

## Freedom of Information Act Compliance

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### I. Purpose

This Management Directive establishes the office responsible for ensuring the proper management of Freedom of Information Act (FOIA) compliance and programs for the National Protection and Programs Directorate (NPPD).

### II. Scope

This Management Directive applies to all of NPPD.

### III. Authorities

- A. Department of Homeland Security Management Directive Number 0460.1, *Freedom of Information Act Compliance*, March 1, 2003.
- B. Department of Homeland Security Management Directive Number 11042.1, *Safeguarding Sensitive but Classified (For Official Use Only) Information*, January 6, 2005.

### IV. Responsibilities

- A. The **Director, Information Management and Disclosure (IMD)**:
  - 1. Establishes internal procedures consistent with DHS Management Directives and all applicable laws and regulations to ensure the effectiveness of NPPD's FOIA program;
  - 2. Ensures that all NPPD employees who are responsible in any part for FOIA processing are knowledgeable about the provisions and requirements of the FOIA and ensure that employees attend FOIA training at least once a year;
  - 3. Ensures that data is submitted to the Department of Homeland Security (DHS) Disclosure Officer for DHS's Annual FOIA Report to the Attorney General and all other reporting purposes as required;

4. Ensures that records subject to section (a)(2) of the FOIA that have been created on or after November 1, 1996, are posted to the DHS FOIA Reading Room;
5. Ensures that reasonable efforts are made to maintain records in forms or formats that are reproducible for purposes of the FOIA;
6. Acts as the FOIA Officer for NPPD, which includes:
  - a. Receiving FOIA requests on behalf of NPPD;
  - b. Designating Responsible Officials, in writing, to respond to a FOIA request;
  - c. Ensuring consistency and completeness of a NPPD response;
  - d. Determining, with appropriate Subcomponent FOIA Liaisons, which records in response to FOIA requests have become or are likely to become the subject of repeated requests for the same records and ensuring that these records are placed in the electronic reading room.
7. May designate an appropriate official to be the FOIA Officer for NPPD; and
8. May act as a Responsible Official.

B. **Responsible Officials** shall:

1. Determine:
  - a. Whether to grant or deny requests for access to records;
  - b. Whether to grant or deny requests for fee waivers;
  - c. A requester's category for fee purposes.
2. Notify the requester of determinations made regarding the request;
3. Determine costs incurred by NPPD to process the request and determine if fees will be charged to the requester;
4. Ensure that requests are processed in accordance with all applicable disclosure requirements;
5. Compile and provide data for the Annual FOIA Report; and

6. Retrieve records retired to the Federal Records Center as required in processing a request.
- C. The **NPPD Office of the Under Secretary (OUS) and Subcomponent Heads** are responsible for :
- a. Naming, in writing, an appropriate FOIA Liaison; and
  - b. Ensuring subcomponent employees comply with the requirements of Federal regulations and DHS and NPPD Directives on the FOIA.
- D. **Subcomponent FOIA Liaisons** are responsible for:
- a. Collecting responsive documents from their subcomponent;
  - b. Liaising with appropriate Subject Matter Experts to ensure an accurate and complete response to all FOIA requests;
  - c. Identifying documents, or portions within a document, that contain information that is potentially exempt under FOIA;
  - d. Providing, as required by the Responsible Official, justification and contextual information about the responsive documents; and
  - e. Providing timely submissions to the responsible official.
- E. **NPPD Employees** are responsible for:
- a. Completing FOIA refresher training each year;
  - b. Conducting comprehensive searches as assigned for responsive documents to a FOIA request and providing all responsive documentation to the FOIA liaison within the assigned time limit;
  - c. Providing appropriate recommendations regarding proposed withholding or redactions to responsive documents; and
  - d. Complying with the all policies regarding the identification and safeguarding of sensitive by unclassified information.

## V. Policy and Requirements

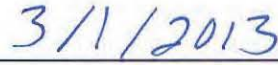
It is the policy of NPPD to implement the FOIA uniformly and consistently and to provide maximum allowable disclosure of agency records upon request by any individual.

## VI. Questions

Address any questions or concerns regarding this Directive to the Director, Information Management and Disclosure.



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Rand Beers,  
Under Secretary,  
National Protection and Programs Directorate



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Date