

A SUMMARY OF NOAA/OCAO FOIA PROCESS

I. *NOAA FOIA Office*

- Upon receipt of a FOIA request, the FOIA request is logged and tracked by the NOAA FOIA Office which includes the assignment of a control number for tracking purposes.
- The NOAA FOIA Office reviews and analyzes the request to determine the appropriate office(s) that may have responsive documents.
- All relevant information pertaining to the request is logged into the FOIA database.
- Form CD-244 (FOIA Action Request), is completed for each FOIA request received directly by the NOAA FOIA Office.
- The NOAA FOIA Office serves as the Lead Action Office for responding to a FOIA request under the following conditions: a) where multiple (three or more) offices are involved in responding to the request; b) for all FOIA requests seeking NOAA's input which are tasked by DOC to NOAA for action; and c) for FOIA requests assigned to the NOAA FOIA Office.

II. *Lead Action Office - OCAO (front office) FOIA Liaison Responsibility*

- Provides guidance and advice to OCAO action offices.
- Reviews initial request to determine if the scope of the request is clear. If the scope of the request is not clear, the Lead Office contacts the requester to request clarification.
- Reviews request to determine appropriate office(s) within OCAO that may have responsive documents.
- Sends DOC Tasker memo along with a listing of FOIA Exemptions; a copy of the FOIA request; and Form CD-244 to the appropriate Office within the OCAO that may have responsive documents for DOC referrals. Also indicates the cut-off date for document search on the DOC Tasker Memo.
- Sends an acknowledgment letter to the FOIA requester.

Last update (10-01-12)

- Sends a fee estimate letter to the requester upon notification from Action Office.
- Tracks and monitors progress of request(s) to ensure deadlines are met.
- Reviews and clears out-going response letters before submission to requesters.
- Communicates with the NOAA FOIA Office regarding disposition of request(s).

III. ***Lead OCAO Action Office Responsibility***

- Identifies other NOAA LO/SOs who have (or may have) responsive documents, and notifies the OCAO FOIA Liaison for further assignment of action.
- Determines if a fee notification letter should be sent to the requester and informs his/her staff not to search for documents until fee payment has been received by the NOAA FOIA Office. (If fees will not be charged, proceed with having the Line and staff offices start conducting a search for responsive documents.)
- Conducts a search for responsive documents; conduct a line-by-line review of all responsive documents collected and redact all information that should be withheld from the requester.
- Draft the outgoing response letter to the requester including applying the appropriate FOIA exemption(s) for information deemed exempt.
- Submit documents to their respective General Counsel for review, concurrence, and clearance before returning the documents to the “Lead”, including a signed DOC Tasker memo by a senior official stating the disposition of responsive documents (e.g., release, no records located, exempt materials, etc.).
- Provides the NOAA OCAO FOIA Liaison a copy of the completed Form CD-244 and final response letter for close-out of the FOIA request.

- Identifies documents from non-NOAA (other DOC bureaus) or other Federal Agencies, and commercial sources, organizations and refers those documents to those organizations for review and a release determination and a direct reply to the requester;

Responsive documents that originated from non-NOAA Federal sources (either in DOC or outside DOC), the requester is notified in the final response letter that documents from other agencies were identified during the search and have been referred to those agencies for action.

IV. **Clearance/Signature Process**

- Correspondence prepared for the *Office of the Chief Administrative Officer (OCAO)* should be sent to the OCAO (front office) FOIA Liaison initially to continue the appropriate clearance chain prior to submission to the OCAO for signature.

1. The following responses should be prepared for the *OCAO's* signature:

- Denial Responses (full and partial denials)
- No Records located Responses
- Tasker Memos containing (OCAO-front office) in-put to DOC referrals

2. The following FOIA responses should be prepared and signed by the *Action Office*:

- Full Grant Responses (after proper clearance)
- Extension Letters
- Improper FOIA Clarification Letter
- Submitter Notification Letters
- Withdrawal Confirmation Letters

Any questions please contact: jean.carter.johnson@noaa.gov

Note: Copies of all correspondence sent to requester(s) should be sent to the OCAO FOIA Liaison for filing purposes.