



U.S. Department of Justice

Office of Information Policy

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MEMORANDUM FOR DEPARTMENT OF JUSTICE FOIA OFFICES

FROM: Melanie Ann Pustay *Melanie Ann Pustay*
Director
Office of Information Policy

SUBJECT: Protocol for Transmitting Consultations and Referrals within the Department of Justice

This memorandum outlines improved procedures for transmitting Freedom of Information Act (FOIA) consultations and referrals within the Department of Justice, that the Office of Information Policy (OIP) would like to establish to achieve greater efficiency.

The President has instructed agencies to “use modern technology to inform citizens what is known and done by their government.” Accordingly, we have conducted a review of the Department’s current consultation and referral process and determined that consistently utilizing technology will provide a more streamlined and efficient process for referring and consulting on documents within the Department of Justice. By improving this fundamental process, we will be able to respond to requesters in a more timely way.

Starting May 1, 2013, we would like all components to utilize e-mail both to transmit documents for referral and to share documents for consultation. Components, in turn, should use e-mail to provide comments on consultations. These simple, yet highly effective, procedures will facilitate enhanced coordination between components, reduce consultation response times, and eliminate paper and postage costs. The attached guidance fully explains the new protocol for sending and receiving consultations and referrals through e-mail.

Furthermore, components should create specific e-mail accounts for sending and receiving consultations and referrals. Please provide this information to OIP by April 1, 2013. OIP will then compile a list of all component e-mail accounts, which will be posted on the Department’s Intranet for reference.

Please feel free to contact Laurie Day, Chief, Initial Request Staff, at (202) 514-3642 for any questions or suggestions you may have regarding these procedural requirements.

Attachment

Protocol for Handling Non-Classified Consultations and Referrals within the Department of Justice

General Protocol for Consultations and Referrals

- All consultations and referrals should be transmitted between components electronically by utilizing e-mail.
- Each component should establish an e-mail address to serve as the transmission point for receiving and responding to consultations and referrals. This can be the same e-mail account or two different accounts.
- E-mail subject lines should contain the administrative tracking number associated with the request in question, and should indicate whether a consultation or referral is being sent. Examples: Consultation Request, OIP No. AG/11-00500; Referral of Documents, OIP No. AG/11-00500.

Protocol for Sending Consultations

- For material that requires consultation with multiple components, the transmission should be sent simultaneously to all the components. This will ensure the receiving components can readily see which other components are also being asked for their views on the documents.
- The component sending the consultation should include any disclosure recommendations or background information that would be helpful to the other components.

Protocol for Responding to Consultations

- When a component responds to a consultation and provides its disclosure recommendations, it should do so by replying to the incoming consultation e-mail. The reply should go to all the recipients of the incoming e-mail. This will ensure that all components can readily see the recommendations being made by the other components whose views are being sought. This should also reduce differing recommendations on the same material.

Protocol for Sending Referrals

- Components should always provide clean copies of the documents in addition to copies that may have redactions.
- Components should also include any relevant background information and disclosure recommendations to the receiving component.
- Referrals should always include copies of the initial request, the date of receipt, and any pertinent correspondence with the requester.