

NATIONAL WEATHER SERVICE INSTRUCTION 1-603

November 04, 2003

***Administration and Management
External Inquiries/Internal Audits, NWSPD-1-6***

FREEDOM OF INFORMATION ACT PROCEDURES

NOTICE: This publication is available at: <http://www.nws.noaa.gov/directives/>.

OPR: CFO3 (Y. Hoffman)

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SUMMARY OF REVISIONS:

<u>Signed by Steve Gallagher for</u>	<u>10/21/03</u>
Irwin T. David	Date
Chief Financial Officer/Chief Administrative Officer	

Freedom of Information Act

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1. Purpose. To provide guidance to all National Weather Service (NWS) personnel for processing requests under the Freedom of Information Act (FOIA) based on the National Oceanic and Atmospheric Administration (NOAA) Administrative Order 205-14 (see Appendix A, Link 3 for link to website). Appendix B is a list of NWS FOIA Points of Contact. Appendix C illustrates the FOIA process.

2. Procedures and Responsibilities. When FOIA requests are received directly at an NWS office, they will immediately contact the NWS FOIA Administrator in the Management and Organization Division of the NWS Office of the Chief Financial Officer (W/CFO3) (Yetta Hoffman at (301)713-1698 x168 or Sheila Beehler at (301)713-1698 x151).

2.1. The NOAA FOIA Officer. The NOAA FOIA Officer is responsible for:

- a. Coordinating all FOIA inquiries.
- b. Maintaining NOAA FOIA Control System for all FOIA requests within NOAA.
- c. Assigning due dates for completion of FOIA requests.
- d. Forwarding FOIA requests pertaining to NWS to the NWS FOIA Administrator.

- e. Ensuring replies comply with the 20-working-day response time established by FOIA.
- f. Maintain the FOIA Electronic Reading Room.
- g. Preparing/submitting “FOIA Annual Report to Congress” to DOC FOIA Officer.

2.2 NWS FOIA Officer. The NWS FOIA Officer (Steven Gallagher, Deputy CFO/CAO) will sign FOIA response letters when no information is withheld.

2.3 NWS FOIA Administrator. The NWS FOIA Administrator (Yetta Hoffman at (301)713-1698 x168 or Sheila Beehler at (301)713-1698 x151) will:

- a. Notify NOAA FOIA Officer of FOIA requests received by NWS personnel or offices.
- b. Notify NOAA FOIA Officer if a FOIA request was misdirected or incorrectly assigned to NWS.
- c. Get a control number from NOAA FOIA Officer.
- d. Assign FOIA requests to the appropriate NWS organization(s) for response.
- e. Ensure all FOIA requests are completed within the 20-working-day time frame (if extensions are necessary, notify requester and NOAA FOIA Officer and document in writing who approved the extension and the extension date).
- f. Maintain a log of FOIA requests to include:
 - (1) NOAA control number assigned by NOAA FOIA Officer.
 - (2) Name of requester, receipt date, due date, NWS person/office assigned the FOIA action.
 - (3) Fulfillment date, exemption information, fees charged, and fees paid date.
- g. Complete the Form CD-244 (FOIA Request and Action Record) (see Appendix A, Links 4 and 5 for links to Form and instructions).
- h. If the scope of the information requested is broad, contact the requester for clarification and to narrow the scope of their request.
- i. BEFORE processing FOIA requests, notify the requester of any fees due. Calculate charges associated with individual FOIA requests according to 15 CFR Part 4 (see Appendix A,

Link 3) and show fee amounts on the Form CD-244. For charges greater than \$250, or if requester has not paid for previous FOIA requests, notify them by letter that prepayment is required before FOIA information is released.

j. Coordinate with NOAA General Counsel to determine what information is releasable and what information should be withheld under the FOIA exemptions and redirect information covered by the Privacy Act.

k. Notify NOAA FOIA Officer if a partial or full denial is recommended:

(1) Before initial denial is issued, request the operating unit provide a memorandum to file.

(2) Ensure memo documents the action office considered discretionary disclosure and explains why such disclosure is not appropriate.

(3) Ensure memo documents the concurrences obtained.

(4) Present questions about proposed denials to NOAA FOIA Officer.

l. Ensure denials are signed by the Assistant Administrator for Weather Services.

m. Send completed Form CD-244 and copy of the response letter to NOAA FOIA Officer.

n. Ensure checks or money orders received for processing FOIA requests are made payable to the United States Treasury, identified by FOIA number, and sent to the NOAA FOIA Officer.

o. Provide NOAA FOIA Officer with regular status of outstanding FOIA requests.

p. Provide input to NOAA FOIA Officer for "FOIA Annual Report to Congress."

q. Provide copies of records to NOAA FOIA Officer when 3 more requests are received for the same information, to be included in the Electronic Reading Room.

r. Coordinate and ask for advice from General Counsel on non-routine or sensitive FOIA requests.

s. In the event of a FOIA appeal, provide the DOC or NOAA FOIA Officer with a copy of records released and redacted/withheld citing exemption which applies for withholding information.

t. Notify NOAA FOIA Officer when he/she is no longer performing FOIA liaison duties and supply NOAA FOIA Officer with replacement's name.

2.4 NWS FOIA Focal Points. NWS FOIA Focal Points will:

- a. Search for records and required information to respond to FOIA requests.
- b. Provide NWS FOIA Administrator with good-faith fee estimate information (estimate of how many search hours at what grade/step and how many pages of responsive records anticipated).
- c. Respond to assigned FOIA requests in a manner allowing the NWS FOIA Administrator to honor the 20-working-day required response time.
- d. Advise NWS FOIA Administrator if an extension to the suspense date is needed.
- e. Notify NWS FOIA Administrator if a FOIA request was misdirected or incorrectly assigned.

3. FOIA Requests for Agency Records Originating From or Involving The White House or Congress

- a. FOIA requests received by NWS directly from the originator for agency records which originated in or involve the White House will be forwarded to the NOAA FOIA Officer by the NWS FOIA Administrator to assign to NWS or the appropriate line office.
- b. FOIA requests from a Congressional Office will be processed as a regular FOIA request. If it is a FOIA request from a member of Congress on behalf of a Congressional Committee, it will be processed through Legislative Affairs.

APPENDIX A

USEFUL FOIA WEBSITES

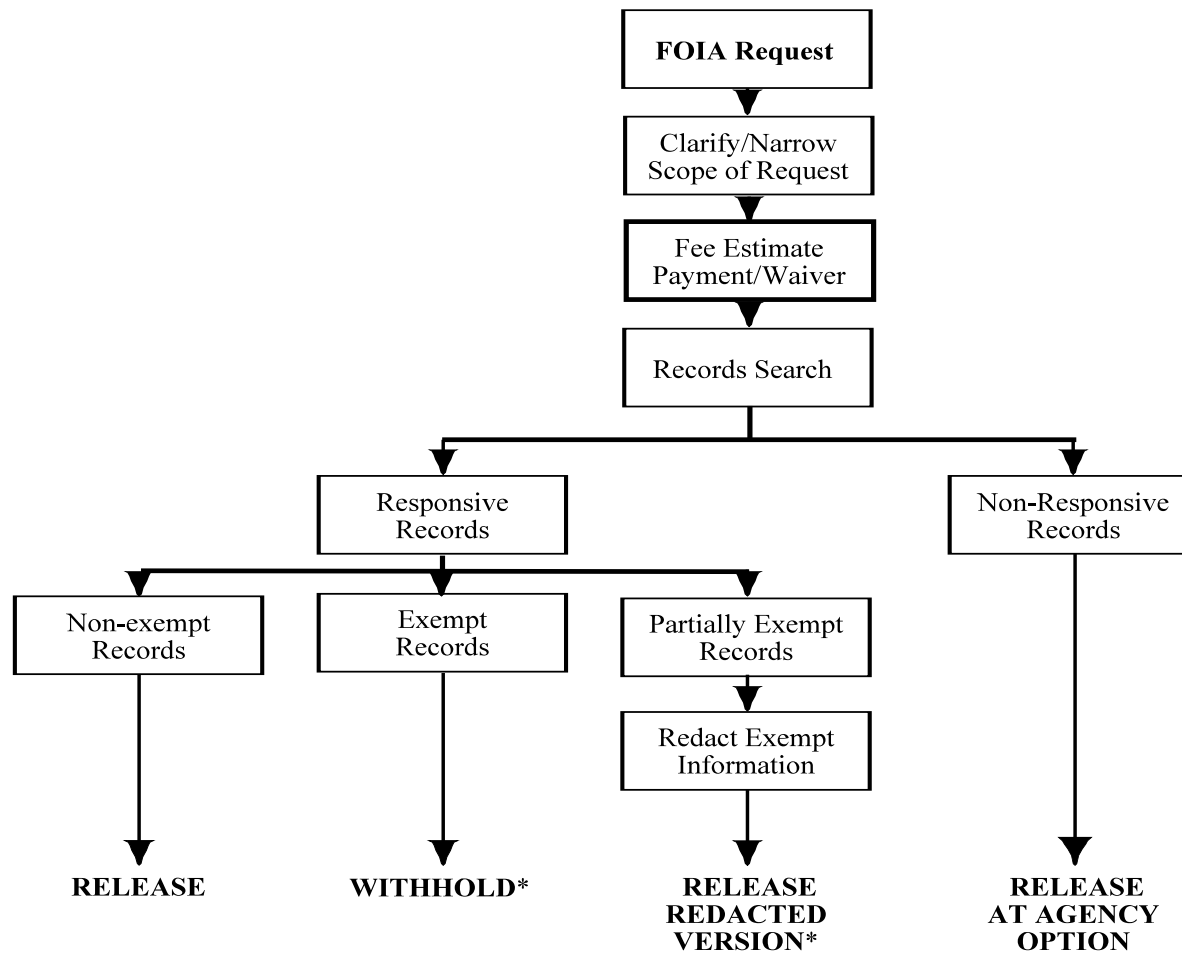
1. NOAA FOIA Home Page
<http://www.rdc.noaa.gov/~foia/>
2. List of Exemptions
<http://www.rdc.noaa.gov/~foia/foiaex.html>
3. List and links to FOIA Policies
<http://www.rdc.noaa.gov/~foia/index.html#policies>
4. Link to CD-244 - FOIA Request and Action Record
<http://www.osec.doc.gov/forms/pdf/cd244fl.pdf>
5. Link to Instruction for filling out CD-244
<http://www.rdc.noaa.gov/~nao/205-14.a2.html>
6. Link to Department of Justice FOIA Homepage
<http://www.usdoj.gov/04foia/>

APPENDIX BNWS Points of Contact - FOIA
(July 2003)

<u>Organization</u>	<u>POC (Alternate)</u>	<u>Phone Number</u>
W/CIO	Barbara Brenkworth	(301) 713-0262 x132
W/OS	Les Taylor	(301) 713-1706 x113
W/OHD	Patricia Rust	(301) 713-0640 x126
W/OST	Jim Valdez	(301) 713-0745 x103
W/OPS	David Murray	(301) 713-0439 x150
W/NP	Dennis Staley (Catherine Kenney)	(301) 763-8000 x7007 (301) 763-8000 x7006
W/ER	Mickey Brown	(631) 244-0102
W/CR	Gary Foltz	(816) 891-8914 x610
W/SR	Mac McLaughlin	(817) 978-1100 x104
W/WR	James Campbell (Jean Okumura)	(801) 524-6295 (801) 524-6955
W/AR	Laura Furgione (Anne Barnes)	(907) 271-5126 (907) 271-3459
W/PR	Donald Jiron	(808) 532-6415
W/IA	Curt Barrett	(301) 713-1784 x136
W/EEO	Rufus Caruthers	(301) 713-0692
W/SP	Peter Weiss	(301) 713-0217
W/COM	Randee Exler	(301) 713-3447 x206

Appendix C

Diagram of FOIA Process



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* Requestor may appeal