



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Alaska State Office

222 West Seventh Avenue, #13

Anchorage, Alaska 99513-7504

<http://www.blm.gov/ak>

In Reply Refer To:  
1278 (AK954C) P

November 4, 2009

Instruction Memorandum No. AK-2010-0020

Expires: September 30, 2010

To: All Alaska Employees

From: State Director

Subject: Processing of Freedom of Information Act (FOIA) and Privacy Act (PA) Requests

**Program Area:** FOIA and PA.

**Purpose:** This Instruction Memorandum provides policy and procedural guidance for all Alaska BLM employees in the proper handling of requests made for information under the Freedom of Information Act (FOIA) and the Privacy Act (PA).

**Policy/Action:** The following procedures describe the centrally controlled and jointly processed FOIA procedures for the Alaska BLM.

The FOIA, which can be found in Title 5 of the United States Code, section 552, was enacted in 1966 and generally provides that any person has the right to request access to federal agency records or information. All agencies of the Executive Branch of the United States Government are required to disclose records upon receiving a written request, except for those records (or portions thereof) that are protected from disclosure by the nine exemptions and three exclusions of the FOIA. This right of access is enforceable in court, and it is supported at the administrative agency level by the "citizen-centered and results-oriented approach" of a presidential executive order.

The PA is another federal law regarding federal government records or information about individuals. The PA establishes certain controls over how the executive branch agencies of the federal government gather, maintain, and disseminate personal information. The PA also can be used to obtain access to information, but it pertains only to records that federal agencies keep about individual U.S. citizens and lawfully admitted permanent resident aliens. The FOIA, on the other hand, covers all records in the possession and control of federal executive branch agencies.

FOIA and PA requests will be handled in the same manner, as outlined below. A FOIA/PA request must be in writing. An E-mail is sufficient. In order for a record to be considered

subject to a FOIA request, it must be in the BLM's possession and control at the time the BLM begins its search for responsive records. There is no obligation for the bureau to create or compile a record to satisfy a FOIA request. A great deal of information is available to the public without filing a FOIA request such as Departmental policies and procedures, press releases, and organizational descriptions. If you have questions about whether a request falls under the FOIA, please contact Brendan Henry, the State FOIA/PA Officer at (907) 271-3356 or by E-mail at [bhenry@blm.gov](mailto:bhenry@blm.gov).

#### Step 1. Receiving the Request

All FOIA/PA requests received by Alaska BLM are centrally logged and controlled in the State Office. The State FOIA/PA Officer is responsible for all direct communication with FOIA/PA requesters. State Office and Field Office employees are not to contact a FOIA/PA requester to obtain clarification on a request. Rather, employees shall coordinate their needs with the State FOIA/PA Officer who will determine the next step. This is a part of scoping the request and directly affects the statutory time limit.

Upon receipt of a written FOIA/PA request, notify the State FOIA/PA Officer immediately at (907) 271-3356 or [bhenry@blm.gov](mailto:bhenry@blm.gov). If the State FOIA/PA Officer is out of the office, notify the State Data/Records Administrator, Satrina Lord, at (907) 271-3286.

The receiving office will deliver the original FOIA/PA request to the State FOIA/PA Officer for immediate attention. Requests received in Field Offices are to be faxed to the State FOIA/PA Officer at (907) 271-3624 or emailed to [bhenry@blm.gov](mailto:bhenry@blm.gov). The receiving office will mail the entire, original FOIA/PA request, including the envelope, to the State FOIA/PA Officer. If the original FOIA/PA request was faxed, the original faxed copy must be mailed to the State FOIA/PA Officer for inclusion in the official FOIA/PA case file maintained in the State Office.

#### Step 2. Logging in and Assigning a Control Number

WO Instruction Memorandum 2004-034 requires the Bureau to track and manage all FOIA/PA requests in the Department-wide Electronic FOIA Tracking System (EFTS). Upon receipt of a FOIA/PA request, the State FOIA/PA Officer will enter the appropriate data into the EFTS. The State FOIA/PA Officer will assign an Alaska control number to each FOIA/PA request received. The assigned FOIA/PA control number shall be referenced on all communications regarding the request. The State FOIA/PA Officer is responsible for providing the requester an acknowledgment letter.

#### Step 3. Scoping the Request

The State FOIA/PA Officer is responsible for scoping the request; i.e., verifying it is a proper FOIA/PA request, settling all fee issues, obtaining clarification from the requester, and coordinating with program leads and Field Coordinators to identify locations where responsive records may be located. Employees are not to take any action until the State FOIA/PA Officer has completed scoping the request and has provided them with a FOIA Tasking Notification.

#### Step 4. Searching for Responsive Records

Once the FOIA/PA request is scoped, the State FOIA/PA Officer will send an e-mail to responsible Field Office Managers, State Office Program staff, and Field Coordinators with the following documents:

1. FOIA Tasking Notification (description of requested records). See Attachment 1.

2. AKSO/Field Office FOIA Checklist (step-by-step instructions for completing FOIA/PA requests). See Attachment 2.
3. FOIA Fee Estimate Table (itemization of estimated time and copies associated with searching, reviewing, and copying responsive records). See Attachment 3.
4. FOIA Actual Fees Table (actual time spent searching, reviewing, and copying responsive records as well as recording number of copies). See Attachment 4.

Search and review individuals are responsible for completion of each of the above documents. Tasked offices will provide all required documents to the State FOIA/PA Officer for inclusion in the official FOIA/PA case file by the due date established in the tasking notification. This includes one complete copy of responsive documents and either one complete set with redactions made by the “subject matter expert” familiar with the records content and with the appropriate FOIA exemption identified or such other arrangements upon which the search and review individuals and the State FOIA/PA Officer may agree. The Field Coordinators will be available to provide local assistance with this process.

#### Step 5. Responding to and Finalizing the Request

The State FOIA/PA Officer will prepare and finalize all responses to the FOIA/PA requester. At no time will any office other than the State FOIA/PA Officer send any written correspondence regarding the request directly to the requester. The State FOIA/PA Officer is responsible for all coordination with the Office of the Solicitor on applicable FOIA/PA requests. The State FOIA/PA Officer is responsible for maintaining the official FOIA case file in the Alaska State Office.

The public may inspect public records at any BLM office. BLM employees are responsible for making copies of those records which the public requests. The public is charged appropriate cost recovery rates. FOIA/PA requesters may also inspect records responsive to a FOIA/PA request that have been segregated or redacted so that documents do not contain sensitive information or information that can or must be withheld under FOIA.

**Timeframe:** This IM is effective immediately.

**Budget Impact:** None. Responding to FOIA/PA requests is considered part of program duties. Field Office Managers and Deputy State Directors are expected to provide sufficient resources to assist in the completion of all FOIA/PA requests.

**Background:** Recent Presidential directives and amendments to the FOIA necessitate a more centralized approach to FOIA/PA request management than BLM Alaska has traditionally followed. The process set forth above should assist offices in responding to FOIA/PA requests and help avoid potential financial liability for failure to follow FOIA/PA statutes and regulations.

**Manuals/Handbook Sections Affected:** None.

**Coordination:** This IM was developed by the Information Management Section (AK954).

**Contact:** If you have any questions, please contact Brendan Henry, State FOIA/PA Officer, at (907) 271-3356, or Satrina Lord, State Records Administrator, at (907) 271-3286.

Signed by:  
Vince Galterio  
Acting State Director

Authenticated by:  
Anita R. Jette  
Management Assistant

4 Attachments:

- 1 – [FOIA Tasking Notification](#) (1 p)
- 2 – [AKSO/Field Office FOIA Checklist](#) (2 pp)  
[AKSI Field Office FOIA Checklist Instructions](#)
- 3 – [FOIA Fee Estimate Table](#) (1 p)
- 4 – [FOIA Actual Fees Table](#) (1 p)