DEPARTMENT OF THE ARMY
Corps of Engineers, Omaha District
106 South 15th Street
Omaha, Nebraska 68102-1618

OM 25-1-50

CENWO-OC

Memorandum
No. 25-1-50

15 June 2003

Information Management
PROCEDURE FOR PROCESSING FEEDOM OF INFORMATION ACT REQUESTS

History. This document supercedes DM 25-1-50, dated 15 September 1990.

1. Purpose. The purpose of this memorandum is to prescribe policies and procedures for handling Freedom of Information Act (FOIA) requests.

2. Applicability. It applies to all elements of the Omaha District.

3. References.

a. Freedom of Information Act, 5 USC 552

b. AR 25-1, dated 31 May 2002.

c. AR 25-55, dated 14 April 1997.

4. Responsibilities. Office of Counsel will:

a. Identify and record receipt of all requests for production of records which explicitly refer to the Freedom of Information Act, FOIA, 5 USC 552, or which implicitly invokes this law. An example of an implicit request under FOIA is "Under the 20-day limit imposed by Congress, I request a copy of ER 1180-1-xx."

b. Coordinate and prepare all necessary responses to FOIA requests based upon information and records provided by the office(s) responsible for maintaining the requested record(s).

c. Assemble and forward to the Initial Denial Authority (IDA) recommendations that release of certain documents be denied.

This Memorandum supercedes DM 25-1-50 dated 15 Sep 90.

d. Record the date that a response is forwarded to the requester.

5. Procedure.

a. Once the request is determined to be one lodged under FOIA, it should be recorded as such and routed to Office of Counsel for handling. In no case should a FOIA request be routed to any other Division or Office without first obtaining the approval of the District Counsel.

b. At various times, letters, correspondence, requests for records, or the like, may be hand-delivered to an office or employee in the District Office. If such document contains terms such as "Freedom of Information Act request" or "FOIA request" or "5 USC 552," or if it implicitly refers to FOIA, it should be immediately hand-carried to Office of Counsel for processing. Office of Counsel should be consulted if it is not clear whether the request is being presented pursuant to FOIA.

c. Incoming mail and hand-delivered correspondence received in Area, Resident, Project or other Field Offices should be also examined to determine if a request is being made either explicitly or implicitly under the Freedom of Information Act, FOIA, or 5 USC 552. If the request is being presented pursuant to FOIA, notice of the request should immediately be given by telephone or e-mail to Office of Counsel. This notice should be followed up by transmitting a copy of the request to Office of Counsel by fax if available, or if not available, by mail.

d. After receiving a FOIA request, Office of Counsel will request that the necessary information be gathered or that files and records be reviewed for releasability by the field element which has control of the pertinent records. Office of Counsel will then prepare the necessary correspondence to respond to the request. In some cases handling of the request may involve a determination to recommend to the IDA that it be denied. In these cases, Office of Counsel will prepare and transmit the required information to the IDA. Whether records will be furnished or denial of the request is recommended, searches for records and accumulating information will in most cases be required of one or more District or field elements. These searches and information gathering tasks should be accomplished on a priority basis since the Freedom of Information Act Officer (i.e., the District Counsel) is required by statute to respond to FOIA requests within 20 working days after receipt.

e. Any District or field element which participates in the handling of a FOIA request should maintain a record of time spent in searching for and gathering records as well as the number of copies made. This information should be transmitted to Office of Counsel at the same time that the records are furnished.

FOR THE COMMANDER:

TONY B. DAVIS
MAJ, EN
Deputy Commander

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