

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
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November 26, 2008

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Instruction Memorandum No. ID-2009-013
Expires: 09/30/2010

To: **ILT/IMF**
Attn: Field FOIA Coordinators, Administrative Officers, and Support Services Managers

From: State Director

Subject: Procedures for Processing Freedom of Information Act (FOIA) Requests

Program Area: FOIA

Purpose: This Instruction Memorandum (IM) provides policy and procedural guidance for processing Idaho FOIA requests, defines roles and responsibilities for Idaho FOIA Coordinators, and publishes a list by office of Idaho's FOIA Coordinators.

Policy/Action: Executive Order (EO) 13392 requires all requests be processed through a "FOIA Requester Service Center" to provide better tracking of request status and, thereby, better customer service. To fulfill this requirement, the Idaho State FOIA Coordinator will continue as the designated point-of-contact for all Idaho FOIA requests.

All FOIA requests shall be centrally controlled in the Idaho State Office (ISO) by the State FOIA Coordinator. The State FOIA Coordinator will maintain all official case files for Idaho FOIA requests and will process requests in conjunction with the designated Field FOIA Coordinator(s) and Subject Matter Expert(s) (SME) in affected offices. Attachment 1 is a "FOIA Processing Checklist" that details the processing procedures. Attachment 2 is a list of roles and responsibilities of the State FOIA Coordinator and the Field FOIA Coordinators.

The State FOIA Coordinator, the Field FOIA Coordinators and all respective alternates must process FOIA requests as detailed in Attachments 1 and 2.

Timeframe: Effective upon issuance.

Background: FOIA request processing is mandated by strict timeframes and procedural requirements. Recent EOs, FOIA Amendments, and Department of the Interior policies have added new requirements for central control and reporting. Current court decisions have also impacted how FOIA

requests are processed. The designated FOIA Coordinators in the district and field offices are assigned to FOIA as a collateral-duty, and as such are not expected to be fully knowledgeable of evolving FOIA processing requirements and current court rulings. However, the State FOIA Coordinator is required to attain this knowledge. Because FOIA requests are frequently a precursor to litigation or appeal, it is important that requests are properly processed and that response letters and enclosures with sensitive material are reviewed by the State FOIA Coordinator, SMEs, responsible management officials, and the Solicitor's Office. Internal FOIA processing procedures are required to ensure timely and efficient processing of FOIA requests. It is also important for management to be aware of the processing procedures, as well as what is required of the local FOIA Coordinators and the State FOIA Coordinator.

Manual/Handbook Sections Affected: This IM serves as interim guidance to Idaho BLM Manual Supplement 1278, External Access to BLM Information, until it is updated.

Coordination: This IM was coordinated through the Acting Deputy State Director for Support Services, State Chief Information Officer, State Records Administrator, State Human Resources Officer, Idaho Field FOIA Coordinators, and Idaho Administrative Officers/Support Services Managers.

Contact: For additional information, contact Gloria Van Noy, State FOIA and Privacy Act Coordinator, at (208) 373-3947.

Boise District with Union: Management is reminded to notify and satisfy any bargaining requirements prior to implementation.

Signed
Thomas H. Dyer

Authenticated
Shellie Hartsock
Records Management Specialist

3 Attachments:

- 1 - Idaho FOIA Processing Checklist (3 pp)
- 2 – Roles and Responsibilities for Idaho FOIA Coordinators (2 pp)
- 3 - Idaho FOIA Coordinators list (1 p)

Idaho FOIA Processing Checklist

State FOIA Coordinator (SFC)
Field FOIA Coordinator (FO)
Subject Matter Expert (SME)

STEP 1: Receiving a FOIA Request.

- A. FO: Date stamp request letter on day received and submit to SFC.
- B. FO: Fax a copy of the request letter to the SFC at 208-373-3904, or send a scanned copy via e-mail to ID_FOIA@blm.gov or Gloria_VanNoy@blm.gov on the day received or no later than the following business day.

STEP 2: Notification of Request

- A. SFC (or staff): Enter FOIA request into the Department of the Interior (DOI) Electronic FOIA Tracking System (EFTS) and assign a local Idaho FOIA number.
- B. SFC (or staff): Set up FOIA case file, prepare an acknowledgement letter to the requester on the same day or next business day.
- C. SFC (or staff): Scan the request (with Idaho FOIA number) and e-mail to affected FO (when applicable) and FOIA attorney.
- D. FO: Open field FOIA file and notify District or Field Manager if mandated by local requirements.

STEP 3: Scoping the Request

- A. SFC staff: Have SFC sign acknowledgement letter and mail it.
- B. FO: Provide SME(s) with a copy of the FOIA request.
- C. SME: Determine if the request needs clarification in any of the following areas:
 - 1. Description of desired records;
 - 2. Scope of request (date range, overly broad, other quantifying factors).
- D. FO: Contact the SFC same day (if possible) when additional clarification is required.
- E. SFC, FO, and SME(s) will collaborate to develop a letter asking for specific clarification from requester when request is not clear.
- F. SME and FO: Do not search for or copy any records until clarification issues are resolved (Item C, D, E above). In this case the SFC will provide you the requester's clarification and advise you to begin your search.
- G. SFC: Review justification for "Expedited Processing" and/or "Fee Waiver," if received as part of the request. (Is there adequate justification to make a determination? Do we need additional information? If so, prepare letter and mail.) If approving Expedited Processing, notify requester within 10 calendar days. If approving Fee Waiver, notify requester no later than 20 workdays from date of receipt.
- H. FO (with SFC): Identify other locations or agencies that may have responsive records if applicable.

STEP 4: Estimating fees

- A. FO: If no additional clarification is required, and without written direction from SFC, prepare an “Initial” FOIA Worksheet, ID 1278-2. Ensure estimated time reflects only that time expected to locate responsive records and the number of estimated pages.
- B. FO: Ensure 1278-2 forms are completed properly and submit within three (3) business days from receipt of request (if request is clear). Fax or e-mail to SFC.
- C. FO: If multiple SMEs are involved, combine all 1278-2s and provide the SFC with one 1278-2 per office (site).
- D. SFC: Review 1278-2(s) to determine if request can be completed within 20 workdays and if there will be fee issues that need to be addressed.
- E. SFC: Work with FO(s) and SME(s) to determine a target completion date if the request is placed in the Complex Track.
- F. SFC: Contact the requester if a “willingness to pay” statement or advance payment is required and/or offer help to requester to reduce the scope of the request.
- G. SFC: Notify the FO in writing (via e-mail) to begin pulling and copying responsive records.
- H. FO and SME: Proceed to Step 5 when notified to begin search.

STEP 5: Searching for responsive records

- A. FO: Advise SME(s) to begin their search when direction is received from the SFC.
- B. FO: Remind the SME(s) and their staff to review “Search Tips” and to search all sources within the location/office likely to contain responsive records.
- C. SME: If you find no records, complete 1278-2 indicating “no records” were found and where you searched (or why we have no records as in “polar bears are not within the scope of BLM Idaho jurisdiction.”).
- D. FO and SME: If responsive records are located, proceed to Step 6.

STEP 6: Preparing responsive records

- A. FO: Remind SME(s) to photocopy single-side only and not to count their copying time as part of the search.
- B. FO and/or SME: Make one (1) copy of all responsive records or scan and provide them on a Compact Disk (CD) or DVD.
- C. Assume a document list is not required, unless otherwise directed by SFC.
- D. FO and SME: “Flag” where possible to recommend which text should be reviewed for possible redactions (blacked out) and your reasoning (use post-it-notes).
- E. FO and SME: Provide all responsive records even if a document will be withheld in its entirety. Final redactions and denials can only be made by the SFC in consultation with the Field Solicitor’s Office.

STEP 7: Completing the process

- A. SME: Complete the “actual” portion of the 1278-2 with actual hours for the search (only) and the actual number of pages.
- B. FO: Look over the completed 1278-2 to make sure it makes sense and question the SME if the hours for search or number of pages look out of the ordinary.
- C. FO: Ensure that the “Actual” version of the 1278-2 accompanies the responsive documents when mailed or delivered to the SFC.
- D. FO: Ensure documents are provided to the SFC on or before the deadline.

STEP 8: Final Response

- A. SFC staff: Scan paper copies and prepare for electronic redacting.
- B. SFC: Review all responsive documents and apply redactions (if applicable) in consultation with FOIA attorney.
- C. SFC: Prepare response letter, consult with Office of the Solicitor, and obtain DSD and ASD concurrence and the State Director’s signature.
- D. SFC staff: Send signed letter, along with responsive documents contained on a CD, to the requester via certified mail.
- E. SFC staff: Calculate fees for EFTS purposes; update the Idaho FOIA log.
- F. SFC staff: Send copy of final response letter and “office copy” CD to applicable FO(s) for their case file.
- G. SFC: Close case in EFTS and in official FOIA file.

Roles and Responsibilities for the Idaho State FOIA Coordinator and the Idaho Field FOIA Coordinators

1. The State FOIA Coordinator:

- a. Assigns all requests a FOIA case number using the State FOIA Control Number Register (Log). Enters requests into the Department of the Interior's Electronic FOIA Tracking System.
- b. Ensures all FOIA requirements are met (procedural and fee issues).
- c. Confers with requester as necessary.
- d. E-mails scanned FOIA request (w/assigned number) to applicable Field FOIA Coordinator(s), applicable State Office subject matter experts, and FOIA Attorney.
- e. Consults with Field FOIA Coordinators and/or subject matter experts, as appropriate, to determine targeted completion dates for complex track requests.
- f. Notifies (in writing) Field FOIA Coordinators to begin "Actual" Search/Copying.
- g. Reviews subject matter experts' recommendations (if available) for release or withholding of responsive records.
- h. Monitors preparation of and signs acknowledgement letters.
- i. Prepares and signs various interim correspondences to the requester.
- j. Confers with the FOIA Attorney in the Field Solicitor's Office, as necessary.
- k. Develops interim denial letters and all final responses for the State Director's signature.
- l. Coordinates with the FOIA Attorney on all denials, except "No Records." (A "no-records" response is considered a denial; however, no coordination with the FOIA attorney is required.) If responsive FOIA records are related to an open lawsuit, coordinates responses with the FOIA attorney, as well as with the State Office Litigation Coordinator.
- m. Maintains official FOIA case files to include the compact disks (CDs) containing all responsive documents (clean as well as redacted versions).
- n. Provides the Idaho Leadership Team (ILT) a weekly status report on Idaho's open FOIA requests.

2. The **Field FOIA Coordinator:**

- a. Upon receipt of a FOIA request sent directly from the requester to the field office, date stamps and faxes (or scans/e-mails) a copy of the request to the State FOIA Coordinator (same day if possible).
- b. Upon receipt of a FOIA request from the State FOIA Coordinator, immediately provides a copy of the FOIA request to applicable subject matter expert(s) so as to determine:
 - 1) Are the requested records maintained at this district/field office?
 - 2) Does the request need further clarification?
- c. Notifies the State FOIA Coordinator immediately (same day if possible) if the requested records are not maintained at their office.
- d. Creates a field FOIA case file consisting of a copy of the request, any related e-mail, FOIA Worksheets (ID1278-2), both “Initial” and “Actual.” Maintains case files in a locked cabinet. Enters into a local office FOIA log if applicable (optional).
- e. Ensures their subject matter expert(s) coordinate with them and the State FOIA Coordinator if the request requires further clarification. Works with the State FOIA Coordinator to assist with the “request for clarification” letter preparation.
- f. If no clarification is required and the responsive records are maintained at their office (and **without** further direction or notification), coordinates the “initial” search with the subject matter experts and completes form ID-1278-2, FOIA Response Worksheet “Initial Search Estimate” and submits it to the State FOIA Coordinator (e-mail or fax) **within 3 workdays** of receipt of the FOIA request. The ID-1278-2 Form is available on the Idaho BLM Intranet home page, under Idaho Forms.
- g. Waits for written notification from the State FOIA Coordinator to begin the actual collection and copying of responsive records.
- h. Once written notification is received from the State FOIA Coordinator to initiate the collection and copying process, notifies the subject matter expert(s). Provides subject matter experts guidance and a copy of “Search Tips” as necessary. (Search Tips are available on the Idaho BLM Intranet home page. In the listing of Offices, click on “IRM,” then on the “Idaho FOIA” link.) The Search Tips instruct the subject experts and other individuals assisting in the response to:
 - 1) Copy only those records responsive within the date range requested.
 - 2) Track actual search time (not copy time) and the page count.
 - 3) Notate when “no records” are found and what files were searched.
 - 4) Identify what information they recommend be withheld and why.
- i. Prepare ID-1278-2 (only one per site) with “Actual” name/grade/time and page count.
- j. Submit to State FOIA Coordinator with responsive documents on (or before) the due date.

IDAHO FOIA COORDINATORS BY OFFICE

Office & Code	Name		Phone	Fax
State Office (ID-954)	Gloria Van Noy	P	(208) 373-3947	(208) 373-3904
	Lorraine Graves	A	(208) 373-3946	(208) 373-3904
	Yadyra Esparza	A	(208) 373-3931	(208) 373-3904
Boise District (ID-101)	Dalene Lemberes	P	(208) 384-3312	(208) 384-3456
Four Rivers FO (ID-110)	Dani Ostolasa-Mendiola	POC	(208) 384-3352	(208) 384-3456
Bruneau Field Office (ID-120)	Cecil Werven	Acting POC	(208) 384-3455	(208) 384-3326
Owyhee Field Office (ID-130)	Karen Jackson (Actg)	POC	(208) 896-5926	(208) 896-5940
	Charlotte Alexander	A/POC	(208) 896-5912	(208) 896-5940
Coeur d'Alene District (ID-401)	Kathy McKeown	P	(208) 769-5029	(208) 769-5050
Coeur d'Alene FO (ID-410)	Howard Merriman	A	(208) 769-5016	(208) 769-5050
Cottonwood Field Office (ID-420)	Karen Hendren	P	(208) 962-3791	(208) 962-3275
	Barbara King	A	(208) 962-3791	(208) 962-3275
Idaho Falls District (ID-300)	David Howell	P	(208) 524-7559	(208) 524-7505
Upper Snake FO (ID-310)	Summer Osmond	A	(208) 524-7513	(208) 524-7505
Challis Field Office (ID-330)	Brenda Buckland	P	(208) 879-6200	(208) 879-6219
	Joni Cain	A	(208) 879-6202	(208) 879-6219
Salmon Field Office (ID-340)	Lori Bjorklund	P	(208) 756-5463	(208) 756-5436
	Craig Nemeth	A	(208) 756-5425	(208) 756-5447
Pocatello Field Office (ID-320)	Dianna Mecham	P	(208) 478-6342	(208) 478-6376
	Jan Baden	A	(208) 478-6366	(208) 478-6376
Twin Falls District (ID-200)	Beckie Wagoner	P	(208) 735-2063	(208) 735-2076
Jarbidge FO (ID-210)	Shelley Gregory	A	(208) 732-7367	(208) 732-7317
Burley Field Office (ID-220)	Shanin VanBuskirk	P	(208) 677-6632	(208) 677-6699
	Jenni Sonner	A	(208) 677-6640	(208) 677-6699
Shoshone Field Office (ID-230)	Jeryl McRill	P	(208) 732-7264	(208) 732-7317
	Shelley Gregory	A	(208) 732-7367	(208) 732-7317