

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Arizona State Office
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Instruction Memorandum No. AZ-2008-014
Expires: When Superseded or Canceled

Expired

To: Deputy State Directors, District Managers, and Field Managers
Attention: FOIA Coordinators; Subject-Matter Experts/Program Leads

From: State Director

Subject: Processing Freedom of Information Act (FOIA) Requests

Purpose: This Instruction Memorandum (IM) provides policy and procedural guidance for processing FOIA requests in all Bureau of Land Management (BLM) Arizona offices. It also re-delegates signing authority for FOIA response letters.

Policy/Action: The following policies apply to all Arizona FOIA requests:

Executive Order 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 State FOIA Officer is designated the point of contact for all Arizona FOIA requests.

Request Processing: All FOIA requests shall be centrally controlled in the Arizona State Office (ASO) by the State FOIA Officer. The State FOIA Officer will maintain all official case files for Arizona 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 summarizes the processing procedures. Attachment 2 is the "FOIA Task Worksheets" (Form AZ-1278-11) for use by staff working on a request.

Review/Concurrence: All response letters must be reviewed by the State FOIA Officer before being mailed to a requester; this review may be obtained and documented via e-mail.

Additional reviews may be required based on certain factors (i.e., FOIA Exemption 5 – internal, pre-decisional/draft documents; FOIA Exemption 7 – law enforcement and other investigative documents; and all other identified sensitive subjects). The requirement for additional reviews shall be at the discretion of the State FOIA Officer and/or on the recommendation of an SME or higher official. When additional review is deemed necessary, the response letter and all accompanying records must be reviewed by a responsible Deputy State Director (DSD) or District Manager (DM) prior to release. Attachment 3, “FOIA Review/Concurrence” (Form AZ-1278-12), shall be used to obtain the responsible official’s approval.

Delegation of Authority for **Field/District Office** Response Letters: Only "no records" and **total release** responses may be issued from a District Office. Signing authority for these types of response letters is delegated to the responsible DM (or designated “acting”); this authority cannot be re-delegated. Field Managers are not authorized to sign FOIA response letters; however, they are required to review and surname any response letters and enclosures before forwarding them to their DM for signature. (Note: All response letters, including those issued by a District Office, must be reviewed by the State FOIA Officer prior to release.)

Delegation of Authority for **ASO** Response Letters: **All** FOIA response letters that contain any **denials** (i.e., redactions, withholdings, and/or fee waiver denials) are delegated only to the State Director/Associate State Director (or their designated “acting”); this signing authority cannot be re-delegated. Signing authority for ASO "no records" and **total release** responses is delegated to the State FOIA Officer or higher official.

Timeframe: Effective immediately.

Background: FOIA request processing is mandated by strict timeframes and procedural requirements. Recent Executive Orders, FOIA Amendments, and Department of the Interior policies have added new requirements for central control and reporting. Current court decisions also impact how FOIA requests are processed. The designated FOIA Coordinators in each of the Arizona Field Offices are all 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 full-time State FOIA Officer 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 Officer, SMEs, and responsible management officials. DMs and/or DSDs particularly need to be aware of sensitive information provided through FOIA requests within their areas of responsibility.

Manual/Handbook Sections Affected: BLM Manual 1203 – Delegation of Authority, Arizona Manual Supplement 1203 – Arizona Delegation of Authority, and BLM Manual 1278 – External Access to BLM Information.

Contact: If there are any questions about this IM, please contact Toni Klimek, State FOIA Officer, at 602-417-9364 or via e-mail at AZ_FOIA@blm.gov.

Signed by:
Elaine Y. Zielinski
State Director

Authenticated by:
Margaret Walker
Division Management Assistant

3 Attachments:

- 1 – [Arizona FOIA Processing Checklist](#)
(2 pp)
- 2 – [FOIA Task Worksheets,
Form AZ-1278-11](#) (7 pp)
- 3 – [FOIA Review/Concurrence,
Form AZ-1278-12](#) (1 p)

Bureau of Land Management
Arizona State Office
FOIA Processing Checklist

STEP 1: Receiving a FOIA request.

- A. Date stamp request letter on day received and give it to the State FOIA Officer.
- B. Field FOIA Coordinator:
 - 1. Fax a copy of the request letter to the State FOIA Officer at 602-417-9376, or send a scanned copy via e-mail to AZ_FOIA@blm.gov on the day received or no later than the following business day.
 - 2. Mail the original request letter to the State FOIA Officer (AZ-954.56).

STEP 2: Notification of request.

- A. The State FOIA Officer will scan the request and send it via e-mail to:
 - 1. Field FOIA Coordinators (when applicable).
 - 2. Responsible Deputy State Director (DSD) or District Manager (DM).

NOTE: Field FOIA Coordinators are responsible for notifying their Field Manager.

STEP 3: Scoping the request.

- A. The State FOIA Officer will send (through the Field FOIA Coordinator) a FOIA Task Worksheet, Form AZ-1278-11, to the office(s) where potential responsive records reside.
- B. Subject Matter Expert or higher official, with the State FOIA Officer, determines the sensitivity and complexity of the request.
- C. Subject Matter Expert and/or Field FOIA Coordinator, with the State FOIA Officer, determines if additional clarification is required for any of the following:
 - 1. Description of desired records;
 - 2. Scope of request (i.e., what are the date parameters, is request limited to specific offices or locations, are there quantifying factors, etc.);
 - 3. Fee waiver justification (i.e., is adequate information provided to make a fee waiver determination).
- D. Subject Matter Expert, with the State FOIA Officer, identifies other locations/agencies that may have responsive records.

NOTE: Do not search for/copy any records until clarification (Item C above) is obtained.

STEP 4: Estimating fees.

- A. Tasked office(s) prepare a "Fee Estimate Table," Appendix 1 in the FOIA Task Worksheet, Form AZ-1278-11.
 - 1. If multiple items are requested, prepare a separate fee estimate for each item.
 - 2. Do **NOT** include an estimate for expected time to make copies; only include estimated time expected to locate responsive records.
- B. Fax the Fee Estimate Table to the State FOIA Officer at 602-417-9376, or e-mail a scanned copy to AZ_FOIA@blm.gov.
- C. Once fee (and clarification) issues are resolved, and when notified by the State FOIA Officer, proceed to Step 5.

STEP 5: Searching for responsive records.

- A. Search all sources within your location/office likely to contain responsive records.

Bureau of Land Management
Arizona State Office
FOIA Processing Checklist

- B. If no records can be found, complete a “No Records Search Documentation,” Appendix 3 in the FOIA Task Worksheet, Form AZ-1278-11.
 - 1. Fax the completed Appendix 3 to State FOIA Officer at 602-417-9376, or e-mail a scanned copy to AZ_FOIA@blm.gov.
- C. If responsive records are located, proceed to Step 6.

STEP 6: Preparing responsive records (when redactions/withholdings are recommended).
(Note: Procedures for full release or “no records” responses are in the FOIA Task Worksheet.)

- A. Make one (1) copy of all responsive records.
 - 1. Group records by corresponding Item number in the request.
 - 2. Identify each group with a cover sheet, labeled as follows:
 - a. FOIA Number _____
 - b. Item Number _____
 - c. Office providing the copies: _____
- B. Review copies for possible denial/withholdings/redactions.
 - 1. “Flag” recommended text to be redacted with a large Post-it Note:
 - a. Clearly indicate what portions of the flagged page should be withheld.
 - 2. State the reason for denial/protection of flagged information on the Post-it Note:
 - a. If you know that certain information or documents are prohibited from release by another law, please provide the Statute citation.
 - b. If you believe the information is sensitive and could cause harm to either BLM or an individual/customer’s interests, please provide an explanation.

NOTE: Provide a “recommendation” only; do not make any redactions to any documents. Even if you believe an entire document should be denied, you still must provide a copy of it to the State FOIA Officer. Redactions and denials can only be made by the State FOIA Officer in consultation with the Field Solicitor’s Office.

STEP 7: Completing the process (when redactions or withholdings are recommended).

- A. Fill out an “Actual FOIA Fees Incurred Table,” Appendix 2 in the FOIA Task Worksheet, Form AZ-1278-11.
- B. If request is sensitive, obtain required review/concurrence from the responsible District Manager/Deputy State Director.
 - 1. Complete a FOIA Review/Concurrence, Form AZ-1278-12.
- C. Send package to the State FOIA Officer (AZ-954.56); package must include:
 - 1. Copies of **all** responsive records, flagged with recommendations, organized and labeled as indicated in Step 6 above.
 - 2. Original copy of FOIA Task Worksheet and Appendices, Form AZ-1278-11.
 - 3. Core paragraph, or explanation of enclosures, for inclusion in the response letter.

STEP 8: State FOIA Officer reviews responsive records and makes redactions where applicable, prepares response letter, consults with the Office of the Solicitor, and obtains responsible Manager’s concurrence (when required).

Bureau of Land Management
Arizona State Office
FOIA TASK WORKSHEETS

FOIA Number: _____ Requester's Name: _____

Assigned to Office(s): _____

(NOTE: Steps 1 and 2 are already completed – See FOIA Processing Checklist for details.)

Step 3 – Scoping the Request (Subject Matter Expert and FOIA Coordinator):

Provide the following by _____ (5 days from assignment date)

- ___ 1. Is the subject of the request sensitive/controversial/in litigation? If yes, please describe nature of sensitivity:

- ___ 2. Approximately how much time will be needed to fill this request?

- ___ 3. Are requested records adequately described? If not, please explain what is needed to clarify:

- ___ 4. Is additional information needed to define the scope of the request? If yes, please explain:

- ___ 5. If applicable, is adequate information provided to determine a fee waiver? If not, please explain weakness of justification:

- ___ 6. Identify other BLM offices or other agencies that may have responsive records.

If no additional information is required for Items 3, 4, and 5 (above) complete **Step 4** (below).

By the due date above, provide a copy of this page (and Appendix 1, if applicable) to the State FOIA Officer via fax to 602-417-9376, or a scanned copy e-mailed to AZ_FOIA@blm.gov.

Do not proceed beyond Step 4 until all clarification and fee issues are resolved, and when notified by State FOIA Officer to proceed.

Bureau of Land Management
Arizona State Office
FOIA TASK WORKSHEETS

Step 4 – Estimating Fees (Subject Matter Expert with FOIA Coordinator):

- ___ 1. After obtaining clarification, or if no clarification is required, complete an “Estimated FOIA Fees Table” (Appendix 1) – do a separate estimate for each item, if multiple items requested.
- ___ 2. **DO NOT** include estimate for time to make copies; **DO** include estimate for search time to locate records.

NOTE: Do not proceed further until notified to do so by the State FOIA Officer.

Step 5 – Search for Responsive Records (Subject Matter Expert):

- ___ 1. Search all sources within your office for records.
- ___ 2. Keep track of search time on “Actual FOIA Fees Incurred Table” (Appendix 2).
- ___ 3. If **no responsive records** can be found, document the search on a “No Records” Search Documentation (Appendix 3).
 - a. Give Appendix 3 to FOIA Coordinator/State FOIA Officer who will prepare a “no records” response.
- ___ 4. If responsive records were found:
 - a. Make 1 copy of all responsive records.
 - b. In a separate document (not on this form) prepare a “core paragraph” or an explanation of the responsive records for inclusion in the response letter (if needed).

Step 6 – Prepare Responsive Records (Subject Matter Expert and FOIA Coordinator):

- ___ 1. Sort copies by corresponding item number listed in the associated FOIA request.
- ___ 2. Identify each item-group with a blank piece of paper, labeled as follows:
 - a. FOIA Number _____.
 - b. Request Item Number _____.
 - c. Name of office providing the copies _____.
- ___ 3. Review and flag all copies for possible denials/withholdings/redactions, as follows:
 - a. Flag recommended redactions with a large Post-it Note; clearly indicate what portions of the text/page you believe should be withheld.
 - b. On Post-it Note, state reason(s) for the recommended protection (i.e., FOIA Exemptions, other Statute protections, or possible harm to BLM or customer’s interests).

NOTE: Provide recommendations only; DO NOT make any redactions on any copies.

Bureau of Land Management
Arizona State Office
FOIA TASK WORKSHEETS

- ___ 4. Complete an “Actual FOIA Fees Incurred Table” (Appendix 2) for the time spent reviewing the documents. **NOTE: Do Not include the time spent making the copies.**
- ___ 5. If request was determined to be sensitive in Step 3, Item 1 (above):
- a. Subject Matter Expert must sign a “FOIA Review/Concurrence” Form AZ-1278-12 and provide the flagged copies to the responsible District Manager/Deputy State Director.
 - b. Responsible District Manager/Deputy State Director must review and concur with recommendations (or add their own recommendations to the copies) and sign the “FOIA Review/Concurrence” Form AZ-1278-12.
 - c. Include Manager’s review time on the “Actual FOIA Fees Incurred Table” (Appendix 2).
- ___ 6. Provide entire package (all responsive copies, “FOIA Task Worksheets” and Appendices, and any information/core paragraph for inclusion in the letter) to the FOIA Coordinator/State FOIA Officer.

Step 7 – Complete the Process (FOIA Coordinator/State FOIA Officer):

- ___ 1. For **total release** response issued by a District Office:
- a. FOIA Coordinator prepares a draft response letter and e-mails it to the State FOIA Officer for review.
 - b. After review, FOIA Coordinator finalizes letter and routes it, along with the copies to be released, (1) to the Field Manager for review and surname on file copy, and (2) to the District Manager for signature.
 - c. Prior to mailing, make a copy of the dated/signed letter for the official file.

NOTE: The official file **does not** need a copy of the released records; however, the file copy of the letter must note where the original copies are stored (in case the response has to be duplicated or reconstructed).

- d. Send completed (original) “FOIA Task Worksheets” and Appendices, along with the surnamed file copy and copy of the signed letter to the State FOIA Office for inclusion in the official file.
- ___ 2. For all denial (redacted, withheld, or denied) responses – provide the entire package to the State FOIA Officer (AZ-954.56); package must include:
- a. Organized and labeled responsive copies with flagged recommendations;
 - b. Completed “FOIA Task Worksheets” Form AZ-1278-11 with Appendices;
 - c. Core paragraph or other information for inclusion in the response letter; and
 - d. If applicable, completed “FOIA Review/Concurrence” Form AZ-1278-12.

Bureau of Land Management
Arizona State Office
FOIA TASK WORKSHEETS

Step 8 – Final Steps (State FOIA Officer):

- ___ 1. Review responsive records; scan records and make redactions where applicable.
- ___ 2. Prepare a draft response letter and review package for consultation with the Solicitor's Office.
- ___ 3. Obtain responsible Manager's concurrence (when required).
- ___ 4. Finalize letter and records for mailing, route for surnaming, and mail response.
- ___ 5. For informational purposes, provide a scanned copy of the finished response via e-mail to any FOIA Coordinator that worked on the case. (Note: The Field FOIA Coordinator will provide this information to the Field/District Managers, if they want it.)
- ___ 6. Input all required data in the Department's Electronic FOIA Tracking System (EFTS).

Bureau of Land Management
Arizona State Office
FOIA TASK WORKSHEETS

ESTIMATED FOIA FEES TABLE

FOIA Number: _____ Request Item Number: _____	Estimated Search Time (in ¼ hour increments)	Estimated Review Time (in ¼ hour increments)
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		

NOTE: DO NOT CONDUCT ACTUAL SEARCH OR MAKE ANY COPIES UNTIL DIRECTED BY STATE FOIA OFFICER.

ESTIMATED NUMBER, TYPE, AND COST OF COPIES:

Standard pages (8½ x 11 up to 11 x 17)	# of pages _____	x \$0.13/page =	\$ _____
Double sided pages	# of pages _____	x \$0.26/page =	\$ _____
Color copies (8½ x 11)	# of pages _____	x \$0.90/page =	\$ _____
Color copies (no larger than 11 x 17)	# of pages _____	x \$1.50/page =	\$ _____
Other (describe)	_____	x \$ _____ =	\$ _____

Note: See Instruction Memorandum #AZ-2008-001 for other costs.

Search = Time spent physically locating responsive records; **does not** include time to make copies.

Review = Time spent reviewing documents for recommended redactions/withholdings.

NOTE: If multiple items requested, complete a separate table for each item.

Bureau of Land Management
Arizona State Office
FOIA TASK WORKSHEETS

ACTUAL FOIA FEES INCURRED TABLE

FOIA Number: _____ Request Item Number: _____	Estimated Search Time (in ¼ hour increments)	Estimated Review Time (in ¼ hour increments)
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		

ACTUAL NUMBER, TYPE, AND COST OF COPIES:

Standard pages (8½ x 11 up to 11 x 17)	# of pages _____	x \$0.13/page =	\$ _____
Double sided pages	# of pages _____	x \$0.26/page =	\$ _____
Color copies (8½ x 11)	# of pages _____	x \$0.90/page =	\$ _____
Color copies (no larger than 11 x 17)	# of pages _____	x \$1.50/page =	\$ _____
Other (describe)	_____	x \$ _____ =	\$ _____

Note: See Instruction Memorandum #AZ-2008-001 for other costs.

Search = Time spent physically locating responsive records; **does not** include time to make copies.

Review = Time spent reviewing documents for recommended redactions/withholdings.

NOTE: If multiple items requested, complete a separate table for each item.

Bureau of Land Management
Arizona State Office
FOIA TASK WORKSHEETS

“NO RECORDS” SEARCH DOCUMENTATION

FOIA Number: _____ Request Item Number: _____	Estimated Search Time (in ¼ hour increments)	Estimated Review Time (in ¼ hour increments)
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		
<input type="checkbox"/> Searcher <input type="checkbox"/> Reviewer Name: _____ Grade: _____ Office: _____ Phone Number: _____		

Explain why you believe responsive records do not exist:

NOTE: If multiple items requested, complete a separate form for each item.

Person Completing this Form: _____
 Print Name: _____ Date: _____

Bureau of Land Management
Arizona State Office

FOIA REVIEW/CONCURRENCE

(Required for sensitive requests or when circumstances warrant use.)

FOIA No. _____

Requester: _____

Subject Matter Expert:

I have reviewed the letter and documents being released on this request and concur with this FOIA response. (Note: Please surname Central File copy of letter.)

Print Name: _____ Date _____
Print Title: _____

***Responsible Manager:**

I have reviewed the letter and all documents being released on this request and concur with this FOIA response. (Note: Please surname Central File copy of letter.)

Print Name: _____ Date _____
Print Title: _____

*Field Manager, District Manager, or Deputy State Director

NOTE: If District Manager is signing letter, Field Manager should review.
If State Director is signing letter, responsible District Manager and/or Deputy State Director should review.