

**Department of the Interior**  
**Bureau of Safety and Environmental Enforcement Manual**

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**Series:** Administrative

**Part 383:** Public Access to Records

**Chapter 15:** Freedom of Information Act Policy

**Originating Office:** Chief of Staff, Office of the Deputy Director

1. **Purpose.** This policy prescribes procedures and responsibilities for the administration of the Freedom of Information Act (FOIA) as amended (5 U.S.C. 552), within the Bureau. This policy must be used in conjunction with the Department's FOIA regulations, 43 CFR, Part 2, Subparts A and B, and the Department of the Interior (DOI) FOIA Handbook, 383 DM 15.

2. **Objectives.**

A. Administer the FOIA with a clear presumption in favor of disclosure; to resolve doubts in favor of openness; and to not withhold information based on speculative fears.

B. Ensure that requests are responded to with a "spirit of cooperation," that disclosures are timely, and that modern technology is used to make information available to the public even before a request is made.

C. Search for Bureau records responsive to a request and review the records to determine whether any portion of it is exempt from disclosure.

D. Apply statutory exemptions to protect privileged records and personal privacy.

3. **Authorities.**

A. FOIA, as amended, (5 U.S.C. 552)

<http://www.justice.gov/oip/amended-foia-redlined.pdf>

B. DOI FOIA Regulations, 43 CFR Part 2, Subparts A through E, November 20, 2002,

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=680d313447224cb3fe72a5a2572dc5a1&rgn=div5&view=text&node=43:1.1.1.1.2&idno=43>

C. Open Government Act of 2007, December 17, 2007,

<http://www.justice.gov/oip/amendment-s2488.pdf>

D. Executive Order 13392, Improving Agency Disclosure of Information, December 19, 2005,

<http://www.doi.gov/foia/PDF/EO%2013392.pdf>

E. DOI, 383 DM 15, FOIA, March 28, 1991,  
[http://elips.doi.gov/app\\_dm/act\\_getfiles.cfm?relnum=2911](http://elips.doi.gov/app_dm/act_getfiles.cfm?relnum=2911)

F. DOI, 383 DM 15, FOIA Handbook with exemptions, revised April 22, 2004,  
[http://www.doi.gov/foia/handbook\\_2004.pdf](http://www.doi.gov/foia/handbook_2004.pdf)

#### 4. **References.**

A. Presidential Memorandum on the FOIA, January 21, 2009,  
<http://www.doi.gov/foia/docs/FOIA.doc>

B. Presidential Memorandum on Transparency and Open Government, January 21, 2009,  
<http://www.doi.gov/foia/docs/Transparency.doc>

C. Attorney General's Memorandum on FOIA, March 19, 2009,  
<http://www.justice.gov/ag/foia-memo-march2009.pdf>

D. Secretary of the Interior's FOIA Policy Guidance Memorandum, July 2, 2009,  
[http://www.doi.gov/foia/2009/Secretary%20Ken%20Salazar\\_FOIA%20Policy%20Guidance%20Memorandum.PDF](http://www.doi.gov/foia/2009/Secretary%20Ken%20Salazar_FOIA%20Policy%20Guidance%20Memorandum.PDF)

E. Guidance Communication sent to Agency Chief FOIA Officers concerning the Implementation of the President's Memorandum on the FOIA, January 23, 2009,  
<http://www.justice.gov/oip/email-map-obama.pdf>

5. **Policy.** It is Federal agency/bureau policy to make records available to the public providing them with prompt access to information about its activities in accordance with the spirit and intent of the FOIA.

#### 6. **Definitions.**

A. **FOIA Request.** A FOIA request means a written request (this includes fax and e-mail) made by any member of the public for Bureau records. A FOIA request can be made by any individual (including a non-U.S. citizen), corporation, association, public interest group, or the media; a state, local, or foreign government; or an Indian tribe.

B. **Record.** Federal records include all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the U.S. Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in them.

C. **FOIA Denial.** Denial means to withhold access to records (in whole or in part) based upon any of the nine categories of statutory exemptions provided by the FOIA.

D. **Open Government.** Open Government is a level of openness intended to ensure the public trust by a system of transparency, public participation, and collaboration which will strengthen democracy and promote efficiency and effectiveness in Government.

## **7. Responsibilities.**

A. The Director has responsibility for ensuring that all Bureau programs and activities are in compliance with the provisions of the FOIA and Federal/DOI regulations.

B. The Deputy Director has overall responsibility for ensuring that appropriate FOIA policies and procedures are planned and implemented in all Bureau activities and will designate the Bureau FOIA Officer.

C. The Bureau FOIA Officer carries out the responsibility of the Deputy Director for implementing the requirements of the FOIA and will:

- (1) manage and administer the Bureau FOIA program;
- (2) serve as the primary contact between the DOI ExecSec FOIA Officer and the Bureau for FOIA activities;
- (3) consult with the Solicitor's Office for headquarters responsive records;
- (4) track and manage FOIA requests as received carrying out operational activities consistent with DOI/Department of Justice (DOJ) requirements;
- (5) provide guidance to headquarters and Regional FOIA officers;
- (6) provide advice on FOIA matters to Bureau personnel;
- (7) monitor FOIA electronic mailbox and disseminate requests to applicable region office;
- (8) disseminate new guidance/legislation from DOI/DOJ concerning FOIA law and amendments to all FOIA personnel;
- (9) maintain a FOIA public web site to ensure compliance with E-FOIA;
- (10) maintain an electronic database necessary for the preparation of annual reports to DOI/DOJ;
- (11) attend DOI/DOJ meetings/conferences and participate in FOIA workgroups; and
- (12) function as the Bureau FOIA Public Liaison responding to inquiries from the public/FOIA requester community.

D. The Bureau Regional Directors are responsible for ensuring regional compliance with the FOIA program.

E. The Bureau Regional FOIA Officers are responsible for coordinating responses to FOIA requests that relate to their region's activities and for ensuring that the Bureau FOIA Officer is notified of all FOIA regional activities. Regional FOIA Officers are responsible for consulting with the Solicitor's Office.

F. All Bureau employees are responsible for communicating receipt of any FOIA request that they receive individually to the appropriate Bureau or Regional FOIA Officer. To ensure open government, the responsibility of effective administration of the FOIA belongs to everyone.

8. **Procedures.** The Bureau shall comply with all Federal and DOI FOIA policies and procedures by using DOI's "Freedom of Information Act Handbook, 383 DM 15, April 2004" to administer and implement the Bureau FOIA program.