

**QUALITY ASSURANCE  
MEMORANDUM  
( Q A M )**

<b>QAM NUMBER:</b>	<b>CAS-18</b>	<b>SUBJECT:</b>	<b>To establish procedures to manage and process Freedom of Information Act Requests.</b>		
<b>ISSUANCE DATE:</b>	3/21/04	<b>EFFECTIVE DATE:</b>	3/21/04	<b>REVISION DATE:</b>	N/A
<b>REF:</b>	FAR 24.201, 5 U.S. C. § 552				

**PURPOSE**

This QAM establishes a program to explain the Freedom of Information Act (FOIA) requirements regarding the release and protection of contract information, and to establish internal Commerce Acquisition Solution (CAS) processes that define guidelines which determine responsibilities, documentation, and timeline requirements for the responding to FOIA requests.

**BSC ELEMENT(S) SUPPORTED**

This QAM supports our Balance Score Card in the following main area(s):

<b>CUSTOMER:</b>		Customer Satisfaction	<input checked="" type="checkbox"/>	Effective Service Partnership
<b>FINANCE:</b>		Minimize Administrative Cost		Maximize Contract Cost Avoidance
<b>INTERNAL BUSINESS PROCESS:</b>	<input checked="" type="checkbox"/>	Acquisition Excellence	<input checked="" type="checkbox"/>	Fulfill Public Policy Objectives
<b>LEARNING &amp; GROWTH:</b>	<input checked="" type="checkbox"/>	Information Availability for Strategic Decision Making		Quality Workforce Employee Satisfaction

**POLICY**

The Office of Acquisition Management, as managers of procurement activities for the Department of Commerce, is frequently the subject of Freedom of Information Act requests. This can be for procurement specific action, or summary level information. Acquisition professionals must recognize and appreciate the legal requirements attendant to processing Freedom of Information Act (FOIA) requests regarding what may be released, and what is protected, as well response requirements.

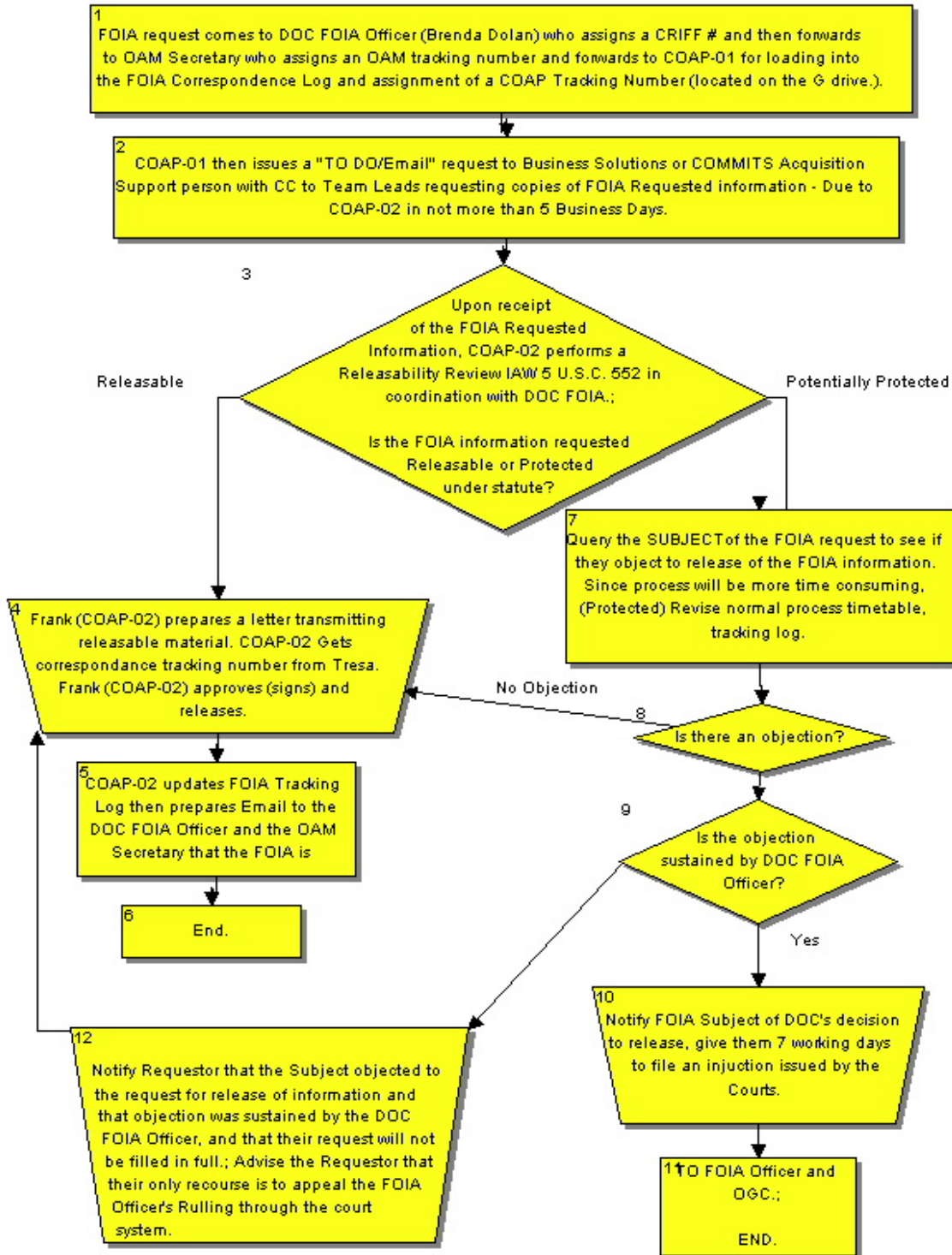
**FAR DEFINITION** - Part 24 implements acquisition related sections of the Freedom of Information Act.

## PROCEDURE

1. As outlined in attachment 1, the Freedom of Information Act Requests must be received by the Freedom of Information Act Officer, and be assigned a CRIFF number, to be official. This should be on a CD -244 FOIA Request and Action Record. This starts the tracking clock. The DOC FOIA officer is in OEBAM. If you receive a Freedom of Information Act request that does **not** have a CRIFF number, stop, and get the request logged in and have a CRIFF number assigned. The request also needs to have an OAM tracking number assigned. This is assigned by OAM, and is included on an OAM Assignment sheet (no form number).
2. When the FOIA is received in the CAS office, COAP will enter the action in the FOIA log and assign a COAP tracking number.
3. COAP will issue a "To Do" memo by email to the cognizant Team Lead, requesting copies of the FOIA requested information. The material must be provided to COAP within five (5) working days.
4. COAP will conduct a Releasability Review to determine if the material is protected under the FOIA exemptions of 5 USC Section 522 (FOIA) or 522a (Privacy Act). The review is coordinated with DOC FOIA officer.
5. If the material is releasable, COAP generates a letter of transmittal, with CAS correspondence tracking number, and forwards the material to the Requester. COAP also notifies OAM and DOC FOIA officer that the FOIA is completed and the action is closed.
6. If the material is potentially protected from release under any of the FOIA exemptions, COAP notifies the **SUBJECT** of the FOIA request and inquires if they object to release of the FOIA information. Because of the authorized response time, an extension to the due date will be probably be required.
7. If the subject of the FOIA does not object to release of the material, or fails to reply within the required timeframe for objection, the material is released (see step 5).
8. If the **SUBJECT** of the FOIA does object to release of the information, and it appears the objection is sustainable after conferring with the FOIA Officer, the requester is notified of the objection and that the FOIA request cannot be satisfied in full. The requester is notified of their appeal rights. Any releasable material is provided to the requester. OAM and the FOIA officer are notified of the status and the action is closed.

Attachments:

CAS-18  
Attachment 1  
FOIA Process Flow Chart



CAS-18  
Attachment 2  
TO DO Tasker

The screenshot shows a Lotus Notes window titled "To Do - FOIA Request for Contract...". The interface includes a menu bar (File, Edit, View, Create, Actions, Text, Help), a toolbar with various icons, and a task card for a "Group To Do Item".

**Group To Do Item**

Notify Me

Mark Private

**Subject** FOIA Request for Contract 50CMAA900061 et al.

**Assigned By** Dan Alexander

**When** Due by Wed 01/28/2004 Start by Wed 01/21/2004

**Priority** Medium **Category** FOIA

**Participants** Assignments have been sent to the following

**Required (to)** Deborah Locke/HCHB/Osnet@osnet

**Optional (cc)** Frank J Krempa/HCHB/Osnet@osnet

**Status** State Overdue

**Description** Click to attach files

Hi,

COAP has received a FOIA request for the following information which have been determined to be a contract managed by your team. In order for us to process this FOIA we will need to be provided a copy of the subject document(s) in order to determine if the requested information is releasable under United States Code Title 5, Section 552, Subsection (b).

(1) Copy of Contract number 50CMAA900061 awarded to RS Information Systems Inc  
(2) Copies for all modifications and /or delivery orders issues for the last six months from March 15, 2003 to 15 August, 2003.

Please have someone on your team provide the requested materials to Frank Krempa for forwarding to the FOIA requestor by 1/28/03. If this time is not reasonable, please provide a date the requested material will be made available.

Thanks for your help,

Dr. Daniel S. Alexander II

Task card footer: Untagged | Dan Alexander

Windows taskbar: Start | To Do - FOIA ... | WordPerfect 1... | FY 04 ESA - B... | allCLEAR - [FO... | 1:58 PM

CAS-18  
Attachment 2  
*Explanation of Exemptions*

(b) This section does not apply to matters that are - (1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency; (3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld; (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential; (5) 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; (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions

which are exempt under this subsection. The amount of information deleted shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted shall be indicated at the place in the record where such deletion is made.

