



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

October 16, 2023

In reply refer to: FOIA BPA-2023-01758-F

SENT VIA EMAIL ONLY TO: (b) (6)

Colin Aamot

(b) (6)

Dear Mr. Aamot,

The Bonneville Power Administration (BPA) has received your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). The agency received your request on September 18, 2023, and assigned tracking number BPA-2023-01758-F to your request. Please use that tracking number in any correspondence with the agency regarding your FOIA request. This communication is the agency's formal acknowledgment and response to your information request.

Request

"...all internal policy documents, memorandums or guidance pertaining to FOIA processing and procedures, FOIA Appeal processing and procedures, and Mandatory Declassification Review (MDR) processing Policy and Procedures between 2018 and present. Please include any and all documents relating to steps the agency takes when processing or deconflicting with other agencies when processing FOIA requests, Appeals, or MDR requests. [and] ... a list of the oldest 50 FOIA's still open with the Agency including the request date, request body/text, and requestor."

Acknowledgement

BPA reviewed your request and determined that it fulfills all criteria of a proper request under the FOIA and the U.S. Department of Energy's (DOE) FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

Response

The agency's FOIA office collected 122 pages of records responsive to your request. Those records are herein being released, with minor redactions made on three pages under 5 U.S.C. § 552(b)(6) (Exemption 6). A detailed explanation of the applied exemptions follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine

statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, details which identify first-party requesters or requesters seeking information about potentially sensitive topics. This information sheds no light on the executive functions of the agency and BPA finds no overriding public interest in its release. BPA cannot waive these redactions, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible and has accordingly segregated the records into exempt and non-exempt portions.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and release described above. Your FOIA request BPA-2023-01758-F is now closed, with the responsive agency records provided.

Appeal

Note that the records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final records release, within 90 calendar days from the date of this communication. Appeals should be addressed to:

Director, Office of Hearings and Appeals
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615


The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase “Freedom of Information Appeal” in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE’s records are situated, or (4) in the District of Columbia.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov
Phone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Questions about this communication may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621.

Sincerely,
**RACHEL
HULL**

 Digitally signed by
RACHEL HULL
Date: 2023.10.14
11:31:04 -07'00'

Rachel L. Hull
Freedom of Information/Privacy Act Officer

Request ID	Requester Name	Original Received Date	Request Description
BPA-2020-00199-F	Missel, Andrew	11/18/2019	1. All financial and other records containing or comprising a breakdown or accounting -- by category, project, action, and /or activity -- of expenses or costs related to BPA's Fish and Wildlife program in fiscal year ("FY") 2016, FY 2017, FY 2018, and FY 2019. 2. Any communications between BPA and the Northwest Power and Conservation Council ("Council") related to the Council's preparation of its "Governors Reports" for FY 2016, FY2017, FY208, and FY 2019, including any records BPA sent to or shared with the Council in connection with the Governors Reports. (Date Range for Record Search: From 10/1/2015 To 9/30/2019)
BPA-2021-00488-F	Behrens, Michael	3/16/2021	For purposes of this request -1. "SANTIAM CANYON AREA" shall mean in and around the Santiam Canyon area in Oregon, including the area generally west of Detroit and east of Salem, near the county line between Marion and Linn Counties and Route 22, and including the communities of Lyons, Mill City, and Gates, Oregon. 2. "BEACHIE CREEK FIRE" shall mean the wildfire in Oregon beginning on or about August 16, 2020, which burned 193,573 acres and which was officially contained October 31, 2020. 3. "INCLUDING" or "INCLUDES" shall mean including but not limited to. Please provide a copy of, or allow for the inspection and copying of, the following records that are in your possession: 1. All photographs or videos from September 6, 2020 to present, depicting any fire activity, INCLUDING the BEACHIE CREEK FIRE or any indicia thereof (i.e., smoke, ash, burning, evacuation), within the SANTIAM CANYON AREA, whether created by any employee in your office, the BPA, any other responding agency, or any witness to the fire or member of the public. Please include any information identifying the location, date, and time (such as filenames) of such photographs or videos; and the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos. 2 All photographs and videos from September 6, 2020 to September 13, 2020 depicting PacifiCorp-owned or operated equipment, INCLUDING conductors, power lines, and poles. Please include any information identifying the location, date, and time of such photographs or videos (such as filenames, logs, or notes); and the full name(s) and contact information for the photographers or videographer(s) of such videos in the SANTIAM CANYON AREA. 3. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA's cameras, webcams, surveillance cameras, and/or fire cams depicting the BEACHIE CREEK FIRE. 4. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA's cameras, webcams, surveillance cameras, and/or fire cams in or around the SANTIAM CANYON AREA. 5. Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the BEACHIE CREEK FIRE, from September 6, 2020 to September 13, 2020, INCLUDING any measurements received from the National Weather Service. If this data is publicly available, please provide the internet hyperlink. 6. All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication related to the BEACHIE CREEK FIRE, INCLUDING email communications and non-final or draft versions thereof, from September 6, 2020 until present. 7. All documents related to operational activities related to BPA's electric transmission system in the SANTIAM CANYON AREA, INCLUDING SCADA data and outage, interruption, relay, and/or fault records, from September 5, 2020 to September 13, 2020. 8. Any and all inspection records for BPA electrical facilities within the SANTIAM CANYON AREA for the five years preceding the Beachie Creek Fire, INCLUDING maps of such electrical facilities.
BPA-2022-00032-F	Atkins, Brett	10/7/2021	Any Past or Current Master Contracts/Statements of Work between Mosaic451 Federal Services and BPA.
BPA-2022-00849-F	Vamos, Corie	5/13/2022	1. Copies of documents submitted by all Proposers in response to Bonneville Power Administration RFQ BPA-22-D-RFQ-5123 "Real Property Support Services IDIQ" [Offer Due Date (closing date) 4/18/2022] 2. Scoring tabulations that the selection committee may have completed to review and compare proposals responses
BPA-2022-00850-F	Finnigan, Leslie	5/13/2022	RFQ 5123 Real Property Support Services IDIQ -- a copy of the winning proposal to review.
BPA-2022-00999-F	Slaughter, Devra	6/28/2022	Any and all documents regarding the Holiday Farm Fire that began on September 7, 2020, in Lane County, Oregon - including but not limited to Investigation documents and reports, photographs, video recording, audio recordings, and correspondence regarding the fire and its' causes.
BPA-2022-01116-F	Deckert, Michael and Rebecca	7/25/2022	Records from 2021 and 2022 related to the funding of the Cowlitz Falls Project FERC No P-2833 in Lewis County, WA. Relevant topics would include but not be limited to: the purpose and need for the funds; the purpose and need for funds requested by LCPUD that BPA declined to fund; documents filed in arbitration; items in dispute including the purchase of land (approx. \$700,000) referenced in Summer Gadsby Goodwin's (BPA) email to Michael Deckert dated July 6, 2022; amendments to the power purchase agreement.
BPA-2022-01224-F	Frank, Jason	8/26/2022	BPA dispatch audio from September 7, 2020, between 4:00pm and 10:00pm, related to BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.
BPA-2023-00140-F	Deckert, Michael and Rebecca	11/4/2022	Records from July 26, 2022 to November 4, 2022 related to the funding of the Cowlitz Falls Project FERC No.P-2833 in Lewis County, WA. Relevant topics would include but not be limited to: relicensing; recreation; the purpose and need for the funds; the purpose and need for funds requested by LCPUD that BPA declined to fund; documents filed in arbitration; items in dispute ; amendments to the power purchase agreement.
BPA-2023-00499-F	Prater, Dustin	1/31/2023	All records of decision and/or determinations pertaining to establishing if a new load is or is not a New Large Single Load (NLSL) and/or a contracted for, committed to (CFCT). We request the aforementioned documents for each instance of an identified possible NLSL and/or CFCT.
BPA-2023-00619-F	Schick, Tony	2/24/2023	I request a copy of any documents since Jan 1, 2023 regarding the deauthorization of commercial power production at dams in the Willamette Basin (otherwise known as the Willamette Valley System).
BPA-2023-00021-FP	(b) (6)	3/2/2023	1. How many BPA employees have requested LWOP in FY2022, how many LWOP requests have been approved and what is the longest duration of LWOP approved. 2. Emails containing the words - (b) (6)
BPA-2023-00024-FP	(b) (6)	3/15/2023	I would like a copy of any papers, documents, emails with my name in the subject or body of emails, you can skip addressee fields as I have those. On papers and documents I wouldn't have those. I would also like IM history as well. If he has created a nickname for me, which you find, you can expand the search to include that, or I can do a second FOIA once I receive the data. I would like them from the email box of (b) (6). Please feel free to contact me if you have any questions.

BPA-2023-00776-F	Myers, Sam	3/28/2023	** 10 year history of 500 Kv transmission Line failures; tower and or conductor failures and faults. 2013- present. ** incident report from; July 12, 1998 conductor failure in north central Oregon. involving multiple structure fire. ** 10 year estimations for extreme wind speeds, impacting transmission lines. throughout central and eastern Oregon. ** BPA tower maintenance/ welder operator originated fire summer/fall 2002
BPA-2023-00778-F	Deckert, Michael and Rebecca	3/29/2023	Records from November 5, 2022 to March 29, 2023 related to the funding of the Cowlitz Falls Project FERC No.P-2833 in Lewis County, WA. Relevant topics would include but not be limited to: relicensing; recreation; the purpose and need for the funds; the purpose and need for funds requested by LCPUD that BPA declined to fund; documents filed in arbitration; items in dispute ; amendments to the power purchase agreement; any data, analysis, reports supporting funding requests/decisions.
BPA-2023-00801-F	(b) (6)	4/6/2023	Requesting emails and text messages between Wayne Harkleroad and Robert Schneider. Also looking for emails between Wayne Harkleroad and Human Resources in regards to the Heavy Mobile Equipment Mechanic Foreman I position at the Bell shop in Spokane.
BPA-2023-00855-F	Missel, Andrew	4/19/2023	Pursuant to FOIA, Requesters seek copies of the records1 described below concerning the relationship between the Bonneville Power Administration ("BPA") and Energy and Environmental Economics, Inc. ("E3")—specifically, records pertaining to the Lower Snake River Dams Replacement Study ("LSRD Study") commissioned by BPA and prepared by E3 that was released in July 2022: 1. All contracts, statements of work, and similar documents between BPA and E3 that were prepared or executed in connection with the LSRD Study; 2. All communications2 between BPA and E3 that relate in any way to the LSRD Study, including any communications concerning the LSRD Study's release, press stories about the LSRD Study, etc.; 3. All records that document, memorialize, or refer to any meetings, conversations, or other communications between BPA and E3 concerning the LSRD Study; and 4. All internal3 BPA memos, emails, etc. that refer to the LSRD Study. Any reference to an entity—such as "BPA" or "E3"—includes all employees and agents of that entity as well as the entity itself and any division thereof. Requesters seek records from any time up until the time of search. Any non-identical duplicates of records that include any information not contained in the original record should be disclosed in response to this request. Nonidentical duplicates may contain additional information due to notation, attachment, or other alteration or supplement, or because of differences in metadata.
BPA-2023-01038-F	Deckert, Michael and Rebecca	5/26/2023	"Records through May 26, 2023 documenting BPA's analysis, discussions, actions regarding the intent to not renew the Power Purchase Agreement with Lewis County Public Utility District #1, FERC Project 2833. Relevant topics include but are not limited to records that document: data, reports, cost/benefit analysis, projections, reimbursement under section 17 of the contract, and forecasts." See BPA 3/13/2019 Letter to LCPUD "We are informing you at this time it is Bonneville's intent not to extend this Contract; however, a formal letter will be sent to Lewis as the Term Date draws near." (Date Range for Record Search: From 1/1/2019 To 5/26/2023)
BPA-2023-01311-F	Deckert, Michael and Rebecca	7/17/2023	a) September 6, 1991, Settlement Agreement between Bonneville and the Friends of the Cowlitz (settlement) b) Discussions, correspondence relating to the settlement c) any later modifications/agreements relating to the settlement including ending the settlement. agreement is referenced in Recital (B) of the attached file
BPA-2023-01399-F	Whitney, Tyler	8/3/2023	On behalf of Obsidian Renewables, we are requesting copies of all amendments to agreements that govern the AC Intertie beyond the agreements and amendments which BPA has posted at the following links: • https://www.bpa.gov/-/media/Aep/foia/foia-2019/BPA-2019-00410-F.pdf • https://www.bpa.gov/-/media/Aep/foia/foia-2019/BPA-2019-00411-F.pdf • https://www.bpa.gov/-/media/Aep/foia/foia-2019/BPA-2019-00412-F-Sandvig---Final-Release.pdf This request specifically includes, but is not limited to, the following documents: • All amendments to PacifiCorp agreements related to the Meridian-Midpoint, Pacific Intertie, and B2H transmission line; • All amendments to PGE Intertie agreements since the materials posted on BPA's website in October and November of 2019; • Any products or published principles by the Scheduling and Operating Committee (established by the PGE Intertie Agreement) covering decisions regarding operations, maintenance, and scheduling of the Joint AC Intertie. Please let us know if BPA anticipates the production costs to exceed \$250 before incurring such costs. Please do not hesitate to contact me with any clarifying questions. Thank you for your assistance with this request.
BPA-2023-01430-F	Dahlgren, Denny	8/8/2023	"For the date and time of Thursday, August 3, 2023, from Noon to 1:30pm, any record of agency personnel activity at or near the Clackamas County fire incident on/near intersection of S. Beaver Creek Road and S. Loder Road, Oregon City, Oregon 97045." (Date Range for Record Search: From 8/3/2023 To 8/3/2023)
BPA-2023-01486-F	Dilk, Stephen	8/22/2023	Hello, I am seeking copies of the Pine Creek Conservation Area Memorandum of Agreement (MOA's) for 1999, 2001, and 2021 as well as the Pine Creek Conservation Area conservation easement(s). Thank you, Steve
BPA-2023-01487-F	Grant, Michael	8/22/2023	Bonneville Power Authority appears to have five transmission lines in the vicinity of the Santiam Canyon in Oregon. The five transmission lines, listed below are identified by the substation associated with the lines: • Marion Substation to John Day Substation • Marion Substation to Buckley Substation • Marion Substation to Ashe Substation • Detroit Dam Substation to Santiam Substation • Santiam Substation to Jones Canyon Substation I am requesting all data associated with phase to phase or phase to ground faults recorded by the relays associated with the listed transmission lines for September 7, 2020, and September 8, 2020. The data should include targets with distances of any faults from the associated relays.
BPA-2023-01529-F	Whitman, Jeff	8/30/2023	"...in re Contract No. DE-MS79-94BP94546, for Turboexpander Project, all agency records, dated between Jan 1 1995 and Dec 31 1996, showing Solvay Chemicals' application for an energy savings rebate involved public review, ... including all public comments...". (Date Range for Record Search: From 1/1/1995 To 12/1/1996)

BPA-2023-01543-F	Braden, Michael	9/1/2023	<p>Dear FOIA Officer, I am writing to submit a formal request for information under the Freedom of Information Act (5 U.S.C. § 552). I am seeking information related to job postings within the purview of BPA. Specifically, I kindly request the following information: Of job postings over the past five years how many were closed with no selection made? -Of those how many veterans applied for those postings? -Of those how many were CFTEs? -What was the length of the posting? -Was the posting reopened? --If yes, how long after was it re-opened? --How long did it stay opened? --How many people from the first posting also applied on the second posting? --Was there a selection made on the second posting? ----If yes, did that person apply to the original posting? ----Was the selectee a veteran or CFTE who applied on the first posting? -In the past 5 years how many postings has BPA made which the public was able to apply for? --Were all of the postings open for the entire required time previously negotiated? --If no, how many were not? -In the past 5 years how many postings has BPA made which internal BPA employees were allowed to apply for? --Were all of the postings open for the entire required time previously negotiated? --If no, how many were not? If there were job postings which were filled using special hiring authorities where they were not technically posted on USAJobs, within the same 5 year period, I would like to know the posting number, hiring authority used, status of person hired (CFTE, BFTE, Veteran, Disabled, etc). I kindly request that you acknowledge receipt of this request in writing and provide an estimated timeframe for the processing of this request as required by law. Please consider this letter as a formal request for information under the provisions of the Freedom of Information Act. I look forward to your prompt attention to this matter. If you have any questions or require further clarification, please do not hesitate to contact me at (b) (6) or (b) (6). Thank you for your assistance in providing transparency and accountability. Sincerely,</p>
BPA-2023-01587-F	(b) (6)	9/12/2023	<p>COMPLETE HIRING PACKAGES FOR JOB ANNOUNCEMENTS: Power System Control Craftsman Trainee 5, 23-BPA-34763-11962980-DE and 23-BPA-34763-11962979-MP INCLUDING REDACTED OF PERSONAL IDENTIFIABLE INFORMATION RESUMES FOR CANDIDATES CHOSEN FOR JOB OFFERS AND THE GRADING WORKSHEET FOR ELIGIBLE CANDIDATES USED TO EVALUATE BEST QUALIFIED APPLICANTS TO BOTH JOB ANNOUNCEMENTS</p>
BPA-2023-01602-F	Hughes, Nicole	9/12/2023	<p>Renewable NorthWest is requesting a full copy of the E3 WMEG: Western Day Ahead Market Production Cost Impact Study and any other markets studies that Bonneville Power Administration is using to analyze its potential participation or non-participation in a regional day-ahead market and to help direct its decision towards a specific market option.</p>
BPA-2023-01648-F	Aamot, Colin	9/15/2023	<p>Dear FOIA Officer, Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the agency, I respectfully request the following: Copies of all FOIA appeal logs by year (calendar years 2010 to present). Copies of all Mandatory Declassification Review (MDR) request and appeal logs by year (calendar years 2010 to present). A copy of all opened or closed Inspection General Investigations (OIG) for calendar years 2017, 2018, 2019, 2020, 2021, 2022, and 2023. Copies of the Congressional Correspondence Control logs (or similar control logs containing logs of all Congressional correspondence) for calendar years 2010 to present. I am amicable to a rolling production as records are available. To further narrow down the scope of the request, requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment or no substantive comment added by any party in the thread. The terms "pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject. The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication. Please comply fully with 5 U.S.C. § 552(b). To further narrow down the scope of the request, the requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment or no substantive comment added by any party in the thread. Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full. This request is primarily and fundamentally for non-commercial purposes. As an investigative journalist and author, my request is in the public interest to inform the public. I would draw your attention to the memorandum, released March 15, 2022 that requires both agencies adhere to proactive disclosures for "records that have been requested three times or more . . . The description has exceeded the character limit.</p>

BPA-2023-01684-F	Aamot, Colin	9/15/2023	<p>Dear FOIA Officer, Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the agency, I respectfully request the following: Records sufficient to identify all employees who entered into a position at the agency as a Political Appointee since January 20, 2021, to the date this records request is processed, and the title or position of each employee (to the extent that individuals have held multiple positions during this time period, identify each title or position and the time period it was held). Records sufficient to identify all career employees who, between January 20, 2021, and the date this records request is processed, have been detailed to 1) a position eligible to be filled by a Political Appointee, or 2) a new position through coordination or consultation with either the White House Liaison or Presidential Personnel Office; the title or position of each employee while on detail; and each employee's originating agency or component, and prior title. For each individual identified in response to Requests 1 and 2 provide: 1. The resume provided by the individual to the agency in connection with determining the appropriate salary for the individual, or if that is not available, a recent resume contained within the agency's records. I no objection to the redaction of employee's contact information, such as email, address, phone numbers etc.; however, prior employment, education, and descriptions of such experiences are not exempt and should be produced. 2. Any waivers issued to the individual pursuant to 18 U.S.C. § 208(b). 3. Any authorizations for the individual issued pursuant to 5 C.F.R. § 2635.502. 4. Any Ethics Pledge waivers, issued pursuant to Section 3 of Executive Order 13989 and Office of Government Ethics Legal Advisory 21-04, received by the individual. 5. Any ethics agreement executed by the individual; any Certification of Ethics Agreement Compliance; and any records relating to any violation by an individual of his or her ethics agreement. 6. Records reflecting any recusal determination made or issued for the individual. 7. Copies of any SF-50 forms for the individual reflecting any change in position, title, or salary, including when the employee starts or leaves a position. 8. Completed Ethics Pledge for each individual. Definitions For the purposes of this request, "Political Appointee" means any person who is employed by the Department who is: 1) Presidentially Appointed and Senate Confirmed (PAS); 2) Presidentially Appointed (PA); 3) in a non-career Senior Executive Service (SES) position; 5) a career SES but has been detailed to a leadership or political position since January 20, 2021, 6) a Schedule C employee; 7) in an administratively determined position; 8) in a position that was filled by coordination with, or through, the White House Liaison or Presidential Personnel Office (PPO) or 9) a Special Government Employee (SGE). To the extent an SGE is not a Political Appointee or an actual employee any request or reference to a political appointee or employee should be read to mean "Political Appointee or SGE." I am amicable to a rolling production as records are available. To further narrow down the scope of the request, requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and . . . The description has exceeded the character limit.</p>
BPA-2023-01702-F	Aamot, Colin	9/15/2023	<p>Dear FOIA Officer, Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the agency, I respectfully request the following: Documents and data sufficient to account for the monthly occupancy or vacancy rates for the agency's five largest buildings (measured by square footage) from January 1, 2020, to December 31, 2022. A copy of all agency telework policies or directives that were in place due to COVID-19 and/or the pandemic between 1 January 2020 and April 1, 2023. I am amicable to a rolling production as records are available. To further narrow down the scope of the request, requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment or no substantive comment added by any party in the thread. The terms "pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject. The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication. Please comply fully with 5 U.S.C. § 552(b). To further narrow down the scope of the request, the requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment or no substantive comment added by any party in the thread. Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full. This request is primarily and fundamentally for non-commercial purposes. As an investigative journalist and author, my request is in the public interest to inform the public. I would draw your attention to the memorandum, released March 15, 2022 that requires both agencies adhere to proactive disclosures for "records that have been requested three times or more, or that have become or are likely to become the subject of subsequent requests" as well as to uphold "timely disclosure of records" (https://www.ju . . . The description has exceeded the character limit.</p>

BPA-2023-01758-F	Aamot, Colin	9/15/2023	<p>Dear FOIA Officer, Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the agency, I respectfully request the following: A copy of all internal policy documents, memorandums or guidance pertaining to FOIA processing and procedures, FOIA Appeal processing and procedures, and Mandatory Declassification Review (MDR) processing Policy and Procedures between 2018 and present. Please include any and all documents relating to steps the agency takes when processing or deconflicting with other agencies when processing FOIA requests, Appeals, or MDR requests. I also hereby request a list of the oldest 50 FOIA's still open with the Agency including the request date, request body/text, and requestor. I am amicable to a rolling production as records are available. To further narrow down the scope of the request, requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment or no substantive comment added by any party in the thread. The terms "pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject. The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication. Please comply fully with 5 U.S.C. § 552(b). To further narrow down the scope of the request, the requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment or no substantive comment added by any party in the thread. Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full. This request is primarily and fundamentally for non-commercial purposes. As an investigative journalist and author, my request is in the public interest to inform the public. I would draw your attention to the memorandum, released March 15, 2022 that requires both agencies adhere to . . . The description has exceeded the character limit.</p>
BPA-2023-01788-F	Aamot, Colin	9/16/2023	<p>Dear FOIA Officer, Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the agency, I respectfully request the following: I request documents sufficient to account for the agency's usage and retention policies or directives for official communications via Slack, Signal, Microsoft Teams, Lync, or any other internal messaging platforms from 2018 to present. I am amicable to a rolling production as records are available. To further narrow down the scope of the request, requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment or no substantive comment added by any party in the thread. The terms "pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject. The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication. Please comply fully with 5 U.S.C. § 552(b). To further narrow down the scope of the request, the requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment or no substantive comment added by any party in the thread. Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full. This request is primarily and fundamentally for non-commercial purposes. As an investigative journalist and author, my request is in the public interest to inform the public. I would draw your attention to the memorandum, released March 15, 2022 that requires both agencies adhere to proactive disclosures for "records that have been requested three times or more, or that have become or are likely to become the subject of subsequent requests" as well as to uphold "timely disclosure of records" (https://www.justice.gov/media/1212566/dl?inline). The requested information is in the public interest because there trust i . . . The description has exceeded the character limit.</p>

BPA Policy 236-30

Freedom of Information Act (FOIA)

Information Governance

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1. Purpose & Background

This policy sets requirements and responsibilities for the Bonneville Power Administration FOIA (Freedom of Information Act) program. This program is responsible for compliance with the Freedom of Information Act (5 U.S.C. § 552). FOIA gives any person the right, enforceable in court, to access federal agency records. Access to records is limited by nine statutory exemptions.

The purposes of BPA's FOIA program are:

- A. Legal compliance;
- B. Proactively identifying and releasing BPA records that are of interest to the public; and
- C. Promoting accountability through transparency.

2. Policy Owner

The BPA Executive Vice President of Compliance, Audit, and Risk Management (EVP CAR) is the owner of this policy. The FOIA Officer within Information Governance develops, implements, and manages this policy on behalf of the EVP CAR. The Department of Energy delegates FOIA authority to the BPA Administrator, who in turn designates authority in the FOIA Officer.

3. Applicability

This policy applies to all agency records.

4. Terms & Definitions

- A. **Agency records:** Records that (1) were either created or obtained by BPA and (2) are under BPA control at the time of the FOIA request. Federal records, as defined by the Federal Records Act, are a subset of agency records.
- B. **Controlled Unclassified Information (CUI):** CUI is information the Government creates or possesses, or that an entity creates or possesses for or on behalf of the Government, that a law, regulation, Government-wide policy (LRGWP) requires or permits an agency to handle using safeguarding or dissemination controls. CUI does not include classified information or information a nonexecutive branch entity possesses and maintains in its own systems that did not come from, or was not created or possessed by or for, an executive branch agency or an entity acting for an agency. See BPA Policy 433-1, *Information Security*, for more information.
- C. **Exemptions:** Specific categories of information that can be withheld by the agency, even if they have been requested under FOIA. Most exemptions are discretionary – BPA can choose to release the information. Certain exemptions are mandatory, and the

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information must not be released. Exemptions are described in the FOIA statute and further interpreted by federal case law.

- D. **First-party requests:** Requests for records about or concerning the individual requesting the records.
- E. **Official Use Only (OUO):** A legacy category of Controlled Unclassified Information (CUI) that requires safeguards and has not been updated with a current CUI marking. OUO is identified by the following characteristics: (1) The information has the potential to damage governmental, commercial, or private interests if released to those who do not need the information to perform their jobs at BPA or to perform other BPA authorized activities, and (2) the information that may be exempt from public release under the Freedom of Information Act (FOIA) (exemptions 2-9). See BPA Policy 433-1, *Information Security*, for more information.
- F. **Person:** An individual person, partnership, corporation, association, or public or private organization other than a federal executive branch agency. This definition originates in the Administrative Procedure Act and is incorporated by the FOIA statute.
- G. **Personal records:** Documentary materials that:
 - 1. Were created for the personal use of the author;
 - 2. Have not been integrated into a BPA file; and
 - 3. Have not been shared with other employees or relied upon by other employees to conduct BPA business.

Few records created in the course of business at BPA will qualify as personal records. These records are a limited subset of the “personal files” exception to the Federal Records Act. See BPA Policy 236-1, *Information Governance & Lifecycle Management*, for more information.
- H. **Records custodian:** Any BPA employee in possession of, or with access to, agency records that have been requested under FOIA.
- I. **Request:** A written request for records from any person. A request does not have to mention FOIA to qualify as a FOIA request.
- J. **Third-party request:** Any request that is not a first-party request.

5. Policy

- A. BPA complies with the spirit and letter of FOIA by:
 - 1. Treating requesters with respect and courtesy;
 - 2. Responding to requests completely, timely, and efficiently; and
 - 3. Encouraging discretionary release of records when permitted by law.
- B. FOIA requests for Privacy Act records are processed under both FOIA and the Privacy Act, as permitted by law.
- C. Exemptions:
 - 1. BPA uses FOIA Exemption 4 as required by law to protect the trade secrets and confidential commercial or financial information of third parties.

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2. BPA uses FOIA Exemption 5 as permitted by law to protect internal or intra-agency privileged information. Information that qualifies for protection under Exemption 5 must be released if release would not harm the interest protected by a civil discovery privilege, including but not limited to the deliberative process privilege, attorney work-product privilege, and attorney-client privilege.
 3. BPA uses FOIA Exemption 6 as required by law to protect the privacy interests of individuals. Where required, FOIA Exemption 6 is used in conjunction with the Privacy Act.
 4. BPA uses other FOIA exemptions as permitted or required by law.
- D. FOIA does not obligate BPA to create records. Records may be created for the purpose of a FOIA response at the discretion of the FOIA Officer. Generally, records will only be created if doing so is less burdensome than searching for or processing responsive records. Before creating a record, the FOIA Office must secure agreement from the requester that they will accept the created record in lieu of existing responsive records.
 - E. Copies of all records located during the records search must be provided to the FOIA Office. This includes records that are that are designated as CUI or were previously designated as OOU. The FOIA legal process requires review of *all* responsive records, regardless of content or categorization.
 - F. BPA’s FOIA Officer makes the final decision on release of all agency records under FOIA, including the release of records that are designated as CUI or were previously designated as OOU.
 - G. BPA seeks opportunities to proactively disclose records that affect members of the public, including agency policy statements and administrative manuals.
 - H. BPA publishes all third-party FOIA requests on BPA.gov unless they are voluminous and cannot be posted. This policy may be waived for certain requests at the discretion of the FOIA Officer. First-party requests and responses are not published on BPA.gov.

6. Policy Exceptions

Personal records are not subject to FOIA and will not be disclosed under the FOIA process. Records custodians should seek the advice of the FOIA Office if records falling within the search parameters may qualify as personal records. If the FOIA Office determines that personal records have been collected, they will be returned to the author and any copies will be removed from the FOIA Office file, after the time for an appeal by the FOIA requester has passed.

7. Responsibilities

A. Administrator:

1. The Administrator has ultimate responsibility for compliance with this policy. The Administrator designates authority and assigns functional responsibility to the

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FOIA Officer for ensuring that BPA’s FOIA program is in compliance with applicable statutes and regulations.

B. Audit, Compliance & Governance Committee (ACGC):

1. The overarching committee with responsibility for monitoring the FOIA program and policy. It is supported by the Information Governance Oversight Team.

C. Assistant General Counsel, General Law:

1. Responsible for providing legal advice to the FOIA Officer and the Administrator.

D. BPA Employees:

1. Responsible for forwarding misdirected FOIA requests to the FOIA Office, and for maintaining the availability, effectiveness, security, and confidentiality of recorded information, as directed by the 236 series of BPA Policy.
2. Employees identified by the FOIA Office as “records custodians” have additional obligations. See below.

E. Cyber Security Forensics and Intelligence:

1. Responsible for supporting the record collection process, including conducting searches for email records.

F. Executives, Managers, and Supervisors:

1. Responsible for leading by example, promoting cooperation with the FOIA Office, and promoting a culture of transparency and compliance.

G. FOIA Attorney:

1. Responsible for legal review of records, including final recommendations on withholding or release.

H. FOIA Office:

1. Responsible for preparing records for review, completing initial review, and making recommendations on withholding or release.
2. Responsible for FOIA Public Liaison duties, including communicating with requesters, coordinating the search for records, maintaining the FOIA public library, and updating the Department FOIA tracking system.

I. FOIA Officer:

1. Operates with designated authority from the Administrator. This authority cannot be re-designated to any other person.
2. Responsible for the overall development and maintenance of the FOIA Program according to the principles in this policy. This includes drawing up practice guidance, promoting policy compliance, making final decisions on expedited processing, fees, and records released under FOIA.
3. Reports to the ACGC on BPA’s FOIA programs and policies, and allocates resources to the FOIA program.
4. Acts as a liaison with the Department of Energy, the Department of Justice, and the Office of Government Information Services at the National Archives and Records Administration.

J. Records Custodians:

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1. Any employee may be identified by the FOIA Office as a records custodian for an individual request.
2. Records custodians are responsible for identifying likely records locations, conducting a reasonable search for records, and documenting the search process as directed by the FOIA Office.
3. Records custodians may also be required to provide background information, answer questions, and participate in related appeals processes and litigation, if any.

8. Standards & Procedures

- A. Once a request has been received by the FOIA Office, the following steps are completed:
 1. The FOIA Office enters the request into the DOE and BPA FOIA tracking systems.
 2. The FOIA Office notifies the requester of receipt and clarifies any fee or scope issues.
 3. The FOIA Office identifies likely Records Custodians and directs a records search of the offices of record. If necessary, Cyber Security Forensics and Intelligence is engaged to search for records. Records custodians document searches using the FOIA Search Certification form.
 4. The FOIA Office organizes records and performs the initial review.
 5. A FOIA Attorney performs final legal review.
 6. The FOIA Officer performs final review.
 7. The FOIA Office sends a determination letter to the requester along with any responsive, non-exempt records. The letter includes information about how to appeal the final decision.
 8. Third-party requests and responses are posted on BPA.gov.
 9. FOIA fees, if any, are invoiced and the invoice is sent to the requester for payment.

9. Performance & Monitoring

- A. The FOIA Office compiles a weekly report that tracks the number of cases and the current status and pertinent details of each case. This report facilitates analysis of the FOIA Office’s workload and effectiveness.
- B. The FOIA Office prepares an annual report for the Department of Energy on all BPA FOIA activity. This report includes the outcome of each case, including timeliness of response, total responsive pages, and exemptions used.
- C. The Department of Energy prepares an annual report for the Department of Justice on all DOE FOIA activity.

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- D. The FOIA Office reports out quarterly processing metrics to the ACGC and Information Governance Oversight Team.

10. Authorities & References

- A. Administrative Procedure Act, 5 U.S.C. § 551(2)
- B. Freedom of Information Act, 5 U.S.C. § 552
- C. Privacy Act of 1974, 5 U.S.C. § 552a
- D. Department of Energy FOIA regulations, 10 CFR Part 1004
- E. Department of Energy Privacy Act regulations, 10 CFR Part 1008
- F. The Department of Justice FOIA Guide
- G. The Department of Justice Privacy Act Overview
- H. National Archives and Records Administration implementing regulations, 33 CFR 1220.18

11. Revision History

This chart contains a history of the revisions and reviews made to this document.

Version Number	Issue Date	Brief Description of Change or Review
1	6/13/2013	Initial Publication
2	1/22/2015	Formatted into new template
3	3/30/2016	Policy updated
4	8/15/23	Policy Owner updated, Terms and Conditions updated

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FOIA Program Handbook

Version 1.0
Effective Aug 01, 2023

This Handbook is a guide for FOIA request processing at BPA. This Handbook is subject to frequent revision. This Handbook is not part of, nor required by, 5. U.S.C. § 552. This Handbook is not part of, nor required by, 10 C.F.R. 1004. Please do not disseminate this Handbook outside the agency without FOIA Officer pre-approval to do so.

BONNEVILLE POWER
ADMINISTRATION



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INTRODUCTION

The Freedom of Information Act (FOIA) establishes a right of public access to Bonneville Power Administration (BPA) records. Upon receipt of a request for agency records, those records must be disclosed unless they are protected by at least one of the nine categories of exempt information contained in the FOIA. Both the FOIA and BPA policy contain rules and procedures that must be followed. This handbook will guide you through the process, from receiving the requester's letter to the administrative appeal stage. This handbook is to be used in conjunction with:

- A. The Freedom of Information Act, 5 U.S.C. 552
- B. The Privacy Act, 5 U.S.C. 552
- C. BPA Policy 236-30, Freedom of Information Act

- D. BPA Policy 236-3, Privacy Program
- E. The Department of Justice (DOJ) Guide to the Freedom of Information Act
- F. The most recent DOJ FOIA Update: New Case List and Guide Publications

As the Handbook's purpose is to provide **internal** guidance, it is subject to the requirements of the FOIA and BPA's FOIA policies. If there are any inconsistencies between this Handbook and the BPA's policies, the FOIA regulations will prevail.

This Handbook is a guide for FOIA processing at BPA. This Handbook is subject to frequent revision. This Handbook is not part of, nor required by, 5. U.S.C. § 552. This Handbook is not part of, nor required by, 10 C.F.R. 1004. Do not disseminate this Handbook outside the agency without FOIA Officer pre-approval to do so.

PROGRAM

The FOIA program is responsible for processing all FOIA and Privacy Act requests and for establishing policies and procedures to ensure compliance with the FOIA and Department of Energy FOIA regulations.

This handbook contains procedures and detailed documentation for processing FOIA and Privacy Act requests using the agency's processing software, Legal Hold and eDiscovery.

ROLES AND RESPONSIBILITIES

FOIA OFFICER

The FOIA Officer has overall responsibility for the agency's FOIA program. The FOIA Officer approves all final responses to FOIA requests before final release. The FOIA Officer provides guidance and approvals for process steps not covered in this Handbook.

FOIA PROGRAM LEAD

The FOIA Program Lead is responsible for planning, conducting, and leading projects to improve the functions of the FOIA program, establishing and implementing operational guidelines, and maintenance of this program handbook.

FOIA PUBLIC LIAISON

The FOIA Public Liaison:

- Serves as initial and ongoing point of contact for all FOIA requesters.
- Performs initial and lead case management in the FOIA program shared files, Legal Hold and FOIAXpress.
- Consistent with 5 U.S.C § 552(I), "...assists in reducing delays in FOIA request responses; works to increase transparency in the FOIA request response process; works to increase

understanding of the status of FOIA request responses; assists in resolutions of FOIA requester disputes...”.

- Perform intake analysis on new requests.
- Provide guidance to agency record custodians in collecting records.
- Draft letters and edit Coordinator letters for record requesters and record submitters.

FOIA CASE COORDINATOR

FOIA Coordinators manage requests from assignment to closure, performing the following duties:

- Process agency records collected in response to their assigned FOIA requests.
- Make redaction decisions and suggestions in compliance with 5 U.S.C. § 552(b).
- Shepherd assigned cases through the FOIA process, from assignment to release.
- Draft necessary letters associated with assigned FOIA requests.
- Track and manage assigned FOIA requests in SharePoint, shared files, and eDiscovery.

FOIA ATTORNEY

Attorneys assigned by the agency’s Office of General Counsel help the FOIA office with legal issues when processing FOIA and Privacy Act requests. Notably, FOIA Attorneys assist with:

- Litigation and appeals filed by requesters.
- Analysis of exemptions applied to records.
- Providing FOIA staff with developments in FOIA case law.

FOIA PROCESS TARGET DATES

COMMUNICATING TARGET DATES TO STAKEHOLDERS

When communicating with any stakeholders and seeking a response that is required to process a FOIA request, **include an articulated target date for their response**. Communications include, but are not limited to:

- Requests to FOIA staff to review records and/or case work.
- Invitations to requesters to perfect or clarify requests.
- Notices to Privacy Act requesters to establish their identities.
- Notices to record custodians to collect and submit responsive records.
- Solicitations for reviews to submitters and consultants.
- Requests to subject matter experts to review responsive records.

FOIA RECORD MANAGEMENT

FOIA SHARED NETWORK FILES

FOIA shared files are located here: [LINK](#)

The shared file is used to maintain the following records:

Records	Description	Retention
FOIA Case Files	Records created in response to requests for information under the FOIA. Includes emails, scanned letters, phone call records, search certifications, responsive records, internal and external communications, invoices, and administrative appeals.	Six years after final agency action or three years after final adjudication by the courts, whichever is later, but longer retention is authorized if required for business use.
FOIA Litigation	Records created in response to litigation by FOIA requesters. Includes court orders, motions, complaints, records from case files, and reports created by FOIA staff.	Six years after final agency action or three years after final adjudication by the courts, whichever is later, but longer retention is authorized if required for business use.
Software	Publicly available software which is made available on BPA's FOIA web page: LINK	Keep while needed.

All other FOIA records will be maintained on SharePoint.

FOIA SHAREPOINT FILES

FOIA SharePoint files are located here: [LINK](#)

The SharePoint is used to maintain the following records:

Records	Description	Retention
Administrative	Templates, forms, agendas, FOIA contacts, delegations, and Discovery Core records.	Destroy when business use ceases.
Document Delivery	Records are temporarily store here when FOIA team needs to share with subject matter experts for review; or when record custodians need to submit records due to problems with Legal Hold.	Destroy upon verification of successful creation of the final document or file, or when no longer needed for business use, whichever is later.
Program Assessments	Assessments, audits, and reviews of the FOIA program.	Destroy five years after no further corrective action is needed, but longer retention is authorized if required for business use.
Reporting - Weekly	Weekly FOIA reports for internal use.	Destroy when three years old.
Reporting - Annual	Annual FOIA reports for HQ DOE.	Destroy when three years old.

Training and Reference	Internally developed training, materials from conferences and workshops, and external memos.	Destroy when superseded, updated, replaced, or no longer applicable.
FOIA Log	Tracking data for FOIA requests.	Six years after final agency action or three years after final adjudication by the courts, whichever is later, but longer retention is authorized if required for business use.

FOIA CASE MANAGEMENT

Management of FOIA cases will be documented using the [FOIA case files](#), [FOIA log](#), and [case management checklist](#).

FOIA CASE FILES

Save all records created in response to requests for information under the FOIA. This includes emails, scanned letters, phone-call records, search certifications, responsive records, internal and external communications, invoices, and administrative appeals. These include, but are not limited to, communications with:

- Requesters
- Record custodians
- Cyber Forensics
- Subject matter experts
- Submitters
- Consultants
- FOIA attorneys
- Office of general counsel

NOTE: When saving email communications, convert all Ouyook.msg files to Adobe .pdf files. **DO NOT** save native Outlook files.

Specific details regarding how and when to save communications follow throughout the handbook below.

FOIA SHAREPOINT TRACKING LOG

Update all case developments rearding request processing in the FOIA tracking log:

[FOIA Log \(DW-1155\) - FY22 Standard View \(bpa.gov\)](#)

To make create a log entry or make updates, use this path:

[Home - FOIA \(bpa.gov\)](#)

Specific details regarding how and when to make updates follow throughout the handbook below.

CASE MANAGEMENT CHECKLIST

Use the **FOIA case Management Checklist** shown in [Appendix A](#) to document the completion of key steps and controls during case processing. This checklist is also pre-loaded in Case File structure template, [here](#).

NEW FOIA AND PRIVACY ACT REQUEST INTAKE

OVERVIEW

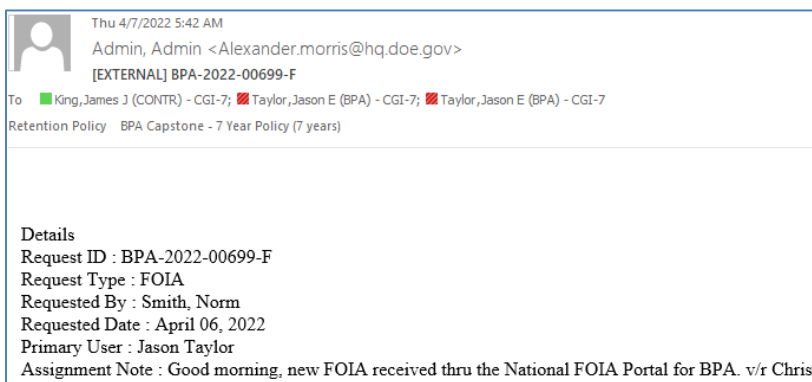
This section describes the procedures for receiving new FOIA/Privacy Act requests, assigning DOE tracking numbers, creating BPA case files, updating the tracking log, and assigning requests to a Case Coordinator.

PROCEDURES

RECEIVING THE REQUEST

New FOIA/Privacy Act requests are received by one of three ways:

1. **Email from HQ DOE FOIA office** – Requesters typically submit requests through FOIA.gov. All requests submitted through FOIA.gov are routed to HQ DOE, and then HQ routes the requests to the FOIA Public Liaison. The notification email from HQ DOE will look like this:



2. **Email directly from the requester** – Requesters may submit requests directly to the FOIA Officer, FOIA Public Liaison, or the FOIA Inbox.
3. **Postal service mail from the requester** – Requester may submit requests through the U.S. Postal Service. For these requests, the recipient forwards it to the FOIA Public Liaison.

The FOIA Public Liaison will check their individual email inbox, the FOIA Inbox, and junk mail folders daily for requests submitted electronically via email. Postal service requests will be delivered to the FOIA Office by agency mail services.

CREATING THE CASE FILE

The FOIA Public Liaison creates a FOIA case file in the FOIA-Privacy-Act network folder. All FOIA staff use the case files to maintain and track internal emails, requester correspondence, and responsive records related to the processing of FOIA requests. Case files are organized in the network folder by fiscal year. The file named File Structure is the template used to create all new case files.

1. Navigate to the FOIA-Privacy Act folder.
2. Copy the folder title **File Structure**.
3. Paste the folder into current fiscal year folder.
4. Rename the new folder using the DOE tracking number, followed by the requester's name in parentheses. For example, 'BPA-2020-00001-F (Jones).'
5. Save a copy of the new request into folder 1 – Incoming Request.
6. Rename the PDF using the same convention from step 4, followed by 'Incoming Request.' For example, 'BPA-2020-00001-F (Jones) Incoming Request.'
7. If this is a Privacy Act request, create a new folder in the case file titled **6 - Identity Verification**.

ASSIGNING THE DOE TRACKING NUMBER

All FOIA and Privacy Act requests must be tracked using the DOE FOIA tracking system, FOIAXpress. Requests received via email from HQ DOE already have a tracking number assigned.

For requests received directly from the requester, either via email or postal service, the FOIA Public Liaison will enter the request details into FOIAXpress to obtain a DOE tracking number. Refer to the incoming request while completing the steps below.

1. Navigate to FOIAXpress at: <https://foiad.doe.gov/FOIAXpress/Login.aspx>
2. Login with username and password.
3. When the **Home** page opens, select at the top of the screen **Requester > Search Requester**. After the page opens, type in the last name of the requester.

FOIAxpress® Taylor, Jason Help Sign Out

Your password will expire in 2 day(s). Please change your password

Home Requesters Requests Document Management Reports Request #

Home Search Requesters Create Requester

Search Criteria Wild card searches (*) are supported

First Name : *
 Last Name : *
 Organization : *
 Category : Select Category
 Delinquent : N/A No Yes

Email Address : *
 City : *
 Country : United States
 State : All
 PAL Requester : N/A No Yes

Search Clear

- FOIAxpress will generate a list of all previous requesters with that last name. If the requester's name appears, select their name and then **Create Request**. Go to step 7.
- If the requester's name does not appear, select **Create Requester**, and enter their information from the incoming request. Fields marked with asterisks are required.

Home Requesters Requests Document Management Reports Request #

Home >> Create Requester Note: * fields are mandatory

Create Requester

Personal Information

Prefix:
 First Name*:
 Middle Name:
 Last Name*:
 Suffix:
 Job Title:

Contact Information

Home Phone:
 Work Phone 1:
 Work Phone 2:
 Mobile:
 Fax:
 Email:

General Information

Organization:
 Category*:

Address

Address 1:
 Address 2:
 City:
 Country*: United States
 State: Select a State
 ZIP Code:
 [12345 or 12345-6789 format for US]

- Click Save at the bottom of the screen, then **Create Request**.
- In the **Request Details** box, use the dropdown arrows to fill the fields marked with asterisks:

Request Details

Action Office*: BPA
 Request Type*: Select Request Type
 Received Mode: Select Received Mode
 Delivery Mode: Select Delivery Mode
 Requested Date*:
 Received Date*: 2/13/2021

Request Owner*: Taylor, Jason
 Primary Assigned*: Taylor, Jason
 Priority: Select Priority
 Method of Payment: Select Method of Payment

- Action Office: Leave as BPA
- Request Type:
 - For FOIA requests, select FOIA.

- For Privacy Act request, select FOIA/PA.
- For consultations, select FOIA consultation.
- Received Mode: Select email, fax, or mail.
- Requested Date: Enter the date found on the request.
- Received Date: Enter the date the FOIA Office received the request.
- Request Owner: Leave name in box.
- Primary Assigned: Leave name in box.

8. In the Description box, make the following updates:

- **Date Range for Records Search:** If there is a specific date range on the request, update.
- **Paste the entire text from the request in the description box.**
- **Incoming Request Letter:** Click Attach File and select the PDF request saved earlier.

9. In the Fee box, make the following updates:

- **Fee Waiver Requested:** Default setting is No. Change if the request asks for a waiver.
- **Fee Details:** Default is \$100. Change to amount indicated on the request.
- Click **Save** at the bottom of the screen.

UPDATING THE TRACKING LOG

The FOIA Public Liaison creates an entry for the request in the SharePoint FOIA Case Management Log (FOIA Log) at <https://portal.bud.bpa.gov/orgs/agencycompgov/DGC/FOIA/default.aspx> .

1. Navigate to the FOIA Log.
2. Click on the green button “Create new FOIA Log item.” After the form opens, enter the request details in the fields indicated below:
 - **Tracking Number** – Use the DOE tracking number obtained from FOIAXpress. **DO NOT INCLUDE THE PREFIX ‘BPA.’**
 - **Requester** – Enter the requester’s name.
 - **From** – Enter the requester’s agency, organization, or institution, if any.
 - **Topic:** This should be general; avoid PII.
 - **Date Received.**

- #Pages: Enter 'TBD' (to be determined).
- Target Date: Enter the target date generated by FOIAXpress.
- Status: Enter 'In Progress.'
- Action: Select from the drop-down 'Perfecting Request.'
- Action Date: Select today's date.
- Assigned: Select the name of the assigned Case Coordinator
- Working: Select Case Coordinator
- Assigned Attorney: Select the name of the assigned attorney.

NEW FOIA AND PRIVACY ACT REQUEST – INITIAL ACKNOWLEDGEMENT

OVERVIEW

This section describes the procedures for providing the statutory-mandated acknowledgment within ten days of receipt of a new FOIA or Privacy Act request.

PROCEDURES

SENDING THE INITIAL ACKNOWLEDGMENT

The FOIA Public Liaison will:

1. Send a brief email to the requester, acknowledging receipt of their request. The email must include:
 - a. The DOE FOIA tracking number.
 - b. Copy of the incoming request.
2. Send the email with a read receipt.
3. Save a copy of the email to the case file > **folder 5 Communications > Requester Communications.**

NEW FOIA AND PRIVACY ACT REQUEST - ASSESSMENT

OVERVIEW

This section describes the procedures for assessing a new FOIA or Privacy Act request.

PROCEDURES

PERFECTING THE FOIA REQUEST

Does the request “reasonably” describe the records sought? A description of records is considered “reasonable” if a professional employee familiar with the subject area of the request can locate the

records with a reasonable amount of effort. Requesters need to provide specific information whenever possible, including dates, titles, file designations, office locations, and other available information.

It is beneficial to the agency and the requester to accurately interpret the request. If you have any questions about the request at any point during the intake process, contact the requester to get clarification of the scope of the request in terms of time period or volume of records. A requester will often ask for “any and all records” in whatever format on a particular subject because they do not want to take a chance on records they truly want being left out.

For requests that seek “any and all” records, the Public Liaison will meet with the requester to clarify the scope. A request for “all records” on a subject often results in more records than the requester wants, so it is beneficial to both the agency and the requester to discuss the number of responsive records and confirm that the requester does, in fact, want them all **or** prefers to narrow the scope of the request. This is beneficial in that it will reduce the time and effort to process the records and produce the records. Keep a detailed record of all communications in the case files and the tracking log.

If an incoming request cannot be perfected based on the written request:

1. The FOIA Public Liaison will:
 - a. Stop the clock for the request in FOIAXpress.
 - b. Contact the requester to ask them to reasonably describe the records sought.
 - c. Save a copy of the communication (email, or memo of phone call) in the **Case File > Folder 5 – Communications > Requester Communications**.
 - d. Update the FOIA Tracking Log Status box.
 - e. After the request is perfected, start the clock in FOIAXpress.

All requests must be clarified and perfected before assignment to a case coordinator.

PERFECTING THE PRIVACY ACT REQUEST

Before processing a Privacy Act request, the requester must verify their identity. If a request is received without credential that establish the requester’s identity.

1. The FOIA Public Liaison will:
 - a. Stop the clock for the request in FOIAXpress.
 - b. Verify the requester’s identity -- An individual making a request may establish identity either in person or electronically:
 - i. In Person:
 1. The requester will appear in person at BPA headquarters during business hours and present either of the following:
 - a. One identifying document bearing the individual’s full name, photograph, and signature; or

- b. Two identifying documents bearing the individual's full name and signature, one of which will bear their current home or business address and date of birth.
 - ii. Electronically:
 1. The FOIA Public Liaison will email the requester a copy of [Department of Energy Privacy Act Information Request](#).
 2. The requester must provide two forms of identification bearing their name and signature, one of which will bear current home or business address and date of birth.
 - iii. Examples of identifying documents include:
 1. Passport
 2. State driver's license
 3. Social Security card
 4. Voter's registration card
 5. American Association of Retired Persons card
 6. Medicaid/Medicare card
 7. Handgun permit card
 - c. Save a PDF copy of the meeting notes or email communication in the case file folder **6 – Identity Verification**.
 - d. After receiving a satisfactory reply from the requester that verifies their identity, save the form in the case file folder **6 – Identity Verification**.
 - e. Send a transmittal email to the FOIA Officer with a link to the FOIA request and identity-verification records. State in the email what records were provided by the requester.
 - f. **IF REQUESTER DOES NOT VERIFY IDENTITY WITHIN 30 BUSINESS DAYS, ADMINISTRATIVELY CLOSE THE REQUEST.**
2. The FOIA Officer will:
 - a. Review the records to verify the requester's identity.
 - b. Reply to the Public Liaison either confirming the requester's identity or directing the Public Liaison to collect additional records to verify the requester's identity.
 3. The FOIA Public Liaison will:
 - a. If the FOIA Officer confirms the requester's identity:
 - i. Save the transmittal email to the case file folder **6 – Identity Verification**.
 - ii. Start the clock for the request in FOIAXpress.
 - iii. **DO NOT SAVE SENSITIVE PII IN THE CASE FILE.**
 1. Delete all files received from the requester that contain sensitive PII (e.g., the scanned image of their driver's license).
 2. Redact birth dates and social security numbers on the Department of Energy Privacy Act Request form.
 - b. If the FOIA Officer did not confirm the requester's identity, contact the requester for the necessary records to verify their identity.

All requests must be clarified before assignment to a case coordinator.

PERFORMING INTAKE ANALYSIS

The FOIA Public Liaison must perform an intake analysis before the request can be processed. The following questions will be answered and provided to the FOIA Officer and FOIA Attorney. Use the template in [Appendix B](#).

PROCEDURE STEPS

1. Determine if it is a Proper Request

This step is completed when [Perfecting the FOIA Request](#). Summarize the work completed to perfect the request.

2. Determine Type of Request

Requests fall into one of two categories:

- Third party - FOIA request: A request for information or records.
- First party – PA request: A request for records about themselves. This includes an attorney (a third-party) making a request on behalf of their client (a first-party requester).

If it is a first-party PA request, the request is placed on hold until the requester verifies their identity or, in the case of representation by a law firm, the law firm submit a PA Request Form.

3. Determine if Clarification is Need

Document any request elements that need clarification, and then [clarify request as described above](#).

4. Determine the Processing Track

The agency has a multi-track processing system, as permitted by statute:

- **Simple request** – A request wherein all records belong to BPA, are limited in number (less than 100 pages), and do not require consulting with any other agencies or HQ DOE before release.
- **Hybrid request** – A request wherein the record collection will require no more than three record custodians; the estimated record collection will take ten or less business days; the estimated record collection will comprise 100-500 pages; the records require very limited consults with one third party for Exemption 4 clearances; and the records require very limited consults with internal subject matter experts to review for other exemptions (Exemption 5, Exemption 3). These are generally processed in eD.
- **Complex request** – A requests that meet the statute’s definition of usual and/or exceptional circumstances. Unusual circumstances include the need to search records located in field facilities, requests for a voluminous number of records (over 500 pages), or requests that require consultation with other agencies (including DOE headquarters) or commercial businesses. These are generally processed in eD.

If the scope of the request is unable to be gauged based on previous experience or knowledge of the topic, then the determination of the processing track should be delayed until receipt of the responsive documents. If the topic is an internal BPA process and the only possibility of complexity is the volume of the responsive records, then label the request as “Simple” for the initial FOIAXpress entry. The FOIAXpress record can be changed should the request later be determined to be complex.

5. Determine the Category of the Requester

The FOIA describes types of requesters in the following categories:

- An individual seeking information for personal use, non-commercial use...
- An individual affiliated with an educational or noncommercial scientific institution, the request being made for scholarly or scientific purposes and not for commercial use.
- An individual affiliated with a private corporation and seeking the information for use in the company’s business.
- A representative of the news media.
- A representative of a public interest groups. This includes an attorney making a request on behalf of a client.

The category of the requester is important for the application of fees for a request. It also may indicate, especially if the requester is from the Media, areas of public interest that the FOIA Officer may need to bring to the attention of agency leadership, Public Affairs, General Counsel, or DOE.

If the category is unclear do research to see if the requester has previous requests and compare previous category information provided, search the internet, or contact the requester if needed to determine the correct category.

6. Determine if Fees Are Appropriate

The following categories of requesters are waived search fees:

- Educational or noncommercial scientific institution.
- News media.
- Public interest groups.

The following categories of requesters are allowed two free hours of search time:

- Personal, non-commercial use.
- Private Corporation.

7. Determine Expedited Processing

There are limited criteria for granting expedited processing of a request.

- An urgency to inform the public concerning actual or alleged Federal Government activity (this option available ONLY for requesters primarily engaged in disseminating information).

- An imminent threat to the life or physical safety of an individual.

If either of the criteria is met, then expedited processing is granted. The expedited processing, whether granted or denied, must be addressed in the acknowledgement letter.

NEW FOIA AND PRIVACY ACT REQUEST – FORMAL ACKNOWLEDGEMENT

OVERVIEW

This section describes the procedures for preparing and delivering acknowledgement letters to requesters.

PROCEDURES

PREPARING ACKNOWLEDGEMENT LETTERS

The FOIA Public Liaison will:

1. Draft an extension letter using the approved FOIA Letter Template guide, [here](#).
2. Provide the requester acknowledgement of their request, to include these details:
 - a. The date the agency received the request.
 - b. The DOE tracking number.
 - c. Any clarifications agreed on with the requester.
 - d. Response to request to a fee waiver.
 - e. Response to request for expedited processing.
 - f. Estimated completion date for a determination.
3. Save a copy of the draft letter in the **Case File > Folder 5 - Communications > Drafts**.
4. Send transmittal email to FOIA Officer with link to draft letter to for review and signature.

The FOIA Officer will:

1. Review the draft acknowledgement letter.
2. Sign the approved letter, then save to the **Case File > Folder 5 – Communications > Requester Communications**.
3. Reply to transmittal email with link to signed acknowledgement letter.

DELIVERING ACKNOWLEDGEMENT LETTERS TO REQUESTERS

The FOIA Case Coordinator will:

1. Email the signed acknowledgement letter to the requester. **Request delivery and read receipts.**
2. Save a copy of the email to the **Case File > Folder 5 – Communications > Requester Communications**.

3. Save copies of the delivery and read receipts to the **Case File > Folder 5 – Communications > Requester Communications.**

UPDATING EXTENSION DATES IN TRACKING LOG

The FOIA Case Coordinator will:

1. Open the request in the SharePoint tracking log.
2. In the **Due Date** field, enter the estimated extension date.
3. In the **Status** box, write the date the acknowledgement letter was sent.

TRANSFER REQUEST – INTAKE AND PROCESSING

OVERVIEW

This section describes the procedures for receiving a record transfer from another federal agency. Transfers typically come from these agencies:

- Headquarters Department of Energy
- U.S Army Corps of Engineers
- U.S. Bureau of Reclamation

PROCEDURES

RECEIVING THE REQUEST

Record transfers are typically sent via email from the owning agency to the FOIA Officer or FOIA Public Liaison. The owning agency may send a transfer letter with the accompanying records and original FOIA request. If the owning is unsure if BPA owns the records, they will ask BPA to review the records to determine if BPA has jurisdiction over the records.

1. Review the records to determine if BPA has jurisdiction. Consult with agency subject matter experts, Office of General Counsel, and FOIA team members, as needed.
2. If BPA does not have jurisdiction over the records, reply to the owning agency and inform them BPA does not have jurisdiction.
3. If BPA does have jurisdiction over the records, reply to the owning agency to confirm ownership:
 - a. If the transfer email did not contain a transfer letter, request a formal transfer letter from the owning agency.
 - b. If the transfer email contained the transfer letter, records, and original request, then proceed to assigning the DOE tracking number.

ASSIGNING THE DOE TRACKING NUMBER

The request must be assigned a new DOE tracking number.

1. Follow the instructions in section [Assigning the DOE Tracking Number](#).
 - a. At step [Incoming Request Letter](#), upload the transfer letter, original FOIA request, and any other supporting documentation.
2. Proceed to creating the case file.

CREATING THE CASE FILE

Creates a FOIA case file in the FOIA-Privacy-Act network folder:

1. Follow the instructions in section [Creating the Case File](#).
 - a. At step 5, save a copy of the transfer letter, original FOIA request, and any other supporting documentation in Folder 1 – Incoming Request.
2. Proceed to updating the tracking log.

UPDATING THE TRACKING LOG

Create an entry for the request in the SharePoint FOIA Case Management Log (FOIA Log):

1. Follow the instructions in section [Updating the Tracking Log](#).
 - a. In the Status field, make an entry that states: “Transfer from <name of federal agency.”
2. Proceed to processing the transfer request.

PROCESSING THE TRANSFER REQUEST

The FOIA Public Liaison will consult with the FOIA Officer and FOIA attorney, as needed, to determine the processing track:

- **Simple-track** – Records are limited in number and require no consultations with agency subject matter experts or third-party submitters.
- **Complex-track** – Records are large in number and/or require consultation with agency subject matter experts or third-party submitters.

After a determination is made, process the request as follows:

- **Simple-track processing** – Follow the instructions in section [Simple Request Processing – Reviewing Records in Case Files](#)
- **Complex-track processing**: Complete section 2 of the Legal Hold – eDiscovery Intake form as described [below](#), and then follow the instructions in section [Complex Request Processing – Reviewing Records in e-Discovery](#).

CONSULT - INTAKE AND PROCESSING

OVERVIEW

This section describes the procedures for processing incoming consultations. When a federal agency determines that BPA has a substantial interest in the information contained in records responsive to a FOIA request, they will consult BPA to solicit their objections to the release of those records. Consults typically come from these agencies:

- Department of Energy Headquarters
- U.S Army Corps of Engineers
- U.S. Bureau of Reclamation

Consults differ from transfers insofar that consults are solicitations for smaller sets or pieces of records, whereas transfers are typically much larger sets of records. Therefore, consults are much quicker to process and require fewer processing steps.

PROCEDURES

INTAKE INCOMING CONSULTATION

Consults are typically sent via email from the owning agency to the FOIA Officer or FOIA Public Liaison. The FOIA Public Liaison will:

1. Create a blank folder in the Case File, naming it with the owning agency's FOIA tracking number. For example, "HQ-2020-00001-F."
2. Save a copy of the consult email and record attachments to the new folder.

PROCESSING CONSULTATIONS

The FOIA Public Liaison or assigned Case Coordinator will:

1. Review the consult records and consult with the assigned FOIA attorney to determine if any statutory exemptions apply.
2. For records of a technical or legal natures, consult with agency subject matter experts of the Office of General Counsel.
3. Save copies of all communications in the Case File folder.
4. After a determination is made, email the FOIA Officer with the determination and links to supporting communications in the Case File.

The FOIA Officer will:

1. Review and approve the determination, or;
2. Review the determinations and ask for additional review by attorneys or subject matter experts.
3. Once approved, reply to the FOIA Public Liaison or Case Coordinator.

The FOIA Public Liaison or assigned Case Coordinator will:

1. Reply to the owning agency with the determination.
2. Save copies of both the FOIA Officer's approval email and the reply email in the Case File.

RECORD COLLECTION – COMPLEX/HYBRID TRACKS – LEGAL HOLD

OVERVIEW

After all intake procedure are completed, the Public Liaison will collect responsive records from identified custodians.

- For simple-track requests, skip this section and proceed to instructions for [Record Collection –Simple Track – Case Files](#)
- For complex and hybrid track requests, please follow the instructions below for processing record collection with Legal Hold.

PROCEDURE STEPS

CREATING WORKFLOW FOR LEGAL HOLD

The Public Liaison will provide Cyber the necessary information to create the FOIA workflow in Legal Hold.

1. Save a copy of the [Legal Hold –eD Intake form](#) to the case file, **Folder 2 – Search**.
2. Fill the intake form, as follows:
 - a. Section 1 – Legal Hold
 - Case Number – Enter the DOE tracking number.
 - Case Division – Select **FOIA**.
 - Case Status – Select **FOIA – N/A**.
 - Case Owner– Enter the name of the assigned Case Coordinator.
 - Case Description – Enter a brief, one-line synopsis of the FOIA request.
 - Case Type – Select **FOIA – Not Applicable**.
 - Workflow Admin – Enter name of Public Liaison
 - Workflow Approver – Enter name of Public Liaison

- Reviewers – Enter the names of Public Liaison
- Custodians – Identify each custodian who will receive a Legal Hold Notice:
 - Enter the custodian BUD ID -- you can find this in the user’s Outlook profile > Open Outlook Properties
 - First Name
 - Last Name
 - Self-Collection – If custodian is collecting their records, select **YES**

NOTE: Additional custodians may be added on page 3.

b. Section 2 - eDiscovery

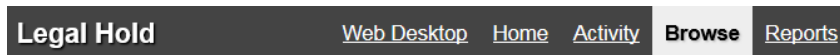
- Client Matter – Enter the DOE tracking number.
 - Notes -- Enter the DOE tracking number.
 - Case Owner – Enter the name of the assigned Case Coordinator.
 - Case Officer – Enter the name of subject matter experts who will perform Secondary Review of records.
 - FOIA Officer -- Enter the name of the FOIA Officer.
 - Attorney – Enter the name of the assigned FOIA Attorney.
 - Reviewer – Enter the names of all FOIA Case Coordinators.
 - Search Parameters -- For collections where Cyber needs to perform any type of electronic search, the Public Liaison and/or Case Coordinator will schedule a meeting with Cyber to thoroughly discuss the FOIA request and carefully define the search parameters. This information should be carefully recorded in the Instructions/Search Parameters.
3. Save the updated form, and then email to Cyber Forensics. Cyber will use the information from the form to create the record-collection workflow in Legal Hold and record-review template in eD.
 4. After the Case is loaded in LH, Cyber will email the Public Liaison with an updated LH-eD Intake Form. Save this form over the one saved earlier. There are several pieces of important information that must be saved:

- **Case Name** – This is an alphanumeric code (e.g., 20171006-A) that Cyber creates and uses to track the Case in LH. This is also how the Case Coordinator will first identify the FOIA request after logging into LH.
- **Workflow Name(s)** – This is an alphanumeric code (e.g., SC-BUDID-01) created by Cyber. The Case Coordinator uses this code to name and create the LH Workflow.
- **User Depository Folder Path(s)** – This is the link to the Custodian’s folder where they will deposit their responsive records.

UPDATING THE WORKFLOW ADMINISTRATION

After Cyber creates provides workflow details, the Public Liaison will update the FOIA workflow in Legal Hold.

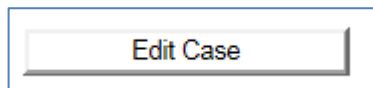
1. Log into Legal Hold: <https://dclh.bud.bpa.gov/legalhold/revapp/home>
2. Select the **Browse** tab.



3. From the **Case Name** column, click the new case (e.g., 20171006-A) that was provided by Cyber:

Case Name	Case Number
<input type="checkbox"/> 20171004-A	2018-00026-F (Magnelli & Mills)
<input checked="" type="checkbox"/> 20171006-A	2018-00081-F
<input type="checkbox"/> 20171025-A	2018-00168-F (Abarca)

4. After the case **Dashboard** opens, select the **Edit Case** button.



5. There are two areas that need to be updated: **Information** and **Participants**.
 - a. **Information** -- update these fields:
 - **Description** – Add the DOE FOIA tracking number, requester name, and concise description of the request.

Description

2018-00081-F
Sadilek, Adam

BPA parcel # 27072100400200 in Snohomish County: (1) Easement agreement (2) Lease agreements with all parties currently or planned in the future on the BPA communications tower and (3) Planned construction on/around parcel.

- **Case Number** – Add the last name of the requester. This mirrors the practice for labeling shared-drive folders and emails.

Case Number

2018-00081-F (add requester's last name here)


- **Lead Attorney** – From the Address Book, select the attorney assigned to the Case.


Lead Attorney


Mautner, Paul F (BPA) - LG-7 


- b. **Participant** - ensure the **Case Owner**, **Workflow Admin**, **Workflow Approver**, and **Workflow Email From** are all set to the Public Liaison.

Participants

Case Owner
Taylor, Jason E (BPA) - CGI-7 

Workflow Admin
Taylor, Jason E (BPA) - CGI-7 

Workflow Approver
Taylor, Jason E (BPA) - CGI-7 

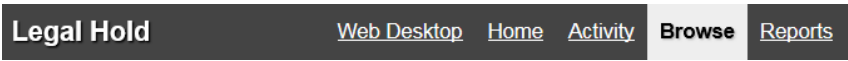
Workflow Email From
Taylor, Jason E (BPA) - CGI-7 

- 6. After all case details have been updated, click **Save** at the bottom of the screen.

CREATING A NEW HOLD

A new Hold must be created for each new Case. The Hold serves no function other than to allow creation of a Workflow.

1. Log into Legal Hold: <https://dclh.bud.bpa.gov/legalhold/revapp/home>
2. Select the **Browse** tab.



3. From the **Case Name** column, click the new case (e.g., 20171006-A) that was provided by Cyber:

Case Name	Case Number
<input type="checkbox"/> 20171004-A	2018-00026-F (Magnelli & Mills)
<input checked="" type="checkbox"/> 20171006-A	2018-00081-F
<input type="checkbox"/> 20171025-A	2018-00168-F (Abarca)

- After the case **Dashboard** opens, select the **Holds** tab, and then click the **New Hold** button.
- From the **Available Legal Hold Types**, select **FOIA – N/A**, and then click **Add**:

Available Legal Hold Types:

- FOIA - N/A
- Formal EEO
- Informal EEO
- MSPB
- Personnel Matter
- Tort/Employee Claim/Contract

Add

Remove

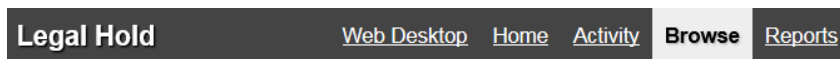
Legal Hold Types for this Hold:

- Click **Save**; click on the **Save** button at the bottom of the on-screen form; The Hold is successfully created and now the Workflow can be added.

CREATING A NEW WORKFLOW

A workflow is necessary to grant custodians access to their User Depository Folders to which they will deposit their collected responsive records.

- Log into Legal Hold: <https://dclh.bud.bpa.gov/legalhold/revapp/home>
- Select the **Browse** tab.

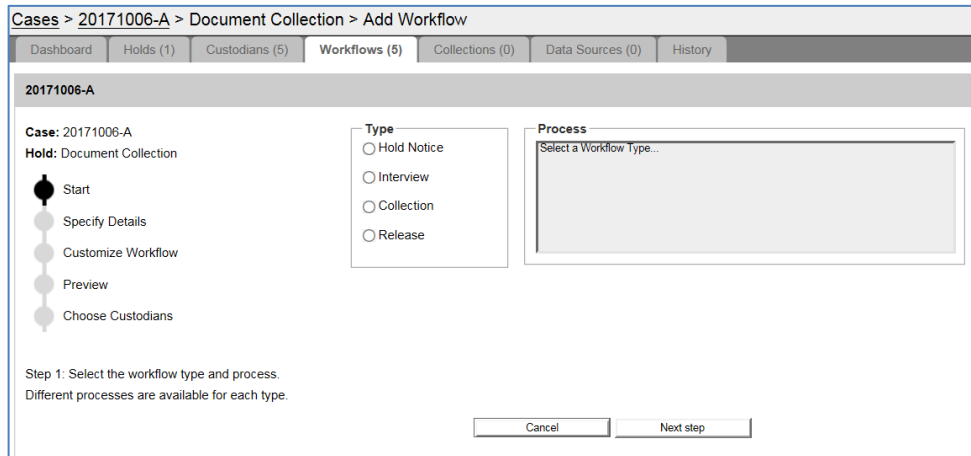


- From the **Case Name** column, click the new case (e.g., 20171006-A) that was provided by Cyber:

Case Name	Case Number
<input type="checkbox"/> 20171004-A	2018-00026-F (Magnelli & Mills)
<input checked="" type="checkbox"/> 20171006-A	2018-00081-F
<input type="checkbox"/> 20171025-A	2018-00168-F (Abarca)

- After the case **Dashboard** opens, select the **Workflows** tab, and then click **New Workflow**:

5. The **Add Workflow** wizard will appear:



	<p>The “steps” diagram on the left side of the screen will show your progress as you build a new workflow.</p> <p>If you need to retrace to an earlier step, simply click on that black circle to go directly back to that step.</p>
--	--

6. From the **Start** step:

- a. Type = Select **Interview**
- b. Process = Select **Custodian Data Source Interview**; make sure that the lone selection is highlighted before proceeding.

The screenshot shows a form with two main sections: 'Type' and 'Process'. In the 'Type' section, there are four radio button options: 'Hold Notice', 'Interview' (which is selected), 'Collection', and 'Release'. In the 'Process' section, there is a list box containing one item, 'Custodian Data Source Interview', which is highlighted in blue.

c. Click **Next Step**.

7. From the **Specify Details** step:

The screenshot shows the 'Workflow Details' form. It contains the following fields and options:

- Name:** A text input field.
- Due Date:** A date picker set to 8/17/2017.
- Requires Approval before sending?** Radio buttons for Yes and No, with No selected.
- Approver:** A text input field.
- Automatically send case reminder notice every 90 days?** Radio buttons for Yes and No, with Yes selected.
- Acknowledgements:** Two checkboxes:
 - Reminder email if not acknowledged in 10 days (unchecked)
 - Escalation email to custodian's manager if not acknowledged in 14 days (unchecked)
- Description / Special Instructions:** A large text area with a scroll bar.
- Navigation:** Three buttons at the bottom: 'Previous step', 'Cancel', and 'Next step'.

- Name:** Enter the [Workflow Name](#) provided by Cyber.
- Due Date:** Set this to when you need the custodian to return their responsive records; this is generally two weeks.
- Requires Approval before sending:** The default value is **NO**. *Do not change this.*
- Acknowledgements:** Leave these blank.
- Description/Special Instructions:** Add your instructions for the custodian/s. At a minimum, the message should include:
 - The DOE FOIA tracking number.
 - An introduction to explain why FOIA is contacting the custodian.

- A synopsis of the original request.
- A link to instructions from the FOIA webpage: [FOIA Process Guide.pdf \(bpa.gov\)](#)
- Contact information for the Public Liaison and/or FOIA Inbox.

f. Click **Next Step**.

8. From the **Preview** step:

- Review the workflow configuration.
- If you are not satisfied with the notification message, then Click on the **Previous Step** to return to the previous page where you can make your changes.
- When satisfied, click the **Next Step** to add your Custodians.

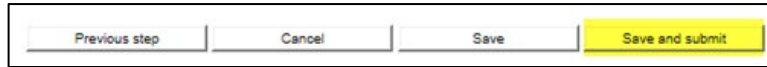
9. From the **Choose Custodians** step:

- There should be a list of custodians that were added by Cyber from the LH-eD Intake form. If they are not on the list, contact Cyber to have the custodians added.

Name	Email	Profile Link
<input type="checkbox"/> A Custodian	Custodian1@protectalh.autonomy.com	(profile) (data map)
<input type="checkbox"/> A Custodian2	Custodian2@protectalh.autonomy.com	(profile) (data map)
<input type="checkbox"/> Abby Adams	aadams@training.com	(profile) (data map)
<input type="checkbox"/> ALH Administrator	gary.wiener@autonomy.com	(profile) (data map)
<input type="checkbox"/> Andrew Case	acase@protectalh.autonomy.com	(profile) (data map)
<input type="checkbox"/> Barbara Berry	bberry@training.com	(profile) (data map)
<input type="checkbox"/> David Drake	ddrake@training.com	(profile) (data map)
<input type="checkbox"/> Ethan Evans	eevans@training.com	(profile) (data map)
<input type="checkbox"/> Frank Foster	ffoster@training.com	(profile) (data map)

- b. **Choose by Custodians** (this button is selected by default) -- Click the box next to each custodian to whom you want to send this workflow. As Custodians are added to the workflow, they will appear in the **To Custodians** pane at the bottom of the screen.
- c. **CC's** --Use the CC's field to add any recipients who will receive copies of the messages, but who will not be required to act on them.

10. To send the workflow to custodians, click **Save and submit**:



- Click **Save and Submit**. The notification is automatically started. It will be listed in the Workflows Tab page as Status = *In Progress*

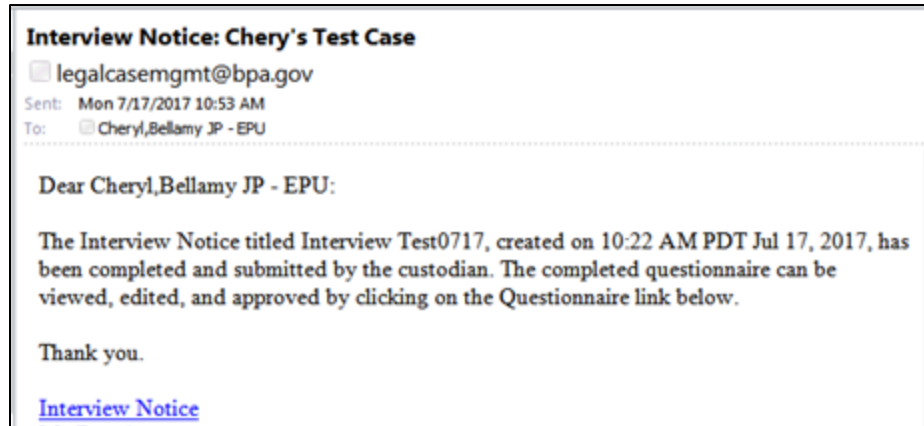
Workflow Name	Hold Name	Type	Date Issued	Status
Documentation Demo Test	Eas vs Digital Safe - Hold - 10/27/10	Collection	04/27/2011	In Progress = 1
duedatet csc 1	Eas vs Digital Safe - Hold - 10/27/10	Collection	04/27/2011	In Progress = 1
duedatet test	Eas vs Digital Safe - Hold - 10/27/10	Notice	01/26/2011	In Progress = 1

- 11. After submitting, the custodian/s will receive the workflow notification in their e-mail.
- 12. Send an email to the custodians alerting them they should look for the workflow notification. Explain to them this message is not spam, so they should not delete it. The message cannot be resent, so it is very important they locate this message and act on it as soon as possible.
- 13. Provide the custodian the applicable FOIA workorder number to record their time spent working on the record collection.
 - a. Corporate: **00556289**
 - b. Power: **00581733**
 - c. Transmission: **00571731**
 - d. All employees: ABM code **LSEC**.

VALIDATE AND ACKNOWLEDGE CUSTODIAN INTERVIEW FORM

After the custodian/s return their records via the Legal Hold workflow, the Public Liaison will validate that the records have been submitted and the custodian search certification form/s have been properly completed.

1. After a custodian completes their workflow, the Public Liaison will receive a notification e-mail; see the example snapshot below:



2. Click on the **Interview Notice** link to access the review the custodian’s search certification form; see the example snapshot below:

- e. If the form is NOT complete:
 - Call the custodian to discuss and clarify.
 - If needed, make any changes to the form entries prior to signing it.
 - If the custodian forgot to add records to their Depository Folder, the Public Liaison must send the custodian a link to their folder so they can add their records. Refer to the saved LH-eD Intake Form and look for the [User Depository Folder Path](#) provided by Cyber.
- f. If the form is complete:

- Scroll to the bottom of the form and click in the **Legal Signature** box.

- Then, click the **Go button** (located in the lower right of the form) to submit the form to Legal Hold.

3. Go into the Legal Hold application and click on the Workflows tab.

4. Select the desired workflow associated with the Interview Self Collection.
5. View the Status. It should show **Status = Complete**.
6. To view the Workflow Details and see the returned form:
 - a. Click on the “balloon” icon next to the Workflow Name.
 - b. Or, click the **Task icon** (the “box of dots” to the right of the workflow) and select **View Details** from the dropdown.

Workflow Name	Hold Name	Type	Date Issued	Status
Custodian Hold Notification for Test Custodian	Chery's Test Case - Hold - 04/10/17	Notice	06/13/2017	In Progress = 1
FOIA Search Certificate-BPA-2017-01663-F	Chery's Test Case - Hold - 04/10/17	Interview	05/05/2017	Failed = 1 Complete = 1
FOIA_SC_BPA_2017_01774-F	Chery's Test Case - Hold - 04/10/17	Notice	05/05/2017	Complete = 1
FOIA_SC_BPA_2017_01663-F	Chery's Test Case - Hold - 04/10/17	Interview	05/05/2017	Cancelled = 1
FOIA_SC_TestAttachment	Chery's Test Case - Hold - 04/10/17	Notice	05/05/2017	Cancelled = 1
Interview IV_WebDesktop_On	Chery's Test Case - Hold - 04/10/17	Interview	07/11/2017	In Progress = 1
Interview Test II	Chery's Test Case - Hold - 04/10/17	Interview	07/10/2017	Custodian Co...
Interview Test IV	Chery's Test Case - Hold - 04/10/17	Interview	07/11/2017	In Progn...
Interview Test V	Chery's Test Case - Hold - 04/10/17	Interview	07/11/2017	In Progn...
Interview Test VI	Chery's Test Case - Hold - 04/10/17	Interview	07/11/2017	Compl...
Interview Test0717	Chery's Test Case - Hold - 04/10/17	Interview	07/17/2017	Compl...
Pre-defined Workflow Name	Chery's Test Case - Hold - 04/10/17	Notice	06/26/2017	In Progn...
Predefine Workflow Name	Chery's Test Case - Hold - 04/10/17	Notice	06/26/2017	In Progress = 1
sam test	Chery's Test Case - Hold - 04/10/17	Notice	07/13/2017	In Progress = 1
seans	Chery's Test Case - Hold - 04/10/17	Notice	07/13/2017	Failed = 2

- c. The Workflow Details screen is displayed along with detailed information about the submitted workflow.

Custodian	Type	Records	Acknowledgment Loops	Start Date	Finish Date	Status
Alter, Samuel I - JP-3 (epuASsa6118)	Interview	1 document	Disabled	7/11/2017 2:24 PM PDT	7/11/2017 2:30 PM PDT	Complete

Total on this page = 1 In Progress = 0 Complete = 1 Not Started = 0 Failed = 0

Additional Details

Process: Custodian Data Source Interview
Options: Case Opened Date: 12/7/2016 3:34 PM PST
Workflow Issued Date: 7/11/2017 2:24 PM PDT
Approval Required: Disabled
Acknowledgment Reminder Loop: Option Not Selected
Acknowledgment Escalation Loop: Option Not Selected

Subject: Interview Notice: Chery's Test Case
Due Date: 07/16/2017
Description: DOE # 888888 Questions: Contact Thanh Knudson at ext 5555

Add Note:

- From the **Records** column, click the **1 document** hyperlink to view the PDF of the original signed Search Certification Form
- Save a copy of the completed forms to the case file, Folder 2 – Search > 1 – Search Certifications.
- After all workflows are complete and validated, notify Cyber that custodian-submitted records are ready for import into eDiscovery.

RECORD COLLECTION – SIMPLE TRACK – CASE FILES

OVERVIEW

This section describes the procedures for collecting records for simple-track requests using a simplified workflow structure in the FOIA case files. Instructions for collecting records follow below.

PROCEDURE STEPS

The FOIA Public Liaison or assigned Case Coordinator will:

1. Save a copy of the [FOIA Search Certification Form](#) to the case file > Folder 2 – Search > 1 – Search Certification.
2. Fill section 1 of the form using information from the incoming FOIA request.
3. Send the form to the record custodian via email. Direct them to:
 - a. Collect responsive records.
 - b. Fill sections 2 through 5 of the form.
 - c. Return the unredacted records and form via email.
 - d. Provide the custodian the FOIA workorder number to record their time spent working on the record collection: **00556289 01 LSEC**.
4. Save the completed certification form in the case file folder noted in step 1, above.
5. Save the records in the case file > Folder 3 – Responsive Records > Unredacted Originals.

SIMPLE REQUEST PROCESSING – REVIEWING RECORDS IN CASE FILES

OVERVIEW

This section outlines the standard procedures for reviewing and redacting records using Adobe Acrobat and a simplified workflow in the case files.

PROCEDURES

CASE COORDINATOR - INITIAL REVIEW

1. Access the responsive records in the Case File > Folder 3 – Responsive Records > Unredacted.
2. Convert records to PDF format.
 - a. For most MS Office formats, use Print to PDF:
 - i. Open the record.
 - ii. From top toolbar, select File > Print.
 - iii. From Printer, select Adobe PDF.
 - iv. Save file to the **Case File > Folder 3 – Responsive Records > Redacted Working**
 - b. For file types that cannot be converted to PDF format, such as computer applications and video files, consult with the FOIA Office and Cyber Forensics.
3. Consult with the record custodian and/or subject matter expert to determine if any records should be withheld under any of the statutory FOIA exemptions. Save records of communications to the **Case File > Folder 5 – Communications > Internal Emails**.
4. Review the records for statutory exemptions, and apply redactions using Adobe Acrobat:
 - a. Open record in Adobe Acrobat Pro
 - b. From top toolbar, select Tools > Redact.
 - c. From the Redaction toolbar, select Mark for Redaction > Text and Images
 - d. Drag your cursor around the text or images to be redacted.
 - e. Right click the redacted area, then select U.S. FOIA.
 - f. Then select the redaction type to be applied.

5. Save the record with draft redactions to the **Case File > Folder 3 – Responsive Records > Redacted Working**. Append the record with the word **DRAFT**.
6. Draft the acknowledgement and release letter using the approved template, [here](#). Save the letter to the **Case File > Folder 5 Communications > Drafts**.
7. Send the records and link to the release letter via email to the FOIA Attorney for review.
 - a. The email subject will be formatted as follows: **FOIA BPA-20XX-00000-F (Requester) – READY for FOIA ATTY REVIEW**
 - b. The transmittal email will include, at a minimum:
 - i. Link to the incoming FOIA request
 - ii. Link to the FOIA Search Certification Form
 - iii. Links to communications with record custodians/subject matter experts
 - iv. Link to the original, unredacted records
 - v. Link to the draft-redacted records
 - vi. Link to the draft acknowledgement and release letter.

FOIA ATTORNEY - REVIEW

After receiving the transmittal email from the Case Coordinator, the FOIA Attorney will review the case materials.

1. There are three ways to proceed:
 - a. **FOIA Attorney approves and makes no changes** – accepts Case Coordinator review.
 - b. **FOIA Attorney approves and makes changes** – makes edits to the Case Coordinator review.
 - c. **FOIA Attorney does not approve and requests changes** – sends records back to the Case Coordinator for clarification.
2. After completing the review, reply to the Case Coordinator's transmittal email with a summary of the review.

CASE COORDINATOR - FINAL REVIEW

After receiving the transmittal email from the FOIA Attorney, the Case Coordinator will:

1. If the FOIA Attorney requested changes:
 - a. Make the appropriate changes to the records and send back to the FOIA Attorney for review. If making changes requires a consult with the records custodian and/or subject matter experts, save these communications in the **Case File > Folder 5 – Communications > Internal Emails**.
 - b. Update the draft acknowledgement and release letter, as needed,
2. If the FOIA Attorney made no changes or made their own changes:
 - a. Apply redactions to the records:
 - i. Open the records with draft redactions in Adobe Pro 2017.
 - ii. From the top toolbar, select Tools > Redact.

- iii. From the Redaction toolbar, select Apply > OK.
 - iv. From the left toolbar, select Finding Hidden Information > Remove.
 - v. Save the record with applied redactions to the **Case File > Folder 3 – Responsive Records > Attorney_FOIA_Officer Review**. Append the record with the word **FINAL**.
3. Send the transmittal email to the FOIA Officer for review.
 - a. The email subject will be formatted as follows: **FOIA BPA-20XX-00000-F (Requester) – READY for FOIA OFFICER REVIEW**
 - b. Add a link to the final-redacted records.
 - c. Add links to any additional communications that will aid the FOIA Officer’s review, such as consultations with records custodians or subject matter experts.

FOIA OFFICER - REVIEW

After receiving the transmittal letter from the Case Coordinator, the FOIA officer will review the case materials. A detailed checklist is in [Appendix E](#).

1. There are three ways to proceed:
 - a. **FOIA Officer approves and makes no changes** – accepts Case Coordinator review.
 - b. **FOIA Officer approves and makes changes** – makes edits to the Case Coordinator review.
 - c. **FOIA Officer does not approve and requests changes** – sends records back to the Case Coordinator for clarification.
2. Sign the draft acknowledgement and release letter, then save the letter to the **Case File > Folder 5 Communications > Requester Communications**.
3. Reply to the Case Coordinator’s transmittal email with a summary of the review.

CASE COORDINATOR - RELEASE OF RECORDS

After receiving the email from the FOIA Officer, the Case Coordinator will:

1. If the FOIA Officer requested changes:
 - a. Make the appropriate changes to the records and send back to the FOIA Officer for review. If making changes requires a consult with the records custodian and/or subject matter experts, save these communications in the **Case File > Folder 5 – Communications > Internal Emails**.
 - b. Update the draft acknowledgement and release letter, as needed.
2. If the FOIA Officer approved the records for release, send an email to the requester:
 - a. Attach the final, approved records and signed final release letter to the requester.
 - b. Request both Delivery Receipt and Read Receipt (Options > Tracking)
3. Send the email, then save a PDF copy of the sent message to the **Case File > Folder 5 – Communications > Requester Communications**.

4. Save a copy of the FOIA Officer's final review email in the **Case File > Folder 5 – Communications > Internal_Emails**.
5. Update and close the case in the FOIA SharePoint tracking log.
6. Notify the FOIA Public Liaison to close the case in FOIAXpress.

CLOSING REQUEST IN THE TRACKING LOG

Access the FOIA SharePoint FOIA Case Management Log (FOIA Log) at <https://portal.bud.bpa.gov/orgs/agencycompgov/DGC/FOIA/default.aspx>.

1. Select the appropriate case in the FOIA Log.
2. Update the request details in the fields indicated below:
 - Page Count: Update this to ensure it reflects the number of pages released.
 - Final Out Date: Update to the date request was closed.
 - Action: Select Closed.

COMPLEX/HYBRID REQUEST PROCESSING – REVIEWING RECORDS IN EDISCOVERY

OVERVIEW

This section outlines the standard procedures for reviewing and redacting records in eDiscovery (eD). These procedures explain how to find FOIA records in eD, how to navigate the eD Review Module, and how to redact records. This procedure also explains how to move the responsive record set through the review process and prepare the records for final release.

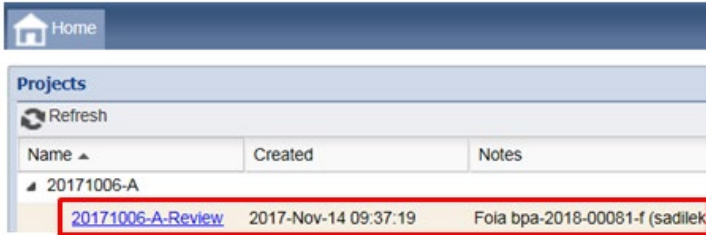
PROCEDURES

After record collection in Legal Hold is complete, notify the Cyber Forensics team to prepare the records for review in eD. Cyber will ingest the collected documents into eD and promote the records to the Review Module where you will begin review.

LOCATING A REQUEST IN EDISCOVERY

Log into eD and Find Your FOIA Request

1. Login to eD at: <https://dced.bud.bpa.gov/HPeD>.
2. From the Home page, FOIA requests are sorted by **Name**. The **Name** is also referred to as the "case name." This identifier is created by Cyber Forensics.
3. Find your FOIA request from the list of requests by searching the **Notes** column. This column shows the DOE FOIA tracking number:



Access the Review Module

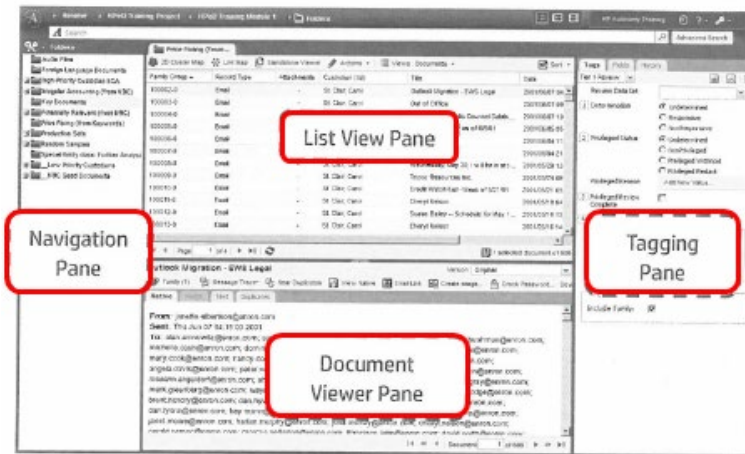
1. After you identify your FOIA request, click the blue hyperlink in the **Name** column. This will take you to the **Review Module** menu. Click the **Folders** tab:



2. In the **Review Module**, there are four panes you will be using to perform your review:

- **Navigation Pane**
- **List View Pane**
- **Tagging Pane**
- **Document Viewer Pane**

These panes will be referred to throughout the remainder of this procedure:



3. Navigation Pane

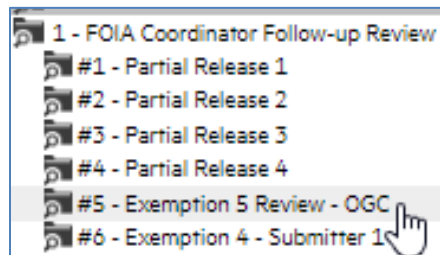
This pane displays the folders in the FOIA record-review workflow. This is where you start when starting records review. For example, the FOIA Coordinator beginning the initial review would select the FOIA Coordinator Initial Review folder:



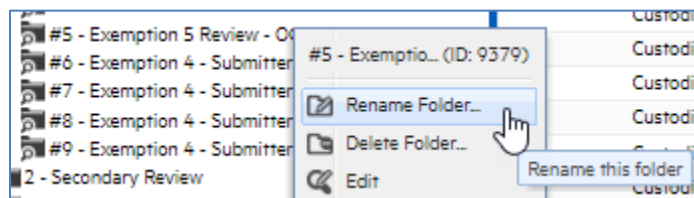
Folders with magnifying glasses are “smart” folders. Records are moved through the review folder into successive folder using tag (see [Tagging section](#)).

As you review your records, it is likely you will need to rename folders to help organize and process your request. For example, there are multiple submitters for Exemption 4 or multiple reviewers for Exemption 5. To rename folders, follow these steps.

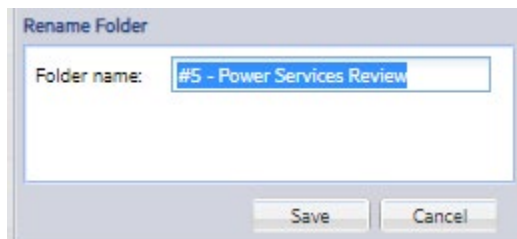
- a. From the **Navigation Pane**, hover over the subfolder you need to rename:



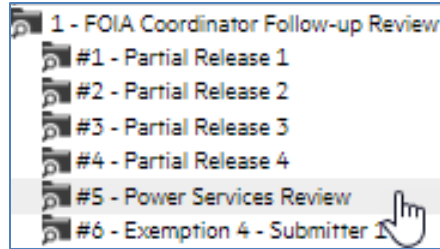
- b. Right click on the folder and select **Rename this folder**:



- c. Without changing the folder number, type in the new name, then click save.



- a. The folder name is changed:



- b. For each folder you rename in Folder #1, you should rename the corresponding folder in Folder #2 – Secondary review.

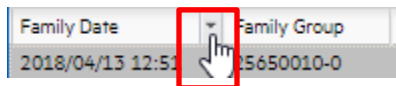
4. List View Pane

After selecting a folder from the Navigation Pane, records in that folder will display in **List View Pane**. The tab displays the name of the Folder you have selected. The records are listed with record metadata displayed in columns:

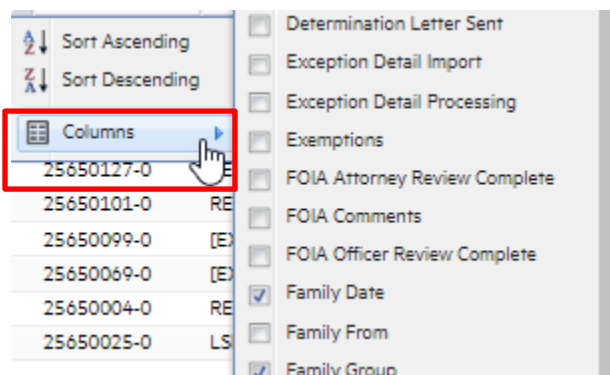
Family Group	Family Date	Title	Email Thread ▲	Page Count
26341422-0	2021/04/07 10:49	Safety Meeting Report.xlsx	01006ad65d5403cd84bc78	1
26341355-0	2021/04/07 10:52	FW: Safety Meeting Report.xlsx	01006ad65d5403cd84bc78	2
26330032-0	2021/04/07 10:49	Safety Meeting Report.xlsx	01006ad65d5403cd84bc78	1
26340158-0	2021/06/01 10:44	PTP1001S Recipient ALL was exec...	010081ffbe3921d5b4dd8c	1

For example, as shown above, the columns for this FOIA Coordinator Initial Review are **Family Group, Family Date, Title, Email Thread, and Page Count**. It is recommended to begin your review using these default columns. To customize your columns:

- a. Hover over any column to make the drop-down arrow appear.



- b. Click the arrow to make the Columns icon appear, then hover on Columns:

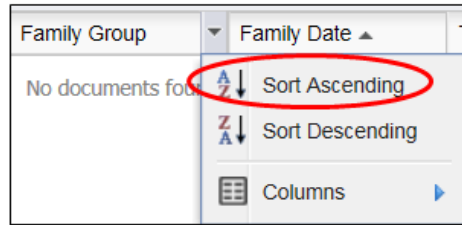


- c. Select boxes to insert columns and deselect boxes to hide columns.

A brief description of the five default columns follows:

- **Family Group**

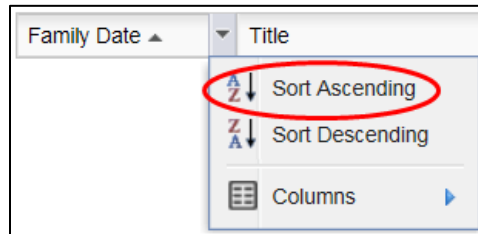
A Family Group is a “parent” record and its “children” attachments. To sort the records by Family Group, click the hover-arrow next to Family Group, and then select Sort Ascending.



You can recognize Family Groups by the “parent” document, which typically has a seven-digit numeric code (i.e., 999999-9) and the “children” documents, or attachments, which share the parent’s code but add extra hyphens and digits to indicate the child level of attachment (e.g., 999999-9-0 or 999999-9-0-1).

- **Family Date**

Next, sort the documents by Family Date. Click the hover-arrow next to Family Date, and then select Sort Ascending. This will arrange the families from oldest to newest.

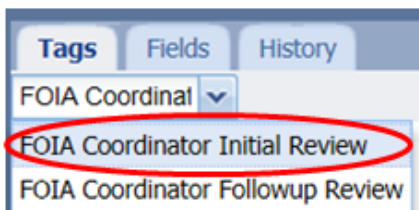


- **Title, File Type, and Page Count**

These are informational and give the reviewer an overview of what type of document is available for review.

5. Tagging Pane

The Tagging Pane is where you will mark records as being responsive and move records through the workflow to the next reviewer. From the Tags tab, select the Tag Group for your review role. In the example below, the FOIA Coordinator may choose from two Tag Groups:



Each document must be reviewed as being either Responsive or Non-Responsive. During the Case Coordinator’s initial review, this may be done before or after applying redactions. Select one of the two boxes:

1	Responsive	<input type="checkbox"/>
2	Non-Responsive (Initial)	<input type="checkbox"/>

Reviewers may leave comments for other reviewers in the comment's boxes. For example, the FOIA Coordinator Initial Review uses the Initial Comments box:

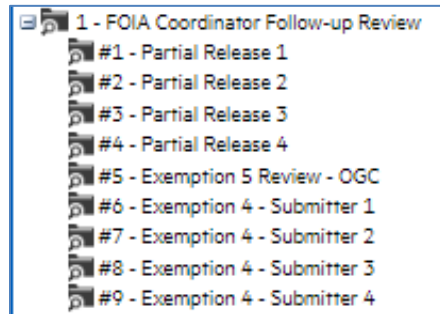
Initial Comments	<input type="text"/>
------------------	----------------------

To apply the same tag values to all documents in a family group, check the **Include Family** box near the bottom of the Tagging Pane. This ensures consistency in tagging:

Tag Related Documents	
Include Family:	<input checked="" type="checkbox"/>

The tagging pane is also used to assign records to one or more subfolders in the **Navigation Pane**.

- a. Expand the **FOIA Coordinator Initial Review Folder** to see the default subfolders:



- b. The folder numbers correspond to the Production Number tags in the Tagging Pane:

Production Number	<input type="checkbox"/>	01
	<input type="checkbox"/>	02
	<input type="checkbox"/>	03
	<input type="checkbox"/>	04
	<input type="checkbox"/>	05
	<input type="checkbox"/>	06
	<input type="checkbox"/>	07
	<input type="checkbox"/>	08
	<input type="checkbox"/>	09

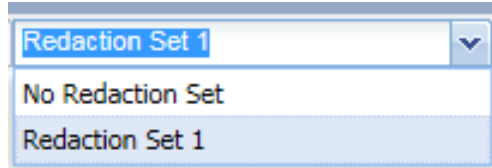
- c. To sort a record into a review folder, select the appropriate tag.
- d. These tags are often used to sort records for partial releases, internal Exemption 5 reviews, and external Exemption 4 reviews. This will be discussed later in the review steps.

IMPORTANT: The Initial Review Complete button should only be checked after redactions are complete. Checking this box will move the document to the 2-FOIA Lead Review Folder.

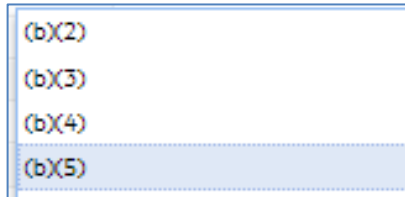
6. Document Viewer Pane

Redactions are applied to records in the Document Viewer Pane. Follow these steps to apply redactions to records:

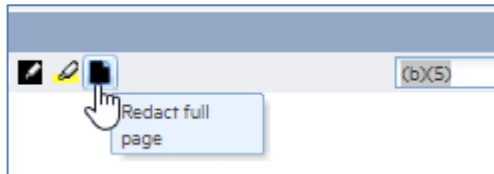
- a. Select **Redaction Set 1** from the dropdown box in the right corner.



- b. From the dropdown box next to Redaction Set 1, click the type of redaction reason you wish to apply to the record:

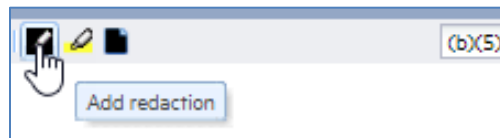


- c. To redact an entire page, select the black icon to the left of the redaction reason:



Then, the entire page will be redacted.

- d. To redact a single page, select the black icon with white pen in the corner:

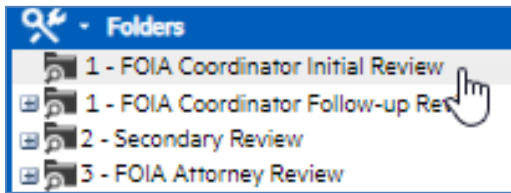


Then, drag your mouse over the area to be redacted.

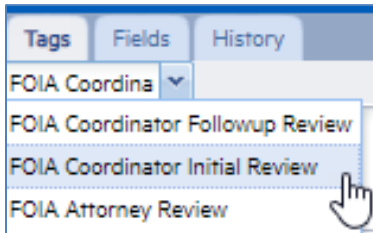
- e. To remove a redaction, hover over the redaction and click the red box in the corner of the redacted area:



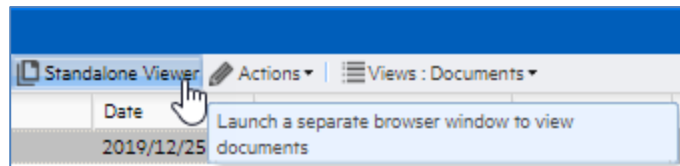
1. In the **Navigation Pane**, select the **FOIA Coordinator Initial Review** Folder:



2. In the **Tagging Pane**, select the **FOIA Coordinator Initial Review** tag:



3. The records available for review are listed in the **List View Pane**.
 - a. From here, you may select **Standalone Viewer** to open the **Document Viewer Pane** and **Tagging Pane** in a separate full-screen browser.



FOIA COORDINATOR – INITIAL REVIEW – REVIEWING FOR RESPONSIVENESS

After the initial record collection is complete, the Case Coordinator will first review the perfected request and the responsive record set to assess the responsiveness of the records based on the language and scope of the FOIA request.

REVIEWING THE PERFECTED REQUEST

The Case coordinator will meet with the Public Liaison to review the perfected request and the strategies used to collect responsive records. During this review, the Public Liaison will ensure the case file is populated with the following records:

1. Perfected FOIA request
2. Completed search certification forms.
3. Completed LH-eD intake form.

4. Conversations with Cyber Forensics, subject matter experts, or FOIA team members that influenced the direction and collection of responsive records.

This step is critical, as it gives the Case Coordinator the necessary tools and knowledge to review the initial record set for responsive records.

REVIEWING THE INITIAL RECORD SET

The initial record sets often contain records that are not responsive to the request. Typical non-responsive records include those outside of the request scope – for example, records outside of the requested date range, records not from specific senders or recipients, or mismatched keywords.

RECORDS COLLECTED BY CUSTODIANS

In general, most records collected by subject matter experts will be largely responsive to the FOIA request. However, custodians often collect entire folders without reviewing each individual record for responsiveness.

RECORDS COLLECT BY CYBER FORENSICS

The FOIA Public Liaison works closely with the Cyber Forensics team to collect responsive records from email archives. These records must be carefully reviewed for responsiveness prior to deduplication, redaction, and preparation for Exemption 4 and 5 analyses. Records that are not responsive to the FOIA request, but are often collected, include:

- **Bulk emails** – Emails sent by professional, industry, and new organizations are often collected because they contain keyword contained in the FOIA request but are not responsive to the subject request.
- **Consolidated Archive emails** – System-generated emails that document the archival of an email record to the Consolidated Archive. Every email generated by BPA is archived in the archive. These automatically generated emails are not responsive to FOIA requests.
- **Synonymous keywords** – A requester asks for specific keyword that has multiple meanings. For example, a requester might seek records about “wells,” and the search collects records about an individual named Mr. Wells.

RESOLVING QUESTIONS OF RESPONSIVE RECORDS

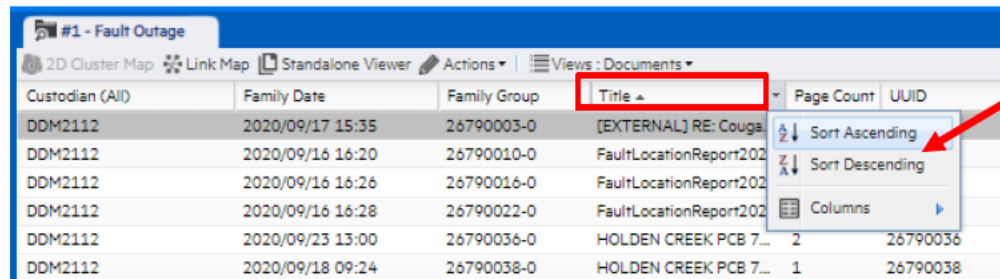
If the Case Coordinator cannot determine if a record is responsive, leave a note in Case Comments and consult with the Public Liaison, Program Lead, or subject matter expert.

FOIA COORDINATOR – INITIAL REVIEW – DEDUPLICATING RECORDS

Cyber Forensics deduplicates records when they are promoted to eDiscovery. Only true duplicates are removed. For example, identical email records from the same sender are removed; for example, an email is collected by both Cyber Forensics and the record custodian. However, duplicate attachments in multiple emails from different senders cannot be deduplicated during promotion.

INSTRUCTIONS

1. After the records are promoted to eDiscovery, sort the records by Title. You may sort ascending or descending:



2. Look for duplicate titles. Verify they are duplicates by viewing the Image of each record.
3. Tag each duplicate as follows:

Initial Review Complete	<input checked="" type="checkbox"/>
Non-Responsive (Initial)	<input checked="" type="checkbox"/>

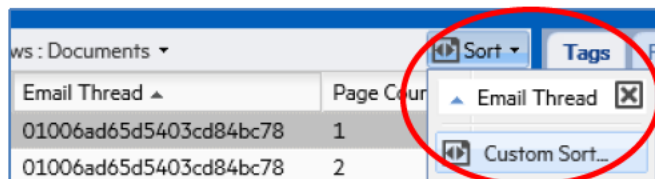
4. If removing a duplicate child record and the parent record is *not* a duplicate, ensure to untag **Include Family**:

Tag Related Documents	
Include Family:	<input type="checkbox"/>

FOIA COORDINATOR – INITIAL REVIEW – EMAIL THREADING

While deduplicating records, pay close attention to the records to determine if there are email threads spread across the record set. For example, emails with a common root name and that have been forwarded – identified by the prefix FW - or replied to – identified by the prefix RE. These email chains need to be threaded together to remove duplicate parts of the thread.

1. In the List View Pane, ensure you have added the fields Family Date and Email Thread.
2. From the List View Pane toolbar, select Sort > Custom Sort.



3. At the custom sort screen, add both columns **Family Date** and **Email Thread**.

Custom Sort		
<input type="checkbox"/> Add Column <input checked="" type="checkbox"/> Delete Column		
	Column	Direction
Sort by	Family Date	A to Z
then by	Email Thread	A to Z

4. At the bottom corner of the box, click **Sort**.

Now, all email chains will be sorted by family in chronological order. This will aid in identifying and removing entire or parts of duplicate email messages. Use the **Email Thread** sorting feature to review record at any point in the review process, as needed, to remove duplicates and, later if needed, to apply consistent redactions.

FOIA COORDINATOR – INITIAL REVIEW – REDACTING RECORDS

1. Records must be reviewed to identify information that needs additional reviews by internal and external subject matter experts. These records typically include:
 - **Confidential or commercial information (CCI)** created by non-Federal third-party organizations. These records require **Exemption 4** reviews by submitters. Sometimes, it is clear what records contain CCI. Often, it is not clear, and you will need assistance from agency submitter experts to segregate CCI from agency records.
 - Refer to Appendix C for guidance on identifying CCI.
 - **Pre-decisional/deliberative information** created by agency employees. These records require **Exemption 5** reviews by agency subject matter experts.
 - Refer to Appendix D for guidance on identifying pre-decisional information.
 - **Records created by other Federal agencies.** These records require **referrals** by the originating agencies.
2. If you identify records that require the aforementioned reviews, sort these using the instructions below at [Sorting Records for Reviewers](#).
3. If you are unsure about the origin or ownership of records, or if you have questions about certain records, it is likely other reviewers will have questions. Annotate the issues and answers you find in the **Initial Comments** box.
4. For records that do not require sorting and other reviews, review and make appropriate redactions.
5. If a record has a family, review the entire family, and then make the determination as to whether all documents in the family will be coded the same or need to be coded separately.
6. If a record is part of an email chain, thread the emails together to ensure all like emails are grouped together and redacted.
7. Detailed instructions for tagging records and moving them to the **Secondary Review** are in table below.

As the FOIA Coordinator, I Want To....	Folder to Use	Tag Group To Use	Configured Tagging Rules	As a Result, I want the Document to Move to Folder...
Identify the document as responsive AND ready for FOIA Secondary review	FOIA Coordinator Initial Review	FOIA Coordinator Initial Review	<ul style="list-style-type: none"> • Responsive = Check this box • Initial Comments = enter your FOIA Coordinator comments here • Initial Review Complete = Check this box to have eD automatically move the document to "FOIA Secondary Review" folder 	FOIA Secondary Review
Identify the document as NON-Responsive	FOIA Coordinator Initial Review	FOIA Coordinator Initial Review	<ul style="list-style-type: none"> • Non Responsive (Initial) = Check this box" • Initial Comments = enter your FOIA Coordinator comments here • Initial Review Complete = Check this box to have eD automatically move the document to "Non-Responsive Records" folder 	Non-Responsive Records
I want to Identify the document with a family where only the document is responsive, but its family member is Non-Responsive	FOIA Coordinator Initial Review	FOIA Coordinator Initial Review	<ul style="list-style-type: none"> • Responsive = Check this box • Initial Comments = = enter your FOIA Coordinator comments here • Initial Review Complete = Check this box to have eD automatically move the document to "FOIA Secondary Review" folder • Include Family = Uncheck this box <p>NOTE- every family member must be coded separately</p>	FOIA Secondary Review

SORTING RECORDS FOR REVIEWERS

Follow these steps to sort records for internal and external reviews.

1. Sorting for Subject Matter Expert Review

- a. For records that require internal subject matter expert reviews, select from the Tagging Pane > Production Number > box 6:

Production Number	<input type="checkbox"/>	01
	<input type="checkbox"/>	02
	<input type="checkbox"/>	03
	<input type="checkbox"/>	04
	<input checked="" type="checkbox"/>	05
	<input type="checkbox"/>	06

- b. After the initial review is complete, you will then see these records moved to Folder 2 – FOIA Secondary Review > #5 –Exemption 5 Review.
- c. For multiple submitters, you may rename multiple folders for multiple submitters. Refer to instruction for renaming folders in the [Navigation section](#).

2. Sorting for Submitter Review

- a. For records that were created by entities outside of the agency -- “submitters” -- select from the Tagging Pane > Production Number > box 6:

Production Number	<input type="checkbox"/>	01
	<input type="checkbox"/>	02
	<input type="checkbox"/>	03
	<input type="checkbox"/>	04
	<input type="checkbox"/>	05
	<input checked="" type="checkbox"/>	06

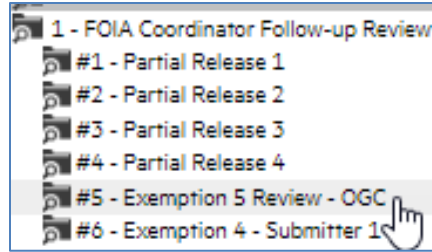
- b. After the initial review is complete, you will then see these records moved to Folder 2 – FOIA Secondary Review > #6 –Exemption 4 Submitter 1.
- c. For multiple submitters, you may rename multiple folders for multiple submitters. Refer to instruction for renaming folders in the [Navigation section](#).

3. Sorting for Referrals

- a. For records that will require review by other federal agencies, select from the Tagging Pane > Production Number > then select a free folder:

Production Number	<input type="checkbox"/>	01
	<input type="checkbox"/>	02
	<input type="checkbox"/>	03
	<input type="checkbox"/>	04
	<input checked="" type="checkbox"/>	05

- b. After the initial review is complete, you will then see these records sorted to Folder 2 – FOIA Coordinator Initial Review > free folder.



- c. For multiple reviewers, you may rename multiple staging folders for multiple submitters in the Secondary Review folder. Refer to instruction for renaming folders in the [Navigation section](#).

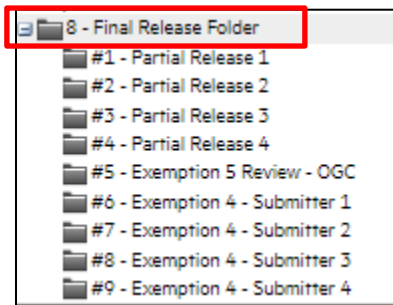
To process these records for external reviews, refer to these sections:

- [Processing Records for Submitter Review](#)
- [Processing Records for Referrals](#)

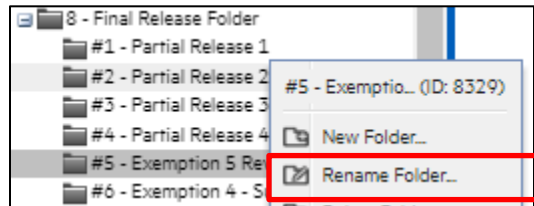
INITIAL REVIEW – PRODUCING RECORDS FOR EXTERNAL REVIEW

If records need to be exported out of eD to be sent to external reviewers and/or submitters, follow these steps.

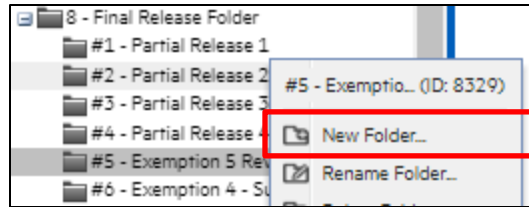
1. Go to **Folder 8: Final Release Folder**:



2. Rename a folder for your records by right clicking a folder, then **Rename Folder**.



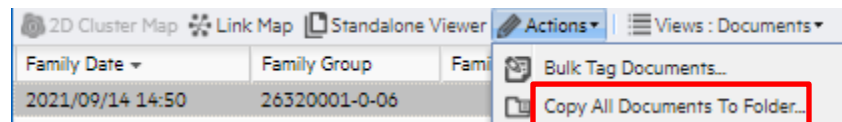
3. If you need additional folders, right click Folder 8, and then select **New Folder**:



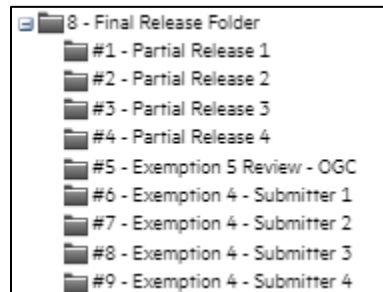
4. Copy the records from the **Initial Review Folder** to the folder/s you just renamed or created in the **Final Release Folder**. There are two ways to do this:

a. Copy All Documents:

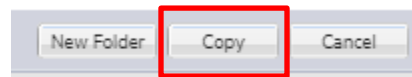
i. From the **List View Pane**, select **Actions > Copy All Documents to Folder**:



ii. After clicking Copy All Documents to Folder, select the appropriate folder in the Final Review Folder:

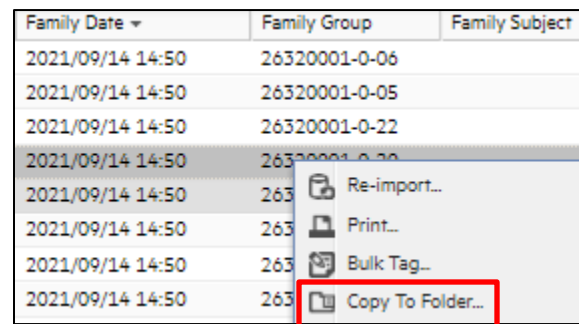


iii. Then, click **Copy**:



b. Copy Selected Documents:

i. From the List View Pane, select a document, then Copt to Folder



ii. Select the appropriate folder in the Final Review Folder.

5. After the desired documents are copied to the appropriate Final Review Folder/s, export the records. Follow the [instructions for running productions](#).

NOTE: The Case Coordinator can perform these steps from any point of the review workflow. For example, they may choose to perform an initial sort of records, and then sort/produce records for review from Folder 2 - Secondary review. This is up to the discretion of each Case Coordinator.

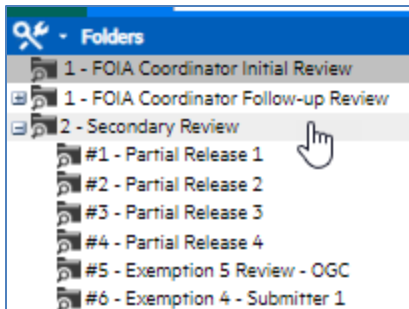
SECONDARY REVIEW

The Secondary Review folder is used for staging records for internal subject matter expert (SME) review. Reviews can be performed either by the FOIA Case Coordinator sharing their screen with the SME; or, at the discretion of the FOIA Officer, training the SME and granting them administrative permission to perform the review.

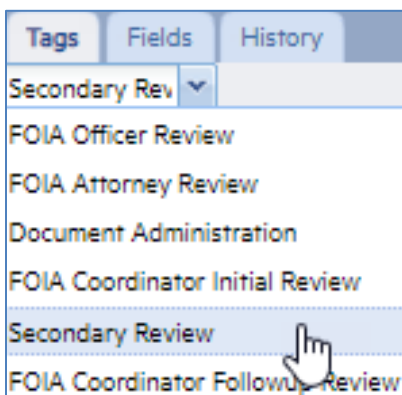
This folder is also used to stage records that require submitter review. They reside here while the Case Coordinator sends the submitter notice letter, waits for a reply, and works with the FOIA Attorney to make a determination. After a determination is made, the Case Coordinator updates the records with necessary redactions.

Perform the secondary review as follows.

1. In the **Navigation Pane**, select the **Secondary Review** folder:



2. In the **Tagging Pane**, Select the **Secondary Review** tag:



3. Apply additional redactions (as needed) to each document.
4. Ensure the reviewer leaves comments in the **Case Comments** box for every document reviewed, indicating that each record was reviewed and why any redactions were made.
5. Detailed instructions for tagging records and moving them to the **FOIA Attorney Review** are in table below.

As the FOIA Lead, I Want To....	Folder to Use	Tag Group To Use	Configured Tagging Rules	As a Result, I want the Document to Move to Folder...
Review the documents already reviewed by the FOIA Coordinator and APPROVE what is coded AND indicate that is ready for FOIA Attorney Review	Secondary Review	Secondary Review	<ul style="list-style-type: none"> • Leave previous coding done by the FOIA Coordinator “as-is” • Review the FOIA Coordinator’s Initial Comments • Case Comments: if applicable, enter your comments here • Case Review Complete = Check to have eD automatically move the document to the “FOIA Attorney Review ” Folder 	FOIA Attorney Review
Review the documents already reviewed by the FOIA Coordinator, but CHANGE , a responsive document to NON-RESPONSIVE	Secondary Review	Secondary Review	<ul style="list-style-type: none"> • Review the FOIA Coordinator’s Initial Comments • Responsive = UNcheck this box • Non Responsive (Case) = Check this box • Case Comments: enter your comments here • Case Review Complete = Check to have eD automatically move the document to the “Non-Responsive Records Folder” 	Non-Responsive Records

6. After all reviews are complete, the Case Coordinator will review the Secondary Review folder to ensure the folders are empty and all records have been moved to Folder 6 > FOIA Attorney Review Folder.
7. As needed, rename any folders in the Attorney Review folders to retain consistency with previous folder name changes in the Secondary Review folders.
8. Prepare a draft release letter using the approved template [here](#). Save a copy of the release letter in the case file Folder 5 – Communications > Drafts.
9. The Case Coordinator will send a transmittal email to the assigned FOIA Attorney, notifying them the records are ready for their review in the FOIA Attorney Review folder. Include a link to the release letter in the case file.

FOIA ATTORNEY REVIEW

After the FOIA Attorney receives the email from the FOIA Case Coordinator, the FOIA Attorney will perform their review as follows:

1. Select the **Attorney Review** Folder:



2. Click the folder to expand and view all subfolders.
3. Select the **FOIA Attorney Review** Tag Group:

Tags	Fields	History
Stoney Review		
Responsive	<input type="checkbox"/>	
Non-Responsive (Legal)	<input type="checkbox"/>	
SORN Number	<input type="checkbox"/> DOE-2 <input type="checkbox"/> DOE-41 <input type="checkbox"/> DOE-43 <input type="checkbox"/> DOE-60	<input type="button" value="↑"/> <input type="button" value="↓"/>
Initial Comments	<input type="text"/>	
Case Comments	<input type="text"/>	
Legal Comments	<input type="text"/>	
Please Review	<input type="checkbox"/>	
Please Redact	<input type="checkbox"/>	
Pass to FOIA Coordinator	<input type="checkbox"/>	
Legal Review Complete	<input type="checkbox"/>	
Tag Related Documents		
Include Family:	<input checked="" type="checkbox"/>	

4. Apply additional redactions (as needed) to each document.
5. Tag each document as follows:

As the FOIA Attorney, I Want To....	Folder to Use	Tag Group To Use	Configured Tagging Rules	As a Result, I want the Document to Move to Folder...
Review the documents already reviewed by the FOIA Coordinator and FOIA Secondary Review and APPROVE what is coded and indicate that is READY FOR FOIA OFFICER REVIEW.	FOIA Attorney Review	FOIA Attorney Review	<ul style="list-style-type: none"> • Leave previous coding done by the FOIA Coordinator and/or FOIA Secondary Review “as-is” • Review the Initial Comments and Case Comments entered • Legal Comments: (optional) enter comments here, if applicable • Legal Review Complete = Check to have eD automatically move the document to the “FOIA Officer Review ” Folder 	FOIA Officer Review
Review the documents already reviewed by the FOIA Coordinator and FOIA Lead and SEND IT BACK to the FOIA Coordinator for follow-up actions	FOIA Attorney Review	FOIA Attorney Review	<ul style="list-style-type: none"> • Leave previous coding done by the FOIA Coordinator and/or FOIA Lead “as-is” • Review the Initial Comments and Case Comments entered • Legal Comments: enter your comments to the FOIA Coordinator for actions to take • Please Redact: check this box if applicable • Please Review: check this box, if applicable • Pass to FOIA Coordinator = Check this box to send the document to the “FOIA Coordinator Follow Up Review ” Folder <p>IMPORTANT ! Do not check the “Legal Review Complete” box as this will indicate it is ready for FOIA Officer Review.</p>	FOIA Coordinator Follow Up Review NOTE: eD cannot send an auto-alert to the FOIA Coordinator to check this folder; the FOIA Coordinator must make it a habit to check this folder periodically for new documents.
Review the documents already reviewed by the FOIA Coordinator and FOIA Secondary review, CHANGE THE DETERMINATION from Responsive to NON-RESPONSIVE	FOIA Attorney Review	FOIA Attorney Review	<ul style="list-style-type: none"> • Review the Initial Comments and Case Comments entered • Responsive = UNcheck this box • Non Responsive (Legal) = Check this box • Legal Comments: (optional) enter comments here, if applicable • Legal Review Complete = Check to have eD automatically 	Non-Responsive Records

As the FOIA Attorney, I Want To....	Folder to Use	Tag Group To Use	Configured Tagging Rules	As a Result, I want the Document to Move to Folder...
			move the document to the "Non-Responsive Records " Folder	
			<p>NOTE WELL: If the FOIA Attorney forgets to check the determination or by mistake unchecks both of the determination boxes, for example it is coded as:</p> <ul style="list-style-type: none"> • Responsive = this box is "Unchecked" • Non Responsive (Legal) = this box is "Unchecked" • Legal Review Complete = Check <p>eD automatically moves the document to the "FOIA Coordinator Undetermined Resolution" Folder</p>	FOIA Coordinator Undetermined Resolution

6. The FOIA Attorney will leave a comment in the Legal Comments box for each record they need to redact or for which they have comments of questions for the Case Coordinator or FOIA Officer:

Legal Comments

7. If the FOIA Attorney coded any documents **Pass to FOIA Coordinator**, they will reply to the FOIA Case Coordinator’s email notifying them they have documents for review. The email will outline any changes needed to the draft response letter and/or the responsive records. See section [Case Coordinator Follow-Up Review](#) for details on how to process these records.
8. If the FOIA Attorney coded all documents **Case Review Complete**, they will reply to the FOIA Case Coordinator’s email notifying them the FOIA Attorney review is complete. The attorney will also review the release letter and make any changes or edits as needed. The email will outline any findings and/or changes needed to the response letter. Adjust the Subject line to replace READY FOR FOIA ATTORNEY REVIEW with FOIA ATTORNEY REVIEW COMPLETE.
9. After the FOIA Case Coordinator receives the email from the FOIA Attorney, they will save the email in the 5-Correspondence folder in the FOIA network working case file, renaming the message file to “FOIA Attorney Review Complete.”

FOIA COORDINATOR: TRANSMITTAL FROM FOIA ATTORNEY TO FOIA OFFICER

The documents are now ready in **FOIA Officer Review** folder.

1. Make any changes to the records and/or release letter as requested by the FOIA Attorney.
2. Forward the transmittal email received from the FOIA Attorney to the FOIA Officer.
 - a. Change the Subject field ends with **READY FOR FOIA OFFICER REVIEW**.
 - b. The transmittal email should contain, at a minimum, links to the following case file records:
 - i. Original FOIA request
 - ii. Communications with requester such as clarifications, scope changes, or other agreements.
 - iii. Search certifications
 - iv. Communications with submitters and internal/external reviewers
 - v. Any other communications that provide information the FOIA Officer needs to complete their review.
 - vi. Link to the draft release letter.

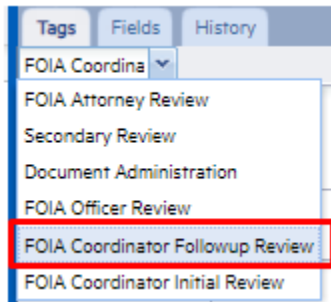
CASE COORDINATOR – FOLLOW UP REVIEW

If the FOIA Attorney (or later, the FOIA Officer) tags records **Pass to FOIA Coordinator**, then those documents are pushed to the **FOIA Coordinator Follow Up Review** Folder. The FOIA Coordinator will perform their follow-up review as follows:

1. Select the **FOIA Coordinator Follow Up Review** Folder:



2. Select the **FOIA Coordinator Follow Up Review** Tag Group:



3. For each record in the **FOIA Coordinator Follow Up Review** folder, review and tag as follows:

As the FOIA Coordinator, I Want To....	Folder to Use	Tag Group To Use	Configured Tagging Rules	As a Result, I want the Document to Move to Folder...
Review the documents reviewed by either the the FOIA Attorney or FOIA Officer and sent back for follow up actions	FOIA Coordinator Follow-up Review	FOIA Coordinator Follow-up Review	<p>FOIA Coordinator will need to check this folder periodically (i.e. there is not alert if new documents are sent to this folder) to see what has been sent back to them.</p> <p>The FOIA Coordinator will do the following:</p> <ul style="list-style-type: none"> • Review the Case Comments and FOIA Attorney’s Comments • Perform research and make whatever changes are needed to the document • Then send the document back to the Reviewer by Unchecking the following <ul style="list-style-type: none"> ○ Please Review checkbox ○ Please Redact checkbox, and ○ Pass to FOIA Coordinator checkbox 	<p>If follow-up was requested by the FOIA Attorney , then it will be sent to the “FOIA Attorney Review” folder</p> <p>If follow-up was requested by the FOIA Officer , then it will be sent to the “FOIA Officer Review” folder</p>

4. After you have completed your follow-up review of all your documents, send an e-mail to the reviewer (the FOIA Lead or the FOIA Attorney) who sent the document(s) back to you to inform that documents are ready for their re-review.

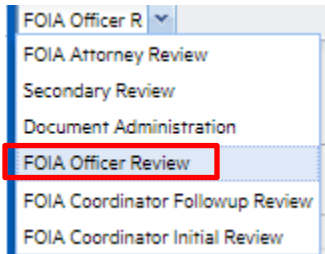
FOIA OFFICER REVIEW

After the Case Coordinator sends the transmittal email to the FOIA Officer, the FOIA Officer will perform their review of the responsive records.

1. Select the **FOIA Officer Review Folder**:



2. Select the **FOIA Officer Review Tag Group**:



3. Review and tag each record as follows:

As the FOIA Officer, I Want To....	Folder to Use	Tag Group To Use	Configured Tagging Rules	As a Result, I want the Document to Move to Folder...
Review the PRE-RELEASE production document and APPROVE for final production	FOIA Officer Review	FOIA Review	<ul style="list-style-type: none"> • For each approved document code as follows: <ul style="list-style-type: none"> ○ FOIA Comments: (optional) enter your comments here ○ FOIA Review Complete = Check to have eD automatically move the document to the "To Final Release" Folder 	To Final Release
Review the PRE-RELEASE production document and SEND IT BACK to the FOIA Coordinator for follow-up actions	FOIA Officer Review	FOIA Review	<ul style="list-style-type: none"> • Go to the production listing and find the network folder containing the pre-release PDF documents. They should already be sorted by filename, each corresponding to a document ID "UUID". • Go to the "6 – FOIA Officer Review" folder (in eD) and select the column, UUID, and then sort (in the List pane) by UUID • Compare each document in the List View pane with its Pre-Release PDF documents. • For each document where followup is needed: <ul style="list-style-type: none"> ○ FOIA Comments: enter your comments to the FOIA Coordinator for actions to take ○ Please Redact: check this box if applicable ○ Please Review: check this box ○ Pass to FOIA Coordinator = Check to send the document to the "FOIA Coordinator Follow Up Review" Folder <p>IMPORTANT! Do not check the "FOIA Review Complete" box as this will indicate it is ready for Final-Release production</p>	FOIA Coordinator Follow Up Review NOTE: eD cannot send an auto-alert to the FOIA Coordinator to check this folder; the FOIA Coordinator must make it a habit to check this folder periodically for new documents.
Review the PRE-RELEASE production document, CHANGE THE	FOIA Officer Review	FOIA Review	<ul style="list-style-type: none"> • Go to the production listing and find the network folder containing the pre-release PDF documents. They should already be sorted by filename, each corresponding to a document ID "UUID". 	Non-Responsive Records

As the FOIA Officer, I Want To....	Folder to Use	Tag Group To Use	Configured Tagging Rules	As a Result, I want the Document to Move to Folder...
DETERMINATION from Responsive to NON-RESPONSIVE			<ul style="list-style-type: none"> • Go to the “6 – FOIA Officer Review” folder (in eD) and select the column, UUID, and then sort (in the List pane) by UUID • Compare each document in the List View pane with its Pre-Release PDF documents. • For each document to be marked NON-RESPONSIVE code as follows: <ul style="list-style-type: none"> ○ Responsive = UNcheck this box ○ Non Responsive (FOIA) = Check this box ○ FOIA Comments: if applicable, enter your comments here ○ FOIA Review Complete = Check to have eD automatically move the document to the “Non Responsive Records ” Folder 	

4. After the FOIA Officer completes their review, they will review and sign the release letter.
5. The FOIA Officer will forward the transmittal email to the Case Coordinator, informing them to run a production for final release.

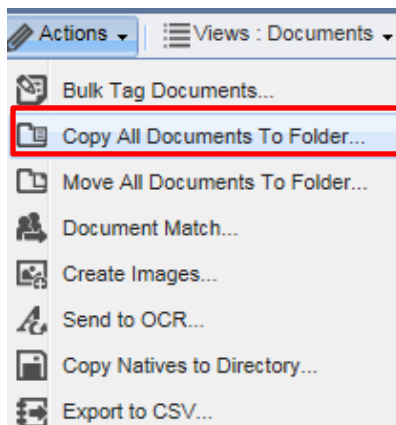
PREPARING THE FINAL RELEASE

All records reviewed by the FOIA Officer will have been moved to the To Final Release Folder. The Case Coordinator will prepare the final release as follows:

1. After the Case Coordinator receives email notification from the FOIA Officer that their review is complete, they will save the email in the case files, folder 5-Correspondence, renaming the file to "FOIA Officer Review."
2. Check all previous folders in the workflow (folders 1-6) to ensure there are NO documents. Be sure to check the **FOIA Coordinator Undetermined Resolution** Folder to see if the FOIA Attorney forgot to validate the determination (i.e., responsive or non-responsive).
3. Copy the documents from the **To Final Release** Folder to the **Final Release Folder**:



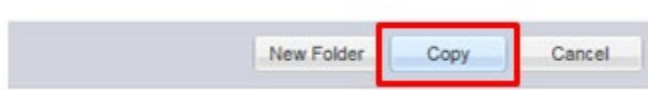
4. Open the **To Final Release Folder**
5. From the List View pane, Select **Actions > Copy All Documents to Folder**.



6. Select the **Final Release Folder**.



7. Click the Copy button to copy the documents to the **Final Release Folder**



8. After these steps are complete, the documents are staged and ready for final production. See section [Running Productions](#)
9. After the records are produced, the records are ready for final release. See section [Complex Request – Releasing Records](#)

PROCESSING RECORDS FOR SUBMITTERS

This section describes the process for processing records for submitters.

PROCEDURE STEPS

PRODUCING RECORDS FOR SUBMITTERS

During initial records review, submitter records are organized in eDiscovery into folders in the Secondary Review. To produce the records, the Case Coordinator will:

1. Follow the instructions in section [Running Productions](#).
2. Locate the production records as described in section [Locating Production Files](#).
3. Save the produced records to the Case File > Folder 3 – Responsive Records > Ex 4

PREPARING RECORDS FOR SUBMITTERS

The records must be reviewed before sending to the submitter. The Case Coordinator will:

1. Review the records and identify information that belongs to another party – commercial, governmental, or legal – and does not belong to the submitter.
2. Redact the information that does not belong to the submitter:
 - a. Instructions for redacting information using Adobe Acrobat are here:
 - i. [Make redactions](#)
 - ii. [Apply redactions](#)

NOTE: Do not redact information if the submitter has seen it, such as that found in shared emails or shared email attachments.

3. Save the redacted records in the Case File > Folder 3 Responsive Records > Ex 4.

PREPARING NOTICES FOR SUBMITTERS

The submitter must be provided with a detailed letter which solicits their objections to the release of their information. The Case Coordinator will:

1. Prepare a submitter notice letter using the approved template, [here](#). Red highlighted optional sentences are in the template, for the Exemption 4 submitter letter. Insert or delete those optional pieces from your drafts as appropriate for your specific records, and in line with your understanding of the content of those records.
2. Save the letter to the Case File > Folder 3 – Responsive Records > Ex 4
3. Send an email to the FOIA Officer with links to the draft letter and redacted submitter records.

APPROVING NOTICES FOR SUBMITTERS

The FOIA Officer will:

1. Review the letter, convert the letter to Adobe PDF format, and e-sign the letter.
2. Save the letter to the Case File > Folder 3 – Responsive Records > Ex 4.
3. Reply to the Case Coordinator email to approve the letter for release.

NOTIFYING SUBMITTERS

The Case Coordinator will send to the submitter (1) the FOIA request, (2) the submitter notice, and (3) submitter records one of two ways:

1. Email – For small record sets that do not exceed 30MB in size; or those that can be broken into few packages.
 - a. Send the email from Outlook, ensuring to choose Options > Request a Read Receipt and Request a Delivery Receipt. When communicating with third party information submitters, it's best practice to keep the FOIA Officer and FOIA Lead and FOIA Atty insulated from those exchanges. If a problem or a dispute surfaces, let the FOIA Lead and FOIA PL know. But if your emails with the submitters are just "business as usual," there is no need to CC the FOIA team on those. If you are truly unsure about what you are saying or going to say to your submitters and want the backstop, then yes, you can CC the FOIA PL and FOIA Lead – generally speaking, keep the email exchanges between the coordinator and the submitter.
 - b. Save a copy of the sent email to the Case File > Folder 3 – Responsive Records > Ex 4.
2. Postal Service – For large record sets that cannot be sent in a few emails, send the submitter records on a thumb drive with the accompanying submitter notice.
 - a. Fill the [Mail Services Bequest Form](#), and request signature.
 - b. Deliver the form and records to the mail room.
 - i. After the mail room sends the delivery receipt to the Case Coordinator, save this to the Case File > Folder 3 – Responsive Records > Ex 4.
 - c. Notify the submitter via email that records are sent to them via postal service and include the submitter notice.

- i. Send the email and from Outlook, choose Options > Request a Read Receipt and Request a Delivery Receipt.
- ii. Save a copy of the sent email to the Case File > Folder 3 – Responsive Records > Ex 4.

MONITORING SUBMITTERS NOTICES

The submitter has 30 days to reply with their response to the submitter letter. The Case Coordinator will:

1. Upon receipt of the submitter reply, save their email and any accompanying attachments to the Case File > Folder 3 – Responsive Records > Ex 4.
2. If the submitter has not replied after two weeks, send them a reminder email. Save this email to the Case File > Folder 3 – Responsive Records > Ex 4.
3. After 30 days have passed, email the FOIA attorney a summary of the outreach performed to the submitter. Include links to all pertinent communications in the Case File.

FOIA ATTORNEY – REVIEWING SUBMITTER RESPONSE

The FOIA Attorney will review the submitter response to ensure any objections meet the criteria enumerated in the submitter notice letter.

If the FOIA Attorney cannot complete their review because they have questions regarding the ownership of records to which the submitter objected release, the Case Coordinator will contact the submitter and/or agency subject matter experts to determine ownership.

Save all conclusions and determinations to the Case File > Folder 3 – Responsive Records > Ex 4.

REVIEW DETERMINATION – ACCEPT ALL OBJECTIONS

If the attorney accepts all submitter objections:

The FOIA Attorney will:

1. Reply to the Case Coordinator with their determination.

The Case Coordinator will:

1. Send a brief email to the submitter, informing them of the agency’s decision.
2. Save determination and email to the Case File > Folder 3 – Responsive Records > Ex 4.
3. Update the responsive records with submitter objections. Make redactions following the instructions in section [Secondary Review](#).

REVIEW DETERMINATION –REJECT SOME OR ALL OBJECTIONS

If the attorney rejects some or all submitter objections:

The FOIA Attorney will:

1. Reply to the case coordinator with their determination.

The Case Coordinator will:

1. Prepare a letter to the submitter using the template.
2. Save the letter to the Case File > Folder 3 – Responsive Records > Ex 4.
3. Reply to the FOIA Attorney with a link to the draft letter in the case file.

The FOIA Attorney will:

1. Complete the letter, articulating their rationale for rejecting the submitter objections.
2. Save the letter updated letter in the case file, updating the previous version.
3. Forward to the FOIA Officer, and Case Coordinator the email chain with a link to the updated draft letter.

The FOIA Officer will:

1. Review and sign the draft letter.
2. Save the letter updated letter in the case file, updating the previous version.
3. Create a PDF copy of the letter and save to the Case File > Folder 3 – Responsive Records > Ex 4.
4. Forward to the Case Coordinator the email chain with a link to the signed PDF letter.

The FOIA Case Coordinator will:

1. Email the signed PDF letter to the submitter, requesting both delivery and read receipts.
2. The submitter has seven days to reply with their (1) decision to accept the agency's determination or (2) intent to file a "reverse FOIA" lawsuit with the U.S. District Court.
3. If the submitter does not reply within seven days, attempt to make phone contact.

The Case Coordinator should not proceed to the next step until the submitter replies. If the agency cannot elicit a reply, the Case Coordinator will consult with the FOIA Officer to determine how to proceed.

SUBMITTER ACCEPTS THE AGENCY'S DETERMINATION

The Case Coordinator will:

1. Save a copy of correspondence in the Case File > Folder 3 – Responsive Records > Ex 4.
2. Forward the email chain the FOIA Officer and FOIA Attorney for concurrence.

SUBMITTER FILES REVERSE FOIA LAWSUIT

The Case Coordinator will:

1. Save a copy of correspondence in the Case File > Folder 3 – Responsive Records > Ex 4.
2. Forward the email chain to the FOIA Officer and FOI Attorney to plan next steps.

PROCESSING RECORDS FOR REFERRALS

When searching for records, it is not uncommon to locate responsive documents that originated outside of the agency. If responsive records contain information that belongs to another federal agencies, those

records must be provided to the owning agency for their review because the owning agency is best able to determine a record's sensitivity, and in turn its exemption status. In this manner, the owning agency is consulted for a determination.

Records may be referred as consults or transfers:

- **Consults** – Some, but not all, of the information belongs to another agency.
- **Transfers** – All of the information belongs to another agency.

Records must be sent to the owning agency's FOIA Office, to either the FOIA Officer or FOIA Public Liaison. Contact information for commonly referred agencies follows:

- [Army Corps of Engineers](#)
- [Bureau of Reclamation](#)
- [National Oceanic and Atmospheric Administration](#)

Procedures are described below.

PROCEDURE STEPS – REFERRALS – CONSULTS

PRODUCING RECORDS FOR CONSULTS

During initial records review, records are organized in eDiscovery into folders in the Secondary Review. To produce the records, the Case Coordinator will:

1. Follow the instructions in section [Running Productions](#).
2. Locate the production records as described in section [Locating Production Files](#).
3. Save the produced records to the Case File > Folder 3 – Responsive Records > Consult.

PREPARING RECORDS FOR CONSULTS

The records must be reviewed before sending to the owning agency. The Case Coordinator will:

1. Review the records and identify information that belongs to the other agency.
2. Redact the information that does not belong to the submitter:
 - a. Instructions for redacting information using Adobe Acrobat are here:
 - i. [Make redactions](#)
 - ii. [Apply redactions](#)

NOTE: Do not redact information if the submitter has seen it, such as that found in shared emails or shared email attachments.

3. Save the redacted records in the Case File > Folder 3 Responsive Records > Consult.

PREPARING CONSULT LETTERS

The owning agency must be provided with a detailed letter which solicits their objections to the release of their information. The Case Coordinator will:

1. Prepare a consult letter using the approved template: [Consult Letter](#)
2. Save the letter to the Case File > Folder 3 – Responsive Records > Transfer.
3. Send an email to the FOIA Officer with links to the letter and the other agency's records.

DELIVERING RECORDS FOR CONSULTS

The Case Coordinator will deliver the records for consult one of three ways:

1. Electronic Record Transfer Service – This is the preferred method. Many agencies have their own preferred services. For example, the U.S. Army Corps of Engineers has DODSafe, and BPA has Max.gov. Consult with the other agency to determine which service can be used to deliver records.
2. Email – For small record sets that do not exceed 30MB in size; or those that can be broken into few packages.
 - a. Send the email and from Outlook, choose Options > Request a Read Receipt and Request a Delivery Receipt.
 - b. Save a copy of the sent email to the Case File > Folder 3 – Responsive Records > Consult.
3. Postal Service – For large record sets that cannot be sent in a few emails.
 - a. Send the agency records on a thumb drive with a memo.
 - b. Request the mail room to send the records with a return delivery receipt.
 - i. After the mail room send the delivery receipt to the Case Coordinator, save this to the Case File > Folder 3 – Responsive Records > Consult.
 - c. Notify the submitter via email that records are sent to them via postal service and include the submitter notice.
 - i. Send the email and from Outlook, choose Options > Request a Read Receipt and Request a Delivery Receipt.
 - ii. Save a copy of the sent email to the Case File > Folder 3 – Responsive Records > Consult.

MONITORING CONSULTS

The Case Coordinator will:

1. Upon receipt of the owning agency's reply, save their email and any accompanying attachments to the Case File > Folder 3 – Responsive Records > Consult.
2. If the owning agency has not replied after a month, send them a reminder email. Save this email to the Case File > Folder 3 – Responsive Records > Ex 4.
3. If the owning agency is unresponsive, call them to discuss their review of the responsive records.

UPDATING THE RESPONSIVE RECORDS WITH CONSULTANT OBJECTIONS

The Case Coordinator will update the responsive records with the owning agency's objections. Make redactions following the instructions in section [Secondary Review](#).

PROCEDURE STEPS – REFERRALS – TRANSFERS

PRODUCING RECORDS FOR TRANSFERS

During initial records review, records are organized in eDiscovery into folders in the Secondary Review. To produce the records, the Case Coordinator will:

1. Follow the instructions in section [Running Productions](#).
2. Locate the production records as described in section [Locating Production Files](#).
3. Save the produced records to the Case File > Folder 3 – Responsive Records > Transfer.

PREPARING TRANSFER LETTERS

The owning agency must be provided with a detailed letter which explains why the records are being transferred to them. The Case Coordinator will:

1. Prepare a transfer letter using the approved template: [Transfer Letter](#)
2. Save the letter to the Case File > Folder 3 – Responsive Records > Transfer.
3. Send an email to the FOIA Officer with links to the letter and the other agency's records.

APPROVING TRANSFER LETTERS

The FOIA Officer will:

1. Review the letter, convert the letter to Adobe PDF format, and e-sign the letter.
2. Save the letter to the Case File > Folder 3 – Responsive Records > Transfer.
3. Reply to the Case Coordinator email to approve the letter for release.

DELEIVERING RECORDS FOR TRANSFERS

The Case Coordinator will transfer the records one of three ways:

1. Electronic Record Transfer Service – This is the preferred method. Many agencies have their own preferred services. For example, the U.S. Army Corps of Engineers has DODSafe, and BPA has Max.gov. Consult with the other agency to determine which service can be used to deliver records.
2. Email – For small record sets that do not exceed 30MB in size; or those that can be broken into few packages.
 - a. Send the email and from Outlook, choose Options > Request a Read Receipt and Request a Delivery Receipt.

- b. Save a copy of the sent email to the Case File > Folder 3 – Responsive Records > Transfer.
3. Postal Service – For large record sets that cannot be sent in a few emails.
 - a. Send the agency records on a thumb drive with a memo.
 - b. Request the mail room to send the records with a return delivery receipt.
 - i. After the mail room send the delivery receipt to the Case Coordinator, save this to the Case File > Folder 3 – Responsive Records > Transfer.
 - c. Notify the owning agency via email that records are sent to them via postal service and include the transfer letter.
 - i. Send the email and from Outlook, choose Options > Request a Read Receipt and Request a Delivery Receipt.
 - ii. Save a copy of the sent email to the Case File > Folder 3 – Responsive Records > Transfer.

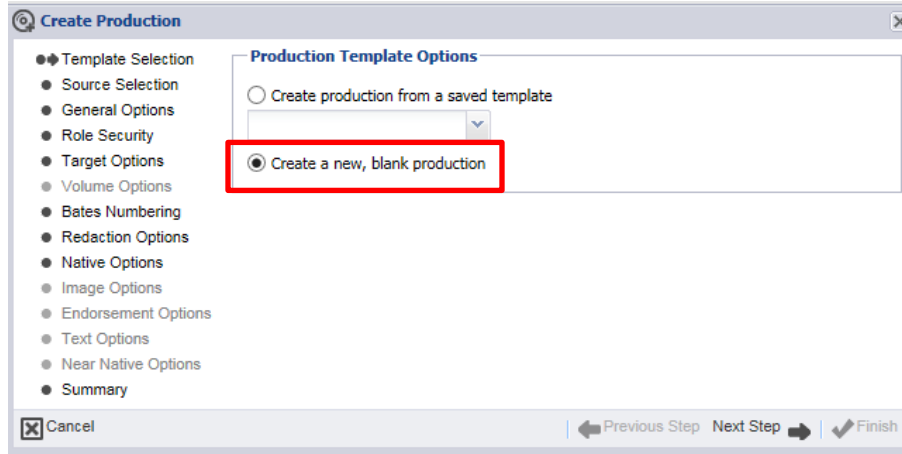
PRODUCING RECORDS IN EDISCOVERY

This section describes the steps for producing records in eDiscovery, also referred to as “running productions.”

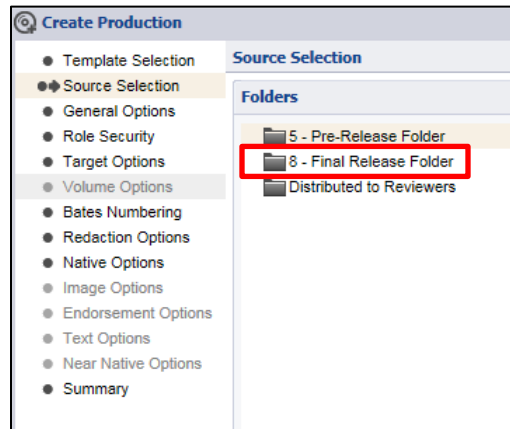
1. From the project toolbar above the List Pane, navigate to the project’s **Productions** tab:



2. From the top of the List Pane, click **Create New Production**. This launches a wizard to aid in the selection of production options. After you complete each step, click the Next Step arrow to move to the next section of the wizard.
 - a. **Template Selection:** Select ‘Create a new, blank production.’



b. **Source Selection:** Select the **Final Release** folder.



c. **General Options:**

- **Production Properties**

- **Name:** Enter a descriptive name. For example, “Exemption 4 Records for Company ABC” or “Records for Final Release.”

The screenshot shows the 'Production Properties' form with two input fields: 'Name:' with a text box containing 'Please enter a name' and 'Description:' with a larger text area.

- **Produce To**

- **Output Path:** Leave blank, as this is a re-defined location set up by Cyber that provides you access to your produced files.
- **Produced By:** Enter your name.

Produce To

Output Path:

Produced By:

Produced To:

- **Document Sorting**

- **Sort By:** Choose the field **Year-Month-Day**.
- Check the **Group family members together** box to keep parent documents grouped with their child documents (attachments).

Document Sorting

Field	Direction
Sort by: Year-Month-Day	A to Z

Group family members together

- d. **Role Security:** Click all the boxes to allow Cyber and the FOIA Team to view and edit the production.

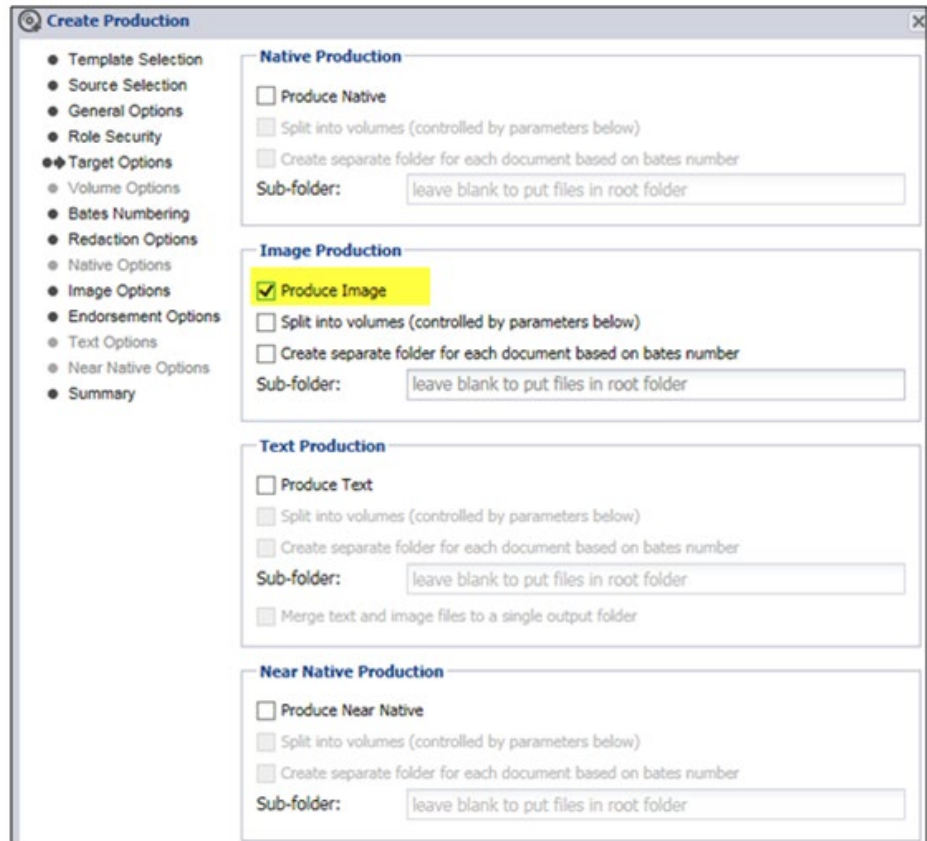
Create Production

Hold down the CTRL key to select multiple roles

Role	View	Edit
<input checked="" type="checkbox"/> Admin	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Attorney	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Reviewer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

- e. **Target Options**

- **Native Production:** Unselect Produce Native
- **Image Production:** Select Produce Image
- **Text Production:** Leave blank.
- **Near Native Production:** Leave Blank



- f. **Bates Numbering:** Endorse the records with bates numbering as follows:
- Select **Start new bates number** to start the production with a new Bates number.
 - **Bates Assignment Options:** Select **Assign bates numbers per page**.
 - **Bates Update Options:** Leave default **Append**.
 - **Bates Number Format:**
 - **Bates Prefix:** Enter the DOE FOIA Tracking number followed by a dash. For example, **BPA-2000-12345-F-**
 - **Number of digits:** Enter the number that corresponds to the number of digits in the number of pages in your production. For example, enter **3** for a production with 250 pages.
 - **Starting at:** Enter **1**
 - **Page Number Format:** Leave blank.

The screenshot shows the 'Create Production' dialog box with the following settings:

- Template Selection**
- Source Selection**
- General Options**
- Role Security**
- Target Options**
- Volume Options**
- Bates Numbering** (selected)
 - Continue bates number
 - Start new bates number
- Redaction Options**
- Native Options**
- Image Options**
- Endorsement Options**
- Text Options**
- Near Native Options**
- Summary**

From Production

Bates Assignment Options

- Assign bates numbers per document
- Assign bates numbers per page

Bates Update Options

- Append
- Overwrite
- No writeback

Bates Number Format

Bates Prefix:	BPA-2000-12345-F-
Number of digits:	3
Starting at:	1
Suffix:	No suffix

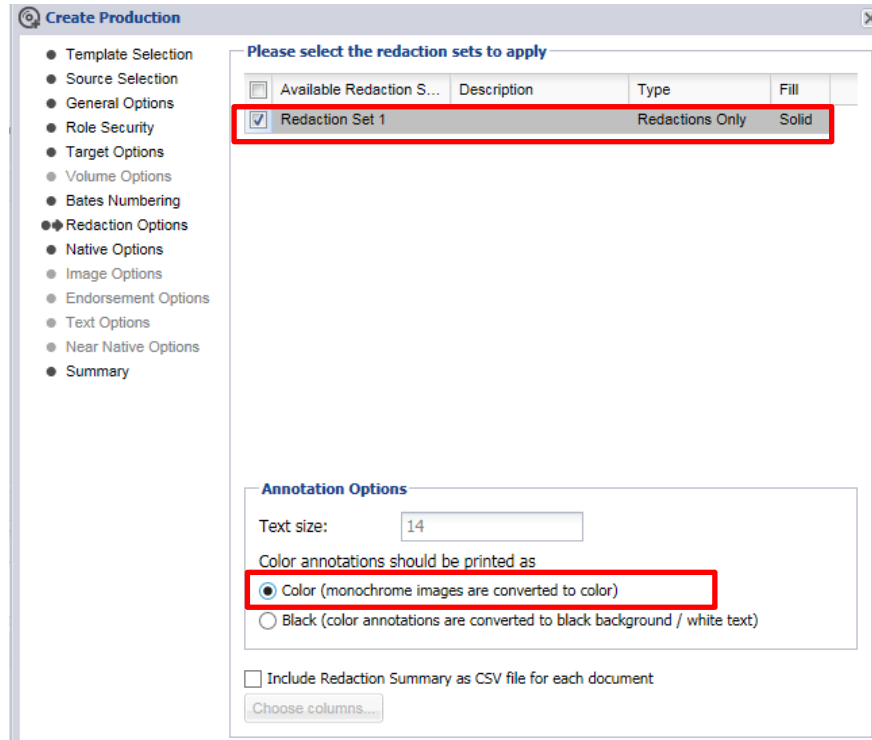
Page Number Format

Prefix:	No prefix - Bates and page numbers will have no separator.
Number of digits:	3

Page numbers will only be used when producing images and assigning bates numbers per document.

g. Redaction Options

- **Available Redaction Set:** Select Redaction Set 1
- **Annotation Options**
 - **Text Size:** Leave default setting.
 - Select **Color** as the color to use for annotations.

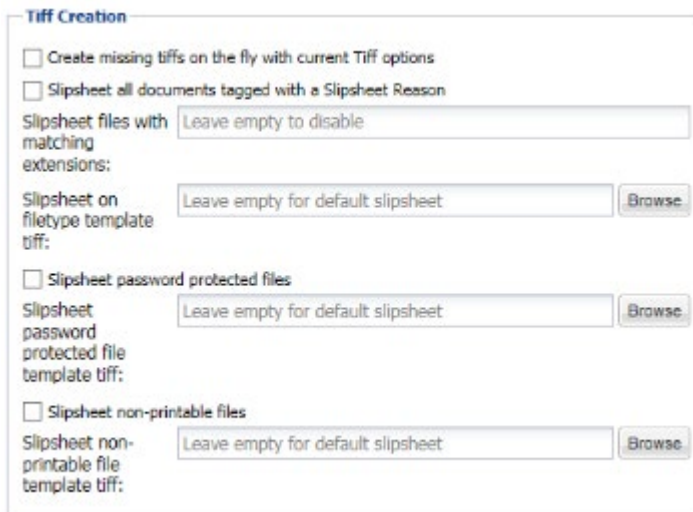


h. Image Options

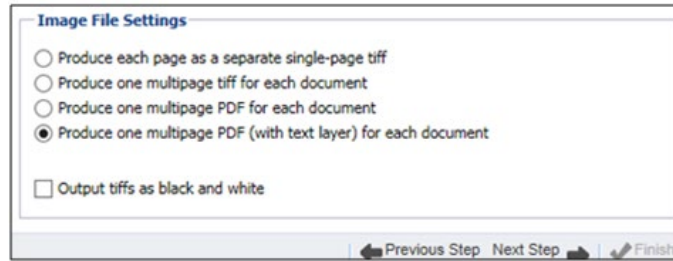
- **Select Use bates number as file name:**



- **Tiff creation:** Leave all boxes blank.

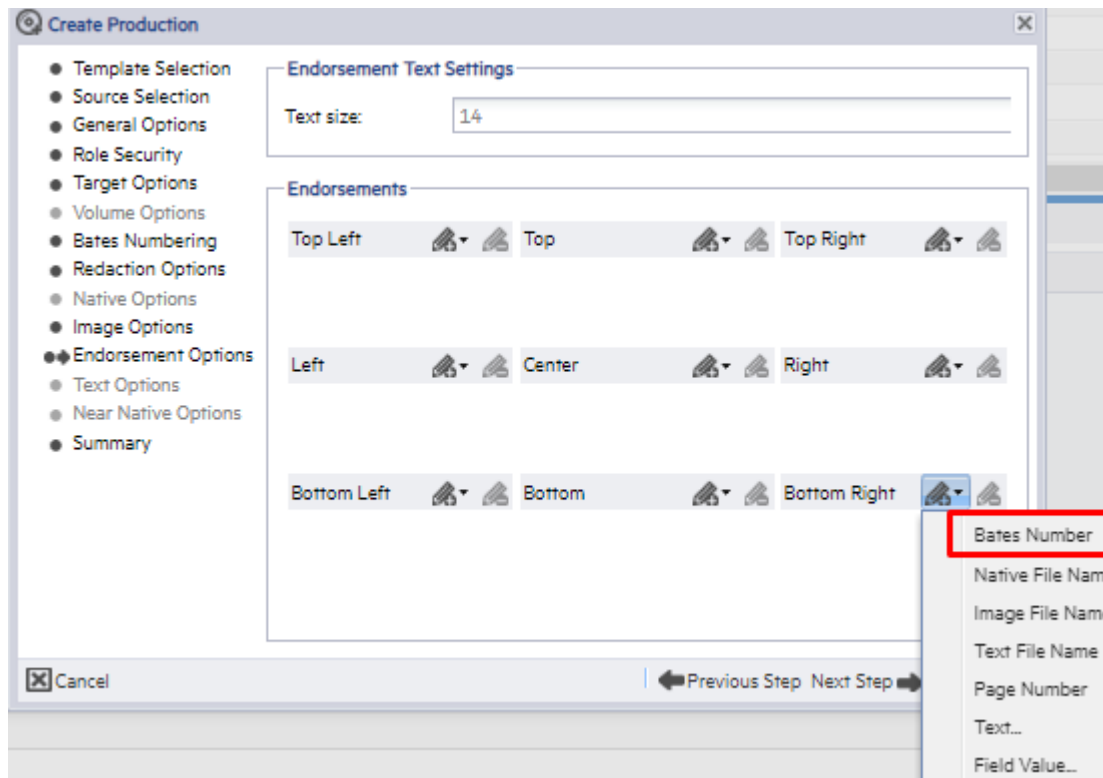


- **Image File Settings:** Select Produce one multipage PDF.

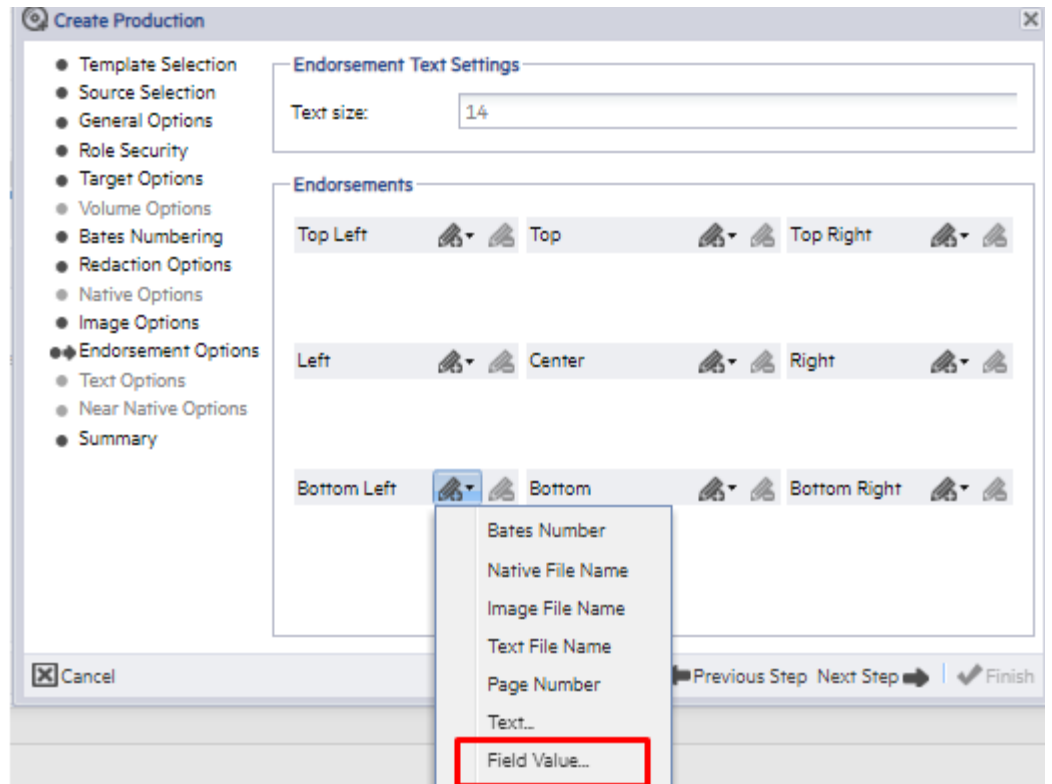


- i. **Endorsement Options:** Endorse each file with bates numbers and UUIDs.

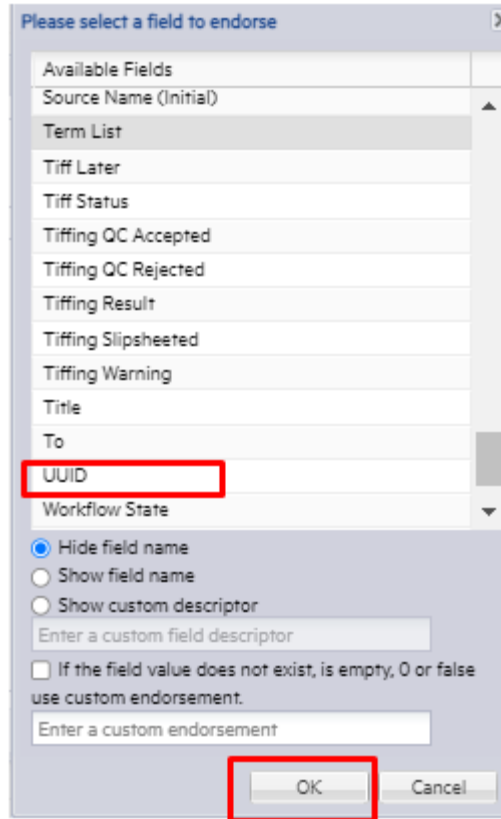
- **Bates number endorsement:** At bottom right, select Bates Number.



- **UUID endorsement:** At bottom left, select **Field Value**.



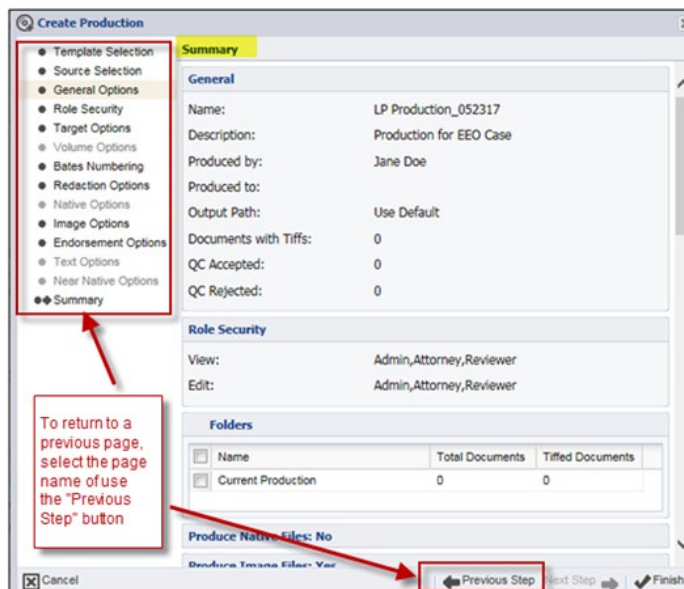
- Then, **select** UUID and click OK.



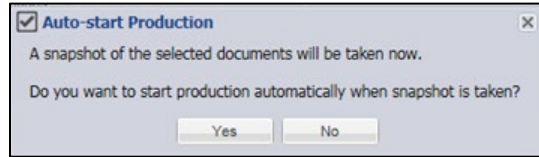
j. **Summary Page**

The **Summary Page** appears displaying the choices you selected for your production. To make any changes to your selections before you finish, either:

- Click the Previous **Step** button to go back to the page you want to change.
- Click directly on the page name (e.g., click on “General Options”).



3. After you have validated your production values, click **Finish** to generate your production.
4. After the **Auto-start Production** dialog box opens, click **Yes**.



5. After the Production dialog box opens, click OK.



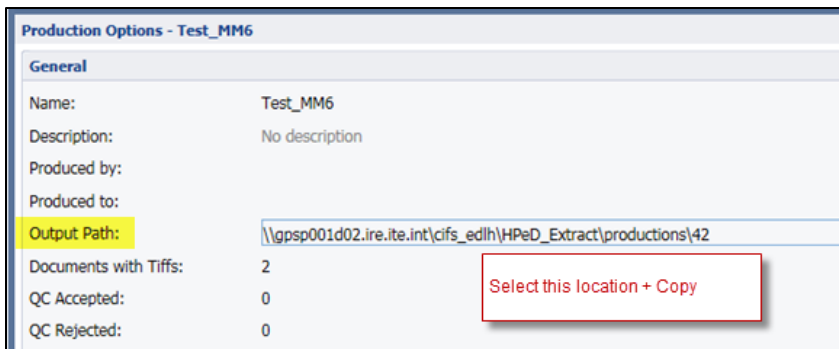
6. After the production is complete, the **Status** column of the Production list changes from **PRODUCING** to **PRODUCED**:

Name	Description	Status	Documents	Native Files Produced	Image Files Produced	Text Files Produced
DOJ Production 1		PRODUCED	25	0 files, 0 B	49 files, 1.81 MB	0 files, 0 B
DOJ Production 2		PRODUCED	14	0 files, 0 B	63 files, 2.42 MB	0 files, 0 B
DOJ Production 3		PRODUCED	38	0 files, 0 B	242 files, 12.03 MB	0 files, 0 B

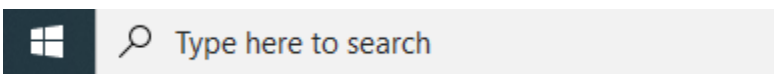
LOCATING PRODUCTION FILES

This section describes the steps for locating and viewing PDF output files.

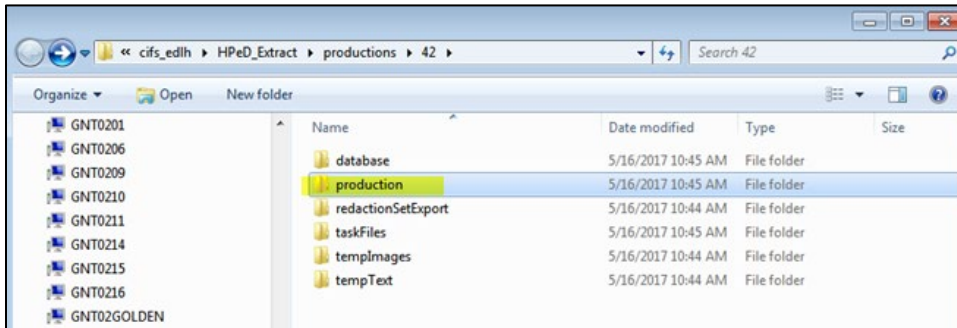
1. From the Summary Page, select the Output Path location and mouse right click to select the “Copy” feature:



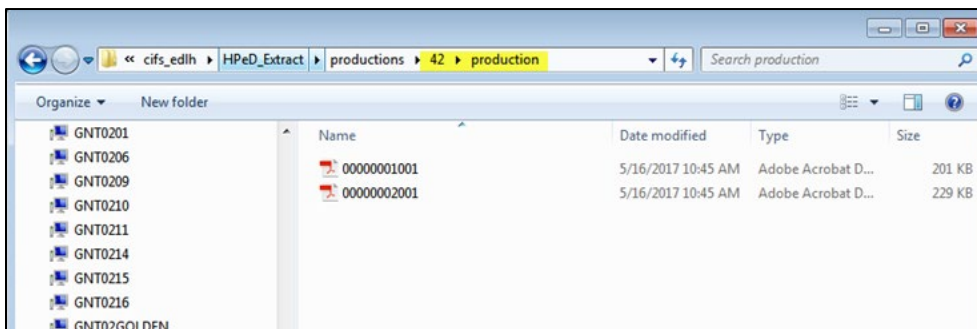
2. From the bottom left of your computer screen, click the MS start icon:



3. Then, paste the location into the “Type here to search” box.
4. Click the file folder that appears because of your search result, then select the Production folder:



5. Your production files are in this folder:



6. If this is a production for submitter record review or a referral, process the records as described in sections [Processing Records for Submitter Review](#) or [Processing Records for Referrals](#).
7. If this is a production for **Final Release**, follow the steps outlined in the section [Complex Request – Releasing Records](#).

COMPLEX/HYBRID REQUEST – RELEASING RECORDS

OVERVIEW

This section describes the process for releasing complex-request records to requesters.

PROCEDURES

At this point, all necessary initial reviews must be completed as described in section [Complex Requests – Reviewing Records in eDiscovery](#). If applicable, consults and Exemption 4 outreaches must also be completed, as described in sections [Processing Consults](#) and [Processing Exemption 4](#).

CASE COORDINATOR – STAGING THE FINAL RELEASE

The Case Coordinator will:

1. Locate the FOIA-officer reviewed records that were produced, as described in section [Locating Production Files](#).
2. Copy the production files from eDiscovery to the **Case File > Folder 3 – Responsive Records > Attorney_FOIA_Officer_Review**.
3. Update the release letter, as needed.
4. Send the transmittal email back to the FOIA Attorney, including a link to the new production files.
5. Perform any needed shared files updates and files maintenance. That is, specifically, convert all Outlook email files to .pdf files and save those .pdf files in the FOIA case files. **Do not** save Outlook native files, as-is; **convert all Outlook email files to .pdf**.

FOIA ATTORNEY – REVIEWING THE FINAL RELEASE

1. Perform a final review of the final production files.
2. If there are any questions, work directly with the Case Coordinator to apply or remove records or redactions and to re-run productions.
3. Review and, if needed, edit the release letter, then save to the **Case File > Folder 5 – Communications > Requester Communications**.
4. Send the transmittal letter back to the Case Coordinator.

CASE COORDINATOR – PREPARING THE FINAL RELEASE

The Case Coordinator will:

1. Make any changes requested by the FOIA Attorney to the records or release letter.
2. Send the transmittal email back to the FOIA Officer for final review.

FOIA OFFICER – REVIEWING THE FINAL RELEASE

The FOIA Officer will:

5. Perform a final review of the final production files.
6. If there are any questions, work directly with the Case Coordinator to apply or remove records or redactions and to re-run productions.
7. Electronically sign the release letter, then save to the **Case File > Folder 5 – Communications > Requester Communications**.
8. Send the transmittal letter back to the Case Coordinator, notifying them to release the records.

PUBLIC LIAISON – FINAL RELEASE OF RECORDS

The Public Liaison will:

1. Post the final release letter and responsive records to the FOIA Public Library, as described in the section [Posting Records to the FOIA Public Library](#).
2. Provide the link to the records in the library to the Case Coordinator.

CASE COORDINATOR – FINAL RELEASE OF RECORDS

The Case Coordinator will:

1. Compose an email to the requester:
 - a. Attach a copy of the final release letter.
 - b. Include a link to the records on the FOIA Public Library
 - c. Request both Delivery Receipt and Read Receipt (Options > Tracking)
 - d. If releasing a Privacy Act request:
 - i. At the beginning of the email subject, put **CUI//PRVCY**.
 - ii. At the top of email body, put: “Attachment contains CUI//PRVCY. Public Release must be approved by the Information Owner. The body of this email is not sensitive when separated from the attachment. If you have received this information in error notify the sender, delete the email from your inbox and from your deleted items folder.”
 - iii. Password protect the email; send an additional email with the password.
2. Send the email, then save a PDF copy of the sent message to the **Case File > Folder 5 – Communications > Requester Communications**.
3. Save a copy of the FOIA Officer’s final review email to the **Case File > Folder 5 – Communications > Internal Emails**. That is, specifically, convert all Outlook email files to .pdf files and save those .pdf files in the FOIA case files. Do not save Outlook native files, as-is; convert all Outlook email files to .pdf.
4. Update and close the case in the FOIA SharePoint tracking log.
5. Notify the Public Liaison to close the case in FOIAXpress.

PUBLIC LIAISON – FINAL RELEASE OF RECORDS

The Public Liaison will close the request in FOIAXpress using the instructions in the next section.

COMPLEX REQUESTS – CLOSING REQUESTS

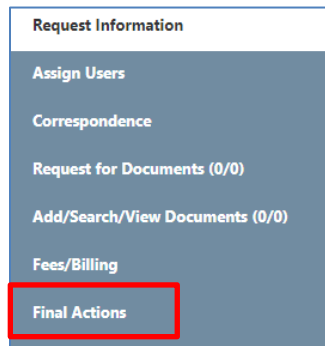
OVERVIEW

This section described the procedures for closing FOIA or Privacy Act requests in FOIAXpress and the tracking log.

CLOSING REQUESTS IN FOIAXPRESS

1. Navigate to FOIAXpress at: <https://foiad.doe.gov/FOIAXpress/Login.aspx>

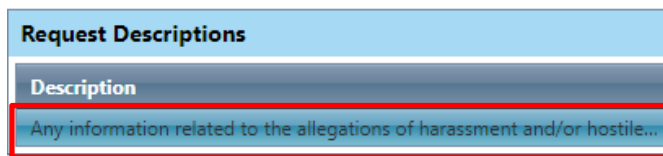
2. Login with username and password.
3. Ensure any open extensions are closed. Follow instructions [here](#).
4. From the left Request Information menu, select Final Actions:



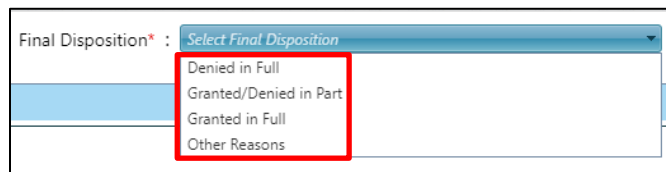
5. In the disposition box, select the date the request was closed.



6. In the Request Descriptions box, double-click the description:



7. In the Final Action box, select the appropriate disposition:



8. If **Denied in Full** or **Granted/Denied in Part**, choose the appropriate check boxes to record what exemptions were applied, then click **Save**.

Exemption/Exclusion Codes	
Code	Description
Code Type: Exclusions	
Code Type: FOIA	
<input type="checkbox"/> (b)(1)	Permits withholding information that is classified for national security purposes.
<input type="checkbox"/> (b)(2)	Permits withholding of records related solely to internal rules and practices.
<input type="checkbox"/> (b)(3)	Permits withholding of records or information if a law specifically exempts the material from disclosure.
<input type="checkbox"/> (b)(4)	Permits withholding of records related to trade secrets and other confidential business information.
<input type="checkbox"/> (b)(5)	Permits withholding information under the deliberative process privilege, including the pre-decisional documents, or information that could be withheld under civil discovery, attorney-client, or attorney-work product privileges.
<input type="checkbox"/> (b)(6)	Permits withholding of records and information about individuals when disclosure would be a clearly unwarranted invasion of personal privacy.

- Back at the **Final Actions** screen select **Yes/No** to record if there was a discretionary release of information:

Discretionary Releases

Was a discretionary release of information made for this request? * :

Discretionary Comments

- Click **Save** and the **Final Actions** menu will close.
- From the left menu, select **Close Request** and enter these data:
 - Closed Date
 - Number of pages released.
 - Number of pages reviewed.
 - Number of records posted for public inspection.

NOTE: Items b, c, and d are almost always the same.

Closed Date* :

Final Disposition : Granted/Denied in Part

Review Status :

Multi-Track Type : Complex

Number of Pages Released* : Generated Count : 0

Number of Pages Reviewed* : Generated Count : 0

Number of Records Posted for Public Inspection* :

- Click **Save** and follow the prompts to verify closure.

1. Access the FOIA SharePoint FOIA Case Management Log (FOIA Log) at <https://portal.bud.bpa.gov/orgs/agencycompgov/DGC/FOIA/default.aspx>
2. Select the appropriate case in the FOIA Log.
3. Update the request details in the fields indicated below:
 - Page Count: Update this to ensure it reflects the number of pages released.
 - Final Out Date: Update to the date request was closed.
 - Action: Select Closed.

POSTING RECORDS TO THE FOIA PUBLIC LIBRARY

OVERVIEW

This section describes the procedures for posting and deleting FOIA or Privacy Act requests on the FOIA Public Library.

PROCEDURES

After the FOIA Officer approves the partial of final release, the FOIA Public Liaison will post the records to the FOIA response letter and responsive records to the FOIA Public Library. However, the following records will **NOT** be posted to the library:

- Privacy Act requests
- Administrative closures
- Responses with no records
- Responses to consults from federal agencies.

COMBINING RESPONSE LETTER AND RECORDS

Before publishing records to the FOIA library, combine the response letter with the records:

1. Save a copy of the signed response letter to the case file > Folder 4 – Released.
2. **IMPORTANT:** Redact any PII in the letter to include the requester’s contact information, the request language, and the agency’s response.
3. If redactions were made, save the redacted copy to the same case file folder.
4. Save a copy of the records to the same case file folder.
5. Open both the response letter and the records and combine using Adobe Acrobat > Tools > Combine Files.
6. Save a copy of this combined file in the same case file folder. NOTE: Saving the combined file will erase the FOIA Officer signature; this is unavoidable.
7. Proceed to the next step, saving the records as searchable images.

SAVING RECORDS AS SEARCHABLE IMAGES

Before publishing records to the FOIA library, save them as searchable images:

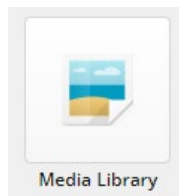
1. Run Adobe Acrobat.
2. Open the records with Adobe.
3. Go to Tools > Enhance Scans>Recognize Text > In this File, start processing OCR on the scanned PDF.
4. Once ready, save the searchable PDF file.

PUBLISHING RECORDS

1. Navigate to the agency's content management system at <https://mc-bb6a5161-fe69-4e8d-9dfa-597384-cm.azurewebsites.net/sitecore/shell>
2. Enter your username and password, then click **Login**.

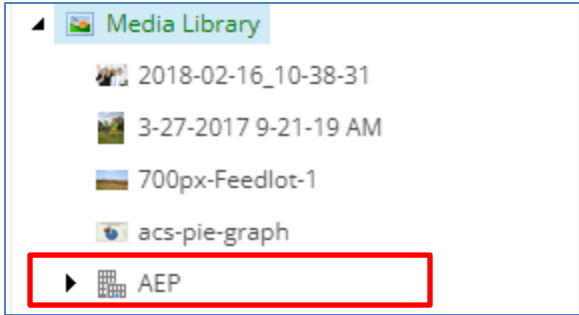


3. After logging in, select the **Media Library** icon:

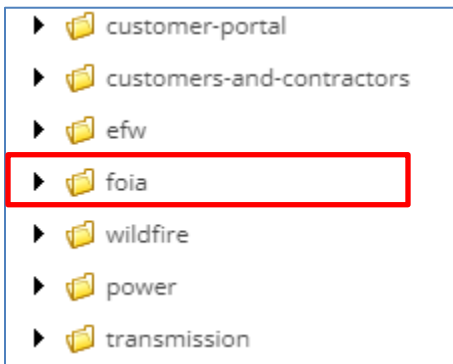


4. From tree on the left menu, select and expand **AEP** icon:

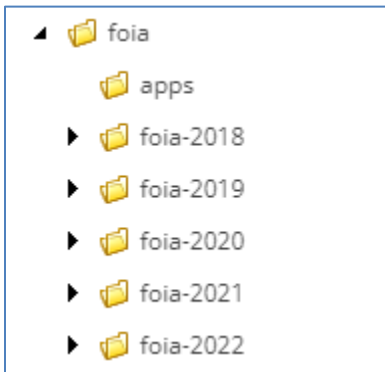
FOIA_Reviewing and Tagging Your Documents



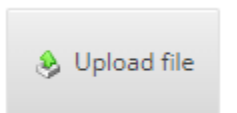
5. Select and expand the **FOIA** folder:



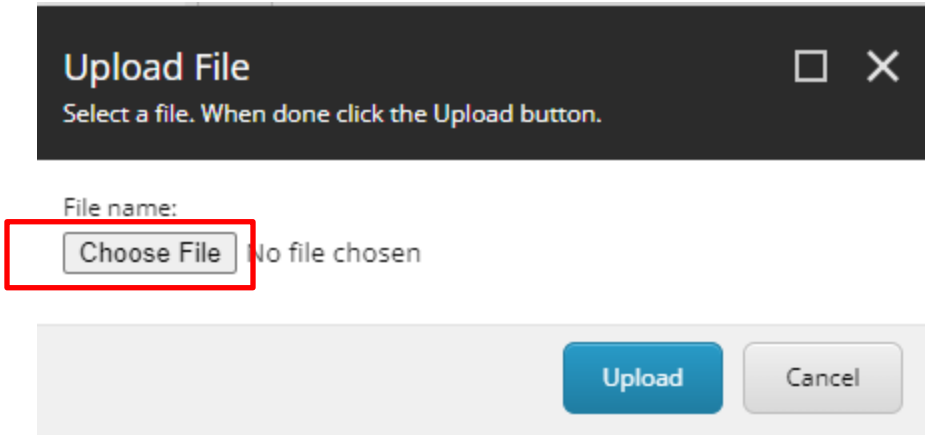
6. Select and expand the year to which the data is to be posted:



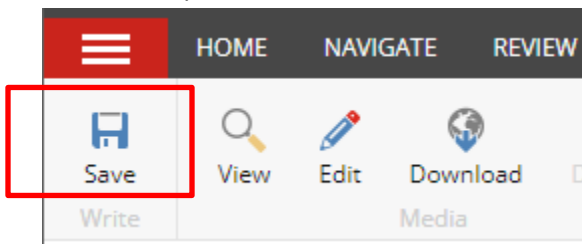
7. From the right menu, select the Upload File icon:



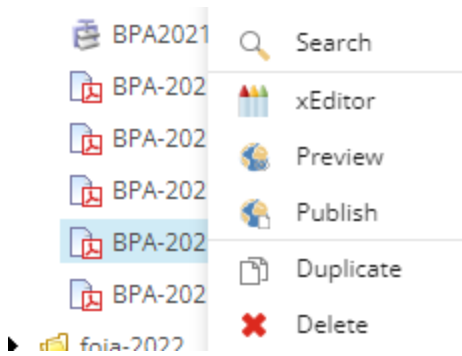
8. Click Choose File:



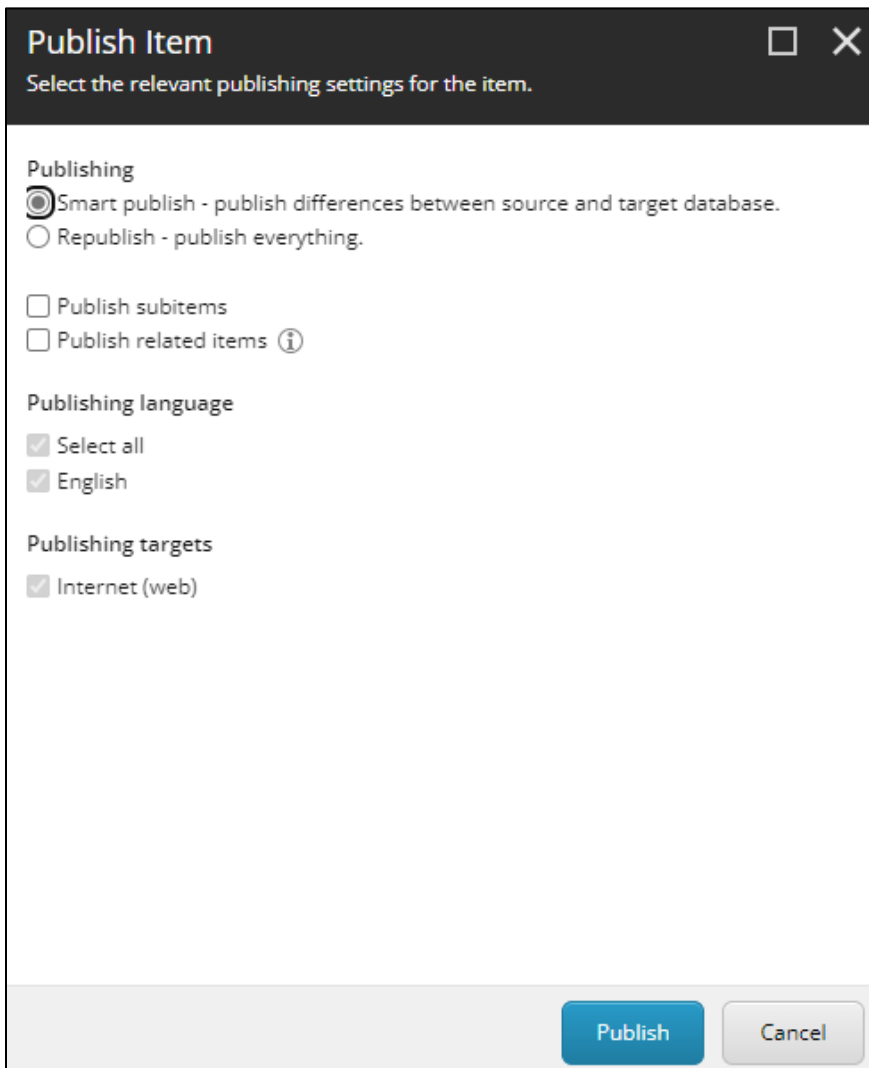
9. From the file directory, select the file from the FOIA case files for upload.
 - a. File names must only have letters and numbers.
 - b. File names cannot have special characters or spaces.
 - c. Files must be less than 400Mb in size.
10. Click **Upload**. This may take a few minutes for upload to complete.
11. From the middle menu, scroll down and fill in the following metadata:
 - a. Content Type Taxonomy: Select FOIA Request
 - b. File Type Taxonomy: Select PDF
 - c. Group Tag = Enter fiscal year of FOIA request
 - d. Title = Enter DOE tracking number with brief description on request. This is what will appear on the public FOIA Library.
 - e. Search Engine Optimization = Enter the same as for Title (previous step)
12. From the top left menu, click Save:



13. On the left menu, right click the FOIA request number and click **Publish**:



14. Select the **Smart Publish** radio button. Leave all others blank.



15. At the bottom of the screen, click the **Publish** button.

1. Select the request number from the document tree.
2. Right click the request number, then click **Delete**.

IMPORTANT: DO NOT DELETE DOCUMENT FOLDERS! Contact Communications if you need help managing folders.

REQUESTER COMMUNICATIONS - EXTENSIONS

OVERVIEW

This section describes the procedures for preparing and delivering formal extensions to requesters.

PROCEDURES

PREPARING EXTENSION LETTERS

The FOIA Case coordinator will:

1. Draft an extension letter using the approved FOIA Letter Template guide, [here](#).
2. Provide the requester details why the response to their request is being extended. Details may include, but are not limited to:
 - a. The requester's position in the agency's FOIA request processing queue.
 - b. The volume of records being reviewed.
 - c. Names/statuses of submitters contacted for Exemption 4 reviews.
 - d. Names/statuses of federal agencies contacted for referrals.
 - e. Details of unusual review circumstances, such as:
 - i. Identifying/reviewing critical electric infrastructure information (CEII).
 - ii. Providing records to Headquarters DOE for special reviews,
 - iii. Reviewing records with foreign entities, such as the Canadian government.
3. Consult with the FOIA Officer to determine a realistic extension date. Consider the elements enumerated above item 2, as well as the availability of internal subject matters experts and the FOIA attorney for required reviews.
4. Save a copy of the draft letter in the **Case File > Folder 5 - Communications > Drafts**.
5. Send transmittal email to FOIA Officer with link to draft letter to for review and signature.

The FOIA Officer will:

4. Review the draft extensions letter to ensure it provides a detailed, transparent explanation why an extension is required for the agency to make a final determination.
5. Sign the approved letter, then save to the **Case File > Folder 5 – Communications > Requester Communications**.
6. Reply to transmittal email with link to signed extension letter.

DELIVERING EXTENSION LETTERS TO REQUESTERS

The FOIA Case Coordinator will:

4. Email the signed extension letter to the requester. **Request delivery and read receipts.**
5. Save a copy of the email to the **Case File > Folder 5 – Communications > Requester Communications.**
6. Save copies of the delivery and read receipts to the **Case File > Folder 5 – Communications > Requester Communications.**

UPDATING EXTENSION DATES IN TRACKING LOG

The FOIA Case Coordinator will:

4. Open the request in the SharePoint tracking log.
5. In the **Revised Due Date** field, enter the extension date.
6. In the **Status** box, write the date the extension letter was sent.

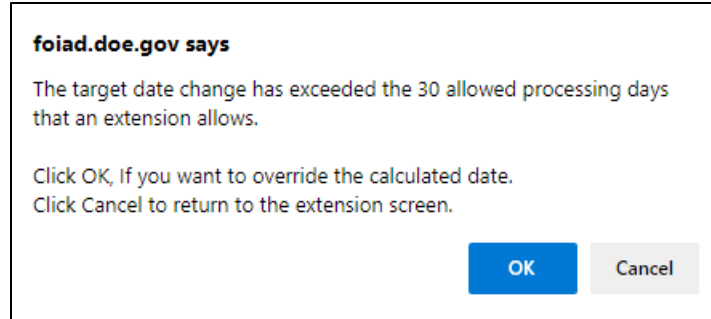
UPDATING EXTENSION DATES IN FOIAXPRESS

Creating an Extension

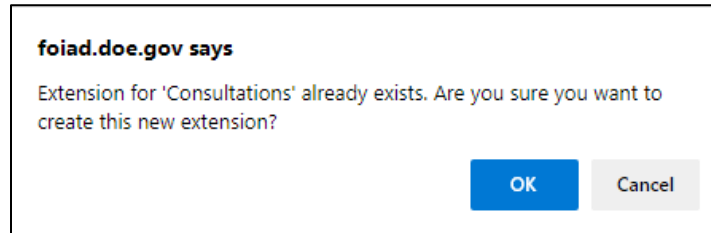
1. Navigate to the **Extension** menu.
2. Click the **NEW** button.
3. In the **Extension Request Details** screen, enter the following details:
 - a. **Reason for Extension** – select from drop-box.
 - b. **Extend Target Date** – enter the number of days being extended.
 - i. If extending beyond ten days, select the **Other** button.
 - ii. Look at the **New Target Date** as you do this; adjust the number of days to make the **New Target Date** match the target date noted in the extension letter.
 - iii.

Extension Request Details	
Reason for Extension*	<input type="text"/>
Extend Target Date*	<input checked="" type="radio"/> 10 days <input type="radio"/> Other <input type="text"/> Days
New Multi-Track Type*	<input type="text" value="Complex"/>
New Target Date	<input type="text" value="10/26/2022"/>

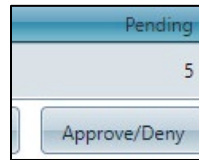
- c. Click **Save**
- d. If your extension is over 30 days, you will see a warning screen. Click **OK** to override the warning:



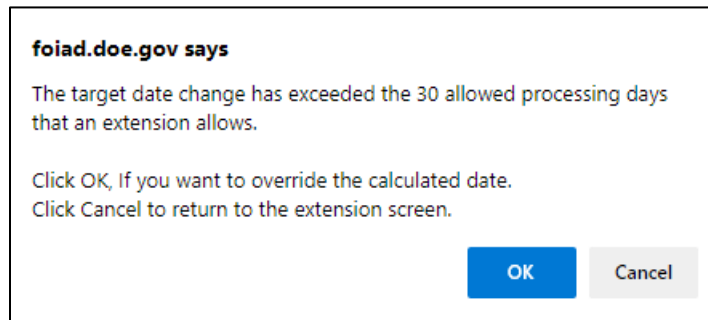
- e. If there are previous extensions, you will see a warning screen. Click **OK** to continue:



- f. At the **Extensions** screen, the new extensions are in pending status waiting approval. Click the word **Pending**, then select the **Approve/Deny** box:




- g. At the **Approve/Deny** screen, click Save.
- h. If your extension is over 30 days, you will see a warning screen. Click **OK** to override the warning:



Closing an Extension

1. Navigate to the **Extension** menu.
2. Click the extension to be closed, and then select the **Complete** button.

3. In the **Extension Details** box, in the **Approved Date** field, enter the date the extension was closed on the:

Approved Date* : 

4. Click the **Save** button.

REQUESTER COMMUNICATIONS - APPEALS

OVERVIEW

Under the FOIA's administrative appeal provision, a requester has the right to administratively appeal any adverse determination an agency makes on their FOIA request. Adverse determinations include denials of records in full or in part; "no records" responses; denials of requests for fee waivers; and denials of requests for expedited processing. This section describes the procedures for responding to an appeal filed by a requester.

PROCESSING THE APPEAL

The appeal will be sent from the DOE Office of Hearings and Appeals (OHA). The appeal is typically sent to the FOIA Officer, FOIA Public Liaison, or case coordinator who processed the request.

1. The recipient will alert the FOIA attorney who was assigned to the request being appealed.
1. The FOIA attorney will evaluate the appeal letter.
2. The case coordinator will prepare the following materials from the case file:
 - a. Search file with search certifications and details of Cyber Forensic-assisted searches.
 - b. Final response/release file with unredacted/draft and redacted records.
3. The FOIA attorney will provide the files to OHA.
4. After OHA makes a determination, they will contact the FOIA attorney with their decision on the appeal.
5. If needed, the case coordinator will – as directed by OHA -- provide a new set of records to the requester.

ANNUAL REPORTING

OVERVIEW

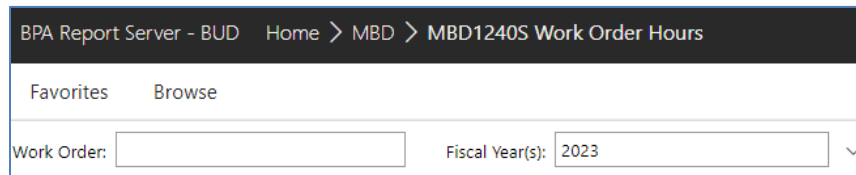
This section describes the procedures for creating the two annual FOIA reports for the HQ DOE FOIA program manager. The reports are:

- FOIA Report – Memo for Field
- Chief FOIA Officer Annual Report

FOIA REPORT MEMO FOR FIELD

This report is due the first week of November. Therefore, the report should be completed by October 31. HQ DOE will send an email with Department of Justice (DOJ) guidelines which typically do not change each year. DOJ requirements are documented in the FOIA SharePoint, [here](#).

1. **Personnel** – Using DOJ guidelines, calculate the number of “Full-Time FOIA Staff” and “Equivalent Full-Time FOIA Employees.” Use the template in the FOIA SharePoint, [here](#).
2. **Processing Costs** – Calculate processing costs using the work order report:
 - a. Access the report at: [MBD1240S - Work Order Hours](#)



- b. Enter the FOIA workorder **00556289** and select the appropriate fiscal year.
 - c. The report total = fiscal year processing costs.
3. **Litigation Costs** – Poll the FOIA team and FOIA attorneys to determine if time was spent on FOIA litigation. Calculate costs by multiplying the employee hourly rate by the time spent.
 4. **Fees Collected for Processing Requests** – If fees were collected, enter the total. The FOIA Program Lead will obtain a report from Finance with the total.
 5. **New FOIA reporting requirements** – Answer the questions regarding use of 5 U.S.C. 5552 subsection C and published rules.

Once complete, save a PDF copy of the report and save it to the **FOIA SharePoint > Reporting Annual > FOIA Report Memo for Field**

CHIEF FOIA OFFICER ANNUAL REPORT

This report is due the first week of January. Therefore, the report should be completed by December 31. HQ DOE will send a template with questions that need to be answered. Use data from FOIAXpress and the FOIA SharePoint log to answer complete the report.

Once complete, save a PDF copy of the report and save it to the **FOIA SharePoint > Reporting Annual > Chief FOIA Officer Report**.

FOIA WEBSITE UPDATES

OVERVIEW

This section describes the procedures for updating the internal and external FOIA websites.

INTERNAL WEBSITE UPDATE

The internal website address is: [Pages - Freedom of Information Act \(bpa.gov\)](#)

Instructions for updating the website are here:

<https://portal.bud.bpa.gov/orgs/agencycompgov/infogov/ProgramHandbooks/CGI%20OCM%20Handbook.aspx>

EXTERNAL WEBSITE UPDATE

The external website address is: [Freedom of Information Act - Bonneville Power Administration \(bpa.gov\)](https://www.bpa.gov)

The FOIA Public Liaison may make updates to the FOIA Requests Library, as described above in section [Posting Records to the FOIA Public Library](#).

For all other updates to the website, contact the agency's Digital Media & Visual Design team. Current FY23 contact is agency webmaster Ryan Zimmerman.

APPENDIX A: FOIA CASE MANAGEMENT CHECKLIST

REQUEST INTAKE	
Create new FOIA request. <i>Create request within one business day of receipt from requester</i>	
Obtain tracking number from FOIAXpress	
Enter request into FOIA SharePoint tracker	
Create FOIA case files and save request to <i>Folder 1, Incoming Request</i>	
Identify record custodians/set up Legal Hold and eDiscovery	
Assign FOIA request and send intake analysis to Case Coordinator.	

REQUEST INTAKE ANALYSIS	
Complete intake analysis for new request <i>Complete analysis within one business day of receipt from public liaison</i>	
Complete intake analysis and send to FOIA Officer and Public Liaison	
Save intake analysis to FOIA case file, <i>Folder 1, Incoming Request</i>	
Update FOIA SharePoint tracking log	
For Simple request – Go to Simple Request – Acknowledgement and Response	
For Complex request – Go to Complex Request - Acknowledgement	

SIMPLE REQUEST – ACKNOWLEDGEMENT AND RESPONSE	
Review records in network Case Files <i>Final response must be sent within 20 business days</i>	
Public Liaison perfects FOIA request	
Public Liaison sends Search Certification Form to custodian/s.	
Public Liaison saves records and form in case files	
Public Liaison reviews/redacts responsive records	
Public Liaison sends records and acknowledgement/release letter to FOIA Attorney.	
FOIA Attorney reviews records and acknowledgement/release letter.	
Public Liaison send acknowledgement/response letter to FOIA Officer for signature	
Release records	

COMPLEX REQUEST - ACKNOWLEDGEMENT	
Send acknowledgment letter to requester. <i>Complete and send letter within 10 business days of receipt from requester</i>	
Draft copy of acknowledgment letter; save to case files <i>Folder 5 - Communications > Drafts</i>	
Send draft to James for review	
Send reviewed draft to FOIA Officer for signature	
Send signed copy to requester	
Save copy of email to case files, <i>Folder 5 - Communications > Requester Communications</i>	

COMPLEX REQUEST - PROCESSING	
Case Coordinator reviews records in eDiscovery application	
De-duplicate records. See instructions here.	
Identify third-party records: Commercial/Financial. Process under Exemption 4	
Identify third-party records: Government. Process as consult or transfer	
Identify records needing subject matter expert review: Process under Exemption 5	
Apply redactions to records	
Prepare records for release	

Process under Exemption 4	

<i>Submitter has 30 days to respond to solicitation for objections</i>	
Draft submitter letter; save to case files, <i>Folder 3 - Responsive Records > Ex 4</i>	
Send reviewed copy of letter to FOIA Officer for review	
Send signed letter, FOIA request (PII redacted), and submitter records to submitter	
Receive response from submitter	
Provide submitter response to FOIA Attorney for review	
Save FOIA Attorney review emails to case files, <i>Folder 3 - Responsive Records > Ex 4</i>	
Apply redactions to records	

Process as Consult or Transfer	
<i>Government agencies determine what records are released.</i>	
<ul style="list-style-type: none"> • If records contain BPA information, then process as Consult • If records contain no BPA information, then Transfer records 	
Draft consult/transfer letter; save to case files, <i>Folder 3 - Responsive Records > Consult or Transfer</i>	
Send letter to FOIA Officer for review	
FOIA Officer approves letter	
Save FOIA Officer review email to case files, <i>Folder 3 - Responsive Records > Consult or Transfer</i>	
Send letter, FOIA request, and records to agency. <ul style="list-style-type: none"> • Transfer ends here. • Consult continues to next step. 	
Receive response from agency	
Apply redactions to records	

Process under Exemption 5	
<i>Agency experts review records for deliberative material</i>	
Provide records to subject matter experts	
Receive comments from subject matter experts; ask for statement of harm/no harm	
Save emails to case files, <i>Folder 5, Communications > Internal Emails</i>	
Apply redactions to records	

COMPLEX REQUEST – PREPARATION FOR RELEASE	
FOIA Attorney and FOIA Officer review records in eDiscovery application <i>Document reviews before releasing records</i>	
Send transmittal email to FOIA Attorney to review records	
FOIA Attorney approves redactions	
Prepare draft release letter; save to case files <i>Folder 5 - Communications > Drafts</i>	
Send draft release letter to FOIA Attorney for review.	
Forward to transmittal email to FOIA Officer to review records; attach draft release letter	
FOIA Officer reviews records and signs letter	
Save transmittal email to FOIA case file, <i>Folder 3 – Responsive Records > Attorney FOIA Officer Review</i>	
Release records	

SIMPLE AND COMPLEX REQUESTS – RELEASE RECORDS	
Send signed release letter and redacted records to requester	
Save copy of email to FOIA case file, <i>Folder 5 – Communications > Requester Communications</i>	
Update SharePoint FOIA log: Close request	

APPENDIX B: INTAKE ANALYSIS

Answer these ten questions and provide to the FOIA Officer and Assigned FOIA Attorney shortly before processing.

1. Has it met the proper criteria of a FOIA request?
2. Is the request a third party or first-party request?
3. Clarification needed?
4. Is it simple or complex?
5. Category of the requestor?
6. Fees?
7. Expedited Processing?
8. Request opened in FOIAXpress, Shared Files and eD (if applicable)?
9. Next Steps?
10. Assignments?

APPENDIX C: EXEMPTION 4 – CONFIDENTIAL OR COMMERCIAL INFORMATION

Protects *trade secrets* and *commercial or financial* information obtained from a person which is privileged or confidential.
5 U.S.C. § 552(b)(4).

Preliminary Considerations

Do the records concern trade secrets or commercial or financial information? If so, they may be withholdable under Exemption 4, and are not subject to discretionary release (Trade Secrets Act).

- If records concern Trade Secrets, go to Section A; do not go to Section B.
- If records concern Commercial or Financial Information, go to Section B.

A. Trade Secret Analysis

Does the record concern trade secrets? YES or NO.

Trade secret" is defined as "a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort." *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983).

If YES, you do not need to apply the foreseeable harm standard.

B. Commercial or Financial Information Analysis

MUST SATISFY ALL THREE STEPS

Step 1: Commercial or Financial Information?

- Does the record consist of commercial or financial information? YES or NO

Step 2: Obtained From a Person?

- Was the record obtained "from a person"? (generally, any person or entity other than a federal agency) YES or NO

Step 3: Privileged or Confidential?

- Is the record privileged or confidential? YES or NO? (go to next section for analysis)

Analysis Under Argus Leader:

- Step 3a: Does the submitter customarily keep the information private or closely held? (May, in appropriate contexts, be determined from industry practices concerning the information.) YES or NO
 - If YES, go to Step 3b.
 - If NO, then the information is not confidential.
- Step 3b: Did the government provide an express or implied assurance of confidentiality when the information was shared with the government? YES or NO
 - If YES, the information is confidential under Exemption 4 (this is the situation in Argus Leader).
 - If NO, go to Step 3c.
- Step 3c: Were there express or implied indications at the time the information was submitted that the government would publicly disclose the information? YES or NO
 - If YES, the information is "confidential" under Exemption 4 (the government has effectively been silent, so a submitter's practice of keeping the information private will be sufficient to warrant confidential status).
 - If NO, and no other sufficient countervailing factors exist, the submitter could not reasonably expect confidentiality upon submission and so the information is not confidential under Exemption 4.

Please also see OIP's official guidance page for further information, available at: [Step-by-Step Guide for Determining if Commercial or Financial Information Obtained from a Person is Confidential Under Exemption 4 of the FOIA \(justice.gov\)](#)

Note: The Office of General Counsel provides final advice on applicability of Exemption 4.

APPENDIX D: EXEMPTION 5 – INTER-AGENCY OR INTRA-AGENCY, PRIVILEGED

Protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency."
5 U.S.C. § 552(b)(5).

Step 1: Check Threshold

- Are the records inter-agency or intra-agency? (did not pass outside the executive branch) YES or NO.
 - If YES, move to Step 2.
 - If NO, Exemption 5 does not apply.

Exception: Consultant corollary. Refer to Department of Justice Guide to the FOIA, Exemption 5, at: [Department of Justice Guide to the Freedom of Information Act](#)

Step 2: Applicable Privilege

Is there an applicable civil discovery privilege? Check if any of these privileges apply:

- **Deliberative process privilege (DPP)** -- (*Prevents harm to agency decision-making process; Must be Predecisional AND Deliberative*)
 - **Sunset on Deliberative Process Privilege**: Were the records created 25 years or more before the date on which the records were requested? YES or NO
 - If "Yes", then DPP does not apply).
 - **Predecisional**: Information was generated before the adoption of an agency policy. The information must NOT consist of statements of final policy. Note, however, that the record could be created after a final decision if it memorializes a predecisional discussion. Agencies must establish what deliberative process is involved, and the role played by the records at issue in the course of that process.
 - **Deliberative**: Communications are offered in support of the agency's decision-making process (such as recommendations and opinions).
 - **Considerations**:
 - Generally, there is a duty to segregate out facts.
 - Exception: Facts are inextricably intertwined (factual material is so inextricably connected to the deliberative material that its

disclosure would expose or cause harm to the agency's deliberations).

- **Attorney work-product privilege (AWP)** -- (*Protects material prepared by or at the direction of an attorney AND in reasonable anticipation of litigation*)
 - Courts have also accorded work-product protection to materials prepared by non-attorneys who are supervised by attorneys.
 - Considerations:
 - Was the document prepared in anticipation of foreseeable litigation?
 - Does not apply to documents created in an agency's normal course of business.
 - Generally, no duty to segregate out facts.
- **Attorney-client privilege (ACP)** -- (*Protects confidential communications between an attorney and his or her client relating to a legal matter for which the client has sought legal advice*)
 - Is the communication confidential? (*Note: the underlying subject matter can be known to third parties)

If any of these privileges apply, then move to step 3.

Step 3: Foreseeable Harm Analysis

The agency must be able to articulate a true, foreseeable harm if records are released. Generalized assertions are not sufficient, nor are speculative or abstract fears, or fear of embarrassment. The agency cannot merely say release would harm candor, discussion, etc.

Does the agency reasonably foresee that disclosure would harm an interest protected by this exemption? YES or NO

- If YES, Exemption 5 applies.
 - Agencies will consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible.
 - Agencies will take reasonable steps necessary to segregate and release nonexempt information.
- If NO, Exemption 5 does not apply.

APPENDIX E: FOIA OFFICER CHECKLIST

Intake	
Review intake analysis: - Confirm whether perfected request. - Confirm search plan	
Review Search Certification Forms: - Confirm sufficient search	
If Privacy Act: - Verify identity, two forms of ID: o Both must contain name and signature. o At least one must contain current home or business address and date of birth. o Typical examples: DL, passport, voter registration, SSN card, AARP card, Medicare/Medicaid card, handgun permit card	
Ex 4 and Consults	
Review packages and sign letters: - Packages only contain information that third party (or agency); other info is redacted. - Letters appear to be addressed to proper individual	
Final Review	
Review request and search history to refresh memory if needed	
Review Third Party Objections and Legal advice, if applicable	
Review draft redactions in eD (or Adobe if Simple)	
Apply/change redactions to catch anything missed	
Review final production or final applied redactions in Adobe for final QC review, using Ctrl+F to look for words/phrases/names/numbers that should have been redacted or released. Records should be in the Folder 3 – Responsive Records > Attorney_FOIA_Officer_Review	
Review letter: - Verify OGC review complete. - Verify letter matches template. - Verify # of redactions. - Verify # of pages releasing. - Verify description of exemptions used	
If Privacy Act request: remind staff to password protect and mark response	
Post Review	
If Media request: - Notify Media contacts.	
If other high profile type request: - Notify Christopher and whoever else	
Review what was posted to bpa.gov and ensure signed response was saved to Folder 4 - Released	

FOIA_Reviewing and Tagging Your Documents

Version	Change Date	Prepared by	Changes	Approved by	Date Approved