IM) and Information Bulletins (IB).

The following process is used by the Washington Office for adding IM/IBs to the Directives Home Page: Each State can decide if they have the resources to establiah a Directives Home Page on the Internet for posting of their temporary directivea, and can use this as an example for them in the creation of their Directives Home Pages. By providing this information on the Internet, we can improve customer service to all BLM Officesa.

After the temporary directive haa been signed by the aigning official and transmitted to the Directive Team, please contact your Recorda Administrator/FOIA Office to determine what category the information fall in: Liated below are the categoriessa identified in the BLM Manual 1278.

- (1) Administratively sensitive, and ahould not be placed on the Directives Home Page for all BLM to view;
- (2) Haa senaitive material which the Bureau can view but should not be viewed by the Public; or
- (3) Ia approved for either BLM or the Public to view.

After the access category haa been determined, it will be converted to HTML format and placed on the Directives Home Page accordingly. Please contact

Attachment 1-1

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your State or Bureau FOIA Officer if you have questions on whether information in the IM or IB cover memorandum or attachment may be protected under the Freedom of Information Act or other statute and which of the three categories above it may fall under. Instruction Memoranda and Information Bulletins fall into the public category, but many times the attachments are non-public. Refer to BLM Manual Section 1278 - External Access to BLM Information and previous instruction memoranda for more information on what information may be considered sensitive.

The Washington Office Directives Team will post the document(s) on the Internal Directives Home Page.

If you have any questions, please contact Lynn Galassini at (202)452-5162 or on GroupWise.

Signed

Carolyn M. Burrell  
Acting Assistant Director  
Human Resources Management

Authenticated  
Robert M. Williams  
Directives Team, WO530

Attachment 1-2

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240

April 19, 1996

EMS TRANSMISSION 4/22/96  
Instruction Memorandum No. 96-60, Change 1  
Expires: 9/30/97

To: All WO and FO Officials

From: Director

In Reply Refer To:  
1220 (530/520)  
IM 94-187, MS-1278

Subject: Clarification of Review for Temporary Directives and Posting on the Internet Internal BLM Home Pages

This Instruction Memorandum (IM) is to correct and clarify several terms and procedures found in the IM identified above.

Page 1, Paragraph 4, line 4 states: "Listed below are the categories identified in the BLM Manual 1278". The categories identified are not the Bureau Record Access Categories established by the Bureau, but for the purpose of IM 96-60, these are review categories when considering temporary directives for the Internal Home Page. That sentence should be deleted.

Page 2, First paragraph, line 4 reads: "Instruction Memoranda and Information Bulletins fall into the public category, but many times the attachments are non-public" Information Bulletins are considered non-public according to the Bureau Record Access Category listing (they often contain opinion and draft policy).

If you have any questions contact Lynn Galassini at (202) 452-5162

Signed  
Harilyn H. Johncon  
Asaistant Director  
Human Resource" Management

Authenticated  
Robert M. Williama  
Directives Team,W0530

Attachment 2-1

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240  
December 20, 1996

EMS TRANSMISSION 12/26/96  
Instruction Memorandum No. 96-60, Change 2  
Expires: 9/30/98

To: All WO and FO Officials

From: Director

In Reply Refer To:  
1220 (520,530)P  
IM 94-187; MS 1278

Subject: Fur~er Clarification of Review and Processing of Temporary Directives and Posting on the  
Internet Internal BLM Home Pages

This is to clarify and reiterate Washington Office policy and procedures for processing temporary directives in the Washington Office. Similar procedures in the field offices should follow these guidelines.

**It is imperative that a category be designated for each temporary directive accordiog to FOIA policy before it is electronically t~nsmi~d to the Directives Team for distribution.** The categories are: (**P=Public, N=Non-Public, L=Limited BLM, or R=Review by Or~puating Off'ce**). The lettered category should be inserted after the office code located under the "In Reply Refer To: n(example: 1220 (530)). This is the responsibility of the originating of fice.

These category codes are posted with the temporary directive on the Directives Internet home pages

under WEB.BLM.GOV to provide guidance to BLM employees on what information is releasable to the public according to the author of the temporary directive. Prior to posting Instruction Memoranda (IMs) and Information Bulletins (IBs) on the Internet, publicly requested directives were cleared through program offices to determine if they were releasable to the public. Many IMs and IBs in fact provide information which is not formal BLM policy, and which contain information which is protected by a FOIA exemption. Temporary directives such as the following are examples of guidance considered non-public and protected by a FOIA exemption: auditing plans, law enforcement guidance, briefing documents, personnel guidance, etc. The coding of temporary directives provides the originating program office the opportunity to identify information which it prefers not to be made public without consulting with that office.

Attachment 3-1

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Any instruction memorandum or information bulletin that is **marked "P" may be released to the public.** Any instruction memorandum or information bulletin that is marked **"R" or "N" may not be released to the public** without clearance by the originating office and the FOIA Coordinator. Any instruction memorandum or information bulletin that is marked **HL"** will be listed on the Directives home page, but will not be available electronically and must be released by the originating office to appropriate BLM employees only. Any instruction memorandum or information bulletin marked **"RH** is in the process of being reviewed by the originating office for the appropriate record category designation.

If you have any further questions, please contact your State or Bureau Records Administrator.

Signed

Tara A. Person

Acting, Assistant Director

Information Resources Management

Authenticated

Robert M. Williams

Directives and Records

Group, WO540

Attachment 3-2