In Reply Refer to:
1278 (OR-955.3) P

February 12, 2008

EMS TRANSMISSION 02/14/2008
Instruction Memorandum No. OR-2008-043
Expires: 9/30/2009

To: All Employees
Attn: Contractors

From: State Director, Oregon/Washington


Program Area: All program areas, Freedom of Information Act (FOIA).

Purpose: This Instruction Memorandum (IM) is being issued in follow-up to IM-2008-059 from the Washington Office. Issuance of this IM is to ensure that all employees and contractors are aware of their roles and responsibilities as they relate to Executive Order (E.O.) 13392, a component of the Freedom of Information Act (FOIA), and the new FOIA Reform Bill.

Policy/Action: E.O. 13392 requires that records be made available to the public to the greatest extent possible, while protecting sensitive information and meeting timeframes. All employees of the Bureau of Land Management (BLM) can be called upon to produce necessary information and documents in support of a FOIA request. Therefore, in order to meet timeframes, the BLM has established that all program offices of BLM respond to requests from the FOIA Officer within five (5) days from initial notification.

In addition, offices need to be aware that the new FOIA Reform (the ACT) will make it easier for individuals who sue the Government under FOIA to recover attorney fees and litigation costs. Agencies will also be required to pay the costs out of their annual operating funds rather than judgment funds. This bill would also prohibit the agency involved from assessing search and/or duplication fees against a requestor if the agency fails to comply with the Act’s time limits.

All requests must be responded to by the FOIA Officer within the statutory time limit of 20 workdays.
**Timeframe:** Effective Immediately.

**Budget Impact:** None. This is a part of the FOIA program duties.

**Background:** In December of 2005, the President issued E.O. 13392 to improve processing of requests under FOIA. On December 18, 2007, Congress approved a bill making the FOIA process accountable for meeting mandatory timeframes.


**Coordination:** This IM coordinates with all policies and procedures.

**Contact:** If you have any questions related to FOIA, please direct them to Michael Paschall, OR/WA State FOIA Officer, at 503-808-6677. Questions regarding this IM should be referred to Sherrie Reid, Chief Records Section, at 503-808-6655.

**Districts with Unions** are reminded to notify their unions of this Instruction Memorandum and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you assistance in this matter.

Signed by
Jody Weil
Acting, Associate State Director

Authenticated by
Paj Shua Cha
Records Section

Attachment(s)
1- **IM-2008-059** (1p)

Distribution
W.O. (560)