

# ATTACHMENT

## EXAMPLES

### Determining Start of 20-Day Time Period for Misdirected Requests

In all of the examples below:

- “Days” means “working days,” not “calendar days;”
- All of the offices are part of the Department of Interior (the provision does not apply to misdirected requests routed to a different agency);
- “DOI FOIA office” means an office or bureau that is designated by DOI regulation to receive FOIA requests; and
- Unless otherwise stated, all of the requests are “perfected” when first received.

#### Example 1:

The receiving DOI FOIA office (“Office A”) determines that a request was misdirected. Office A then routes the request to the proper DOI FOIA office (“Office B”). Office B receives the request on the seventh day from the date Office A received it. Then Office B will have the full 20 days to respond starting on the date it receives the request.

#### Example 2:

The receiving DOI FOIA office (“Office A”) determines that a request has been misdirected. Office A then routes the request to the proper DOI FOIA office (“Office B”). Office B receives the request on the 12<sup>th</sup> day after it was first received by Office A. Then Office B has only 18 days left in which to respond to the request. The 20-day time period for response began to run on the tenth day from the date the request was received by Office A, even if Office B (the proper FOIA office) had not yet received the request.

#### Example 3:

The receiving DOI FOIA office (“Office A”) determines that a request was misdirected. Office A then routes the request to the proper DOI FOIA Office (“Office B”). Office B receives the request on the 35<sup>th</sup> day after Office A received it. Office B’s 20 days to respond to the request have already expired before it even received the request.

#### **Example 4:**

A FOIA request is addressed to, and received by, a DOI program office (“Office A”) that is **not** designated by regulation to receive FOIA requests. Fifteen days later, the program office forwards the FOIA request to a designated FOIA office (“Office B”). Office B reviews the FOIA request and determines that the request should have been addressed to another DOI FOIA office (“Office C”). Office B is now obligated by law to forward the FOIA request to Office C. The significant dates in this example are the date the request was first received by Office B and then by Office C. If Office C receives the request on the fifth day after Office B received it, then Office C has the full 20 days to respond to the request. If, on the other hand, Office C receives the request on the 18<sup>th</sup> day after Office B received it, Office C has only 12 days left in which to respond. The date the request was received by Office A is immaterial to determining when the 20-day time period begins, because FOIA requests must be received by a FOIA office that has been designated by Departmental regulation to receive requests for this provision to apply.

#### **Example 5:**

The receiving DOI FOIA office (“Office A”) determines that a request is misdirected and then routes the request to the proper DOI FOIA office (“Office B”). Office B receives the request on the 12<sup>th</sup> day after the date Office A received it. **Office B then determines the request is not perfected, the 20-day time period to respond does not start until the request is perfected.** In this example, the date the request was received by Office A is immaterial to determining when the 20-day time period begins. The 20-day clock does not begin to run until the request is perfected.