

# Reclamation Manual

## Directives and Standards

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| <b>Subject:</b>            | Freedom of Information Act (FOIA)  |
| <b>Purpose:</b>            | This directive provides guidance for administering and implementing FOIA in the Bureau of Reclamation. The benefit of this release is that it will provide the requirements for responding to FOIA requests in conjunction with Departmental Manual, <a href="#">383 DM 15</a> . |
| <b>Authority:</b>          | FOIA (5 U.S.C. 552); 43 CFR Part 2, Subparts A thru I; 383 DM 15, Freedom of Information Act Handbook  |
| <b>Approving Official:</b> | Director, Information Resources Office (IRO)   |
| <b>Contact:</b>            | Information Management Division, 84-21300  |

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1. **Introduction.** FOIA was created in 1966 to promote openness in the government. Since that time, Congress has regularly updated the original statute through legislative amendments.
2. **Applicability.** This Directive and Standard (D&S) applies to all Reclamation employees, contractors, volunteers, etc. who handle or maintain records on behalf of the agency.
3. **Definitions.** There are no terms that need defined for this release
4. **Responsibilities.**
  - A. **Reclamation FOIA Officer.** Reclamation's FOIA Officer is located in the IRO, Information Management Division and, in that capacity, is responsible for all duties outlined in [Section F - 383 DM 15.5](#) as well as:
    - (1) researching unusual or complicated issues related to FOIA responses;
    - (2) serving as the action office, under Section G – 383 DM 15.5, for FOIA requests seeking the records of the Denver and Washington Offices;
    - (3) coordinating Reclamation-wide and multi-region/office responses;
    - (4) coordinating denials with the Office of the Solicitor for requests affecting the Denver and Washington Offices;
    - (5) monitoring or coordinating replies to all appeals;
    - (6) interpreting and disseminating Interior, Department of Justice, and Executive Office of the President FOIA guidelines/directives;
    - (7) attending monthly DOI FOIA Officer meetings/conference calls;

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- (8) attending relevant training on a yearly basis; and
- (9) coordinating the monthly Reclamation FOIA Officer meeting/conference call.

**B. Regional FOIA Officer/FOIA Coordinator/FOIA Specialists.** At least one regional FOIA officer/FOIA coordinator and/or FOIA specialist (hereafter referred to as FOIA Specialist) is designated for each regional office. FOIA specialists are responsible for all duties as outlined in [Section G- 383 DM 15.5](#) as well as:

- (1) coordinating regional FOIA responses;
- (2) coordinating denials with the Office of the Solicitor on requests within their region
- (3) providing input for Reclamation-wide responses;
- (4) providing training and guidance on a yearly basis to program offices responding to FOIA requests utilizing Department of the Interior approved training material (see Appendix A – Approved Training Presentation);
- (5) submitting frequently requested records to the Reclamation Electronic FOIA Library;
- (6) providing timely, accurate, and complete information when requested by Reclamation’s FOIA Officer for various reports;
- (7) attending monthly Reclamation FOIA Officer meetings/conference calls; and
- (8) attending relevant training on a yearly basis.

**C. Program Offices.** Program offices may create or obtain records responsive to a FOIA request. Program offices are therefore responsible for:

- (1) identifying at least one point of contact to respond to incoming FOIA requests;
- (2) maintaining official files in accordance with the Information Management Handbook Volume I and II, in order to search for and produce responsive records in a timely manner;
- (3) conducting reasonable searches for records responsive to requests upon request by the Reclamation or regional FOIA Officers or a FOIA specialist;
- (4) providing a recommendation on release of records; and
- (5) providing processing cost data to the regional or Reclamation FOIA Officers, upon request, reflecting time spent on search, review, and other processing actions.

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- D. **Employees.** All employees at Reclamation are responsible for all duties as outlined in [Section K – 383 DM 15.5](#).
5. **FOIA Library.**
- A. Once Reclamation has received, or expects to receive, three requests for records on the same subject, FOIA specialists will forward the responsive material to the Reclamation FOIA Officer.
  - B. FOIA specialists having knowledge of records of high interest to the public may proactively recommend posting the records.
  - C. Other categories of records that are required to be made available to the public are:
    - (1) final opinions, including concurring and dissenting opinions and orders, made in adjudicated cases;
    - (2) policy statements not published in the Federal Register;
    - (3) administrative staff manuals and instructions that affect the public; and
    - (4) a record of the final votes of each member in every agency proceeding.
6. **Recordkeeping.** FOIA officers/specialists are required to maintain records in FOIA case files, arranged by tracking number and in accordance with the Information Management Handbook – Records Retention Schedule. FOIA case files may contain sensitive information and are therefore considered For Official Use Only and must be maintained in accordance with Reclamation Manual D&S, *Safeguarding For Official Use Only Information* (SLE 02-01).

## Reclamation Manual Transmittal Sheet

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Effective Date: \_\_\_\_\_

Release No. \_\_\_\_\_

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**Please ensure that all employees who need this information are forwarded a copy of this release.**

Reclamation Manual Release Number and Subject

Summary of Changes

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Filed by: \_\_\_\_\_

Date: \_\_\_\_\_