

UNCLASSIFIED



FEDERAL BUREAU OF INVESTIGATION  
**POLICY DIRECTIVE**

**0481D**

<b>1. Policy Directive Title.</b>	Freedom of Information Act and Privacy Act Requests
<b>2. Publication Date.</b>	2012-02-08
<b>3. Effective Date.</b>	2012-02-08
<b>4. Review Date.</b>	2018-02-08

**5. Primary Strategic Objective.**

P2-Assign responsibility and own accountability.

**6. Authorities:**

- 6.1. The Freedom of Information Act (FOIA), Title 5 United States Code (U.S.C.) Section (§) 552, as amended [FOIA statute]
- 6.2. The Privacy Act of 1974 (Privacy Act), 5 U.S.C. § 552a, as amended [Privacy Act statute]
- 6.3. The OPEN Government Act of 2007 [2007 FOIA Amendments]
- 6.4. The OPEN FOIA Act of 2009 [2009 FOIA Amendments]
- 6.5. Attorney General Memorandum for Heads of Executive Departments and Agencies - The Freedom of Information Act (March 19, 2009) [AG Memo]

**7. Purpose:**

- 7.1. This directive establishes actions to be taken by the Records Management Division (RMD), Record/Information Dissemination Section (RIDS), Headquarters (HQ) Branches, Divisions and Offices, Field Offices (FO), and Legal Attachés (Legats) when responding to Freedom of Information Act and/or Privacy Act (FOI/PA) requests received by the Federal Bureau of Investigation (FBI).
- 7.2. The FOIA requires that records in the possession of agencies and departments of the executive branch of the United States Government be accessible to the public. The FOIA sets standards for determining which records the government must disclose and which records may be withheld. The FOIA also provides administrative and judicial remedies for those denied access to records.
- 7.3. The Privacy Act regulates the collection, maintenance, use and dissemination of personal information by federal executive branch agencies. The purpose of the Privacy Act is to balance the government's need to maintain information about individuals with the rights of the individuals to be protected against unwarranted invasions of their privacy due to the maintenance of such information.
- 7.4. The Open Government Act of 2007, OPEN FOIA Act of 2009, and the AG FOIA Guidelines, direct all executive branch departments and agencies to apply a presumption of openness when administering the FOI/PA. The guidelines establish a new standard for the defense of agency decisions to withhold records in response to FOI/PA requests. The Department of Justice will defend the withholding of records only if the agency reasonably foresees that disclosure would harm an interest protected by one of the nine statutory exemptions, or disclosure is prohibited by law. The AG Memo recognizes that "the disclosure obligation under the FOI/PA is not absolute." However, in the absence of harm, agencies must disclose information in keeping with transparency. Furthermore, executive branch agencies are directed to remove unnecessary hurdles for members of the public when making requests and to respond to requests in a timely manner.

**8. Policy Statement:**

- 8.1. It is the policy of the FBI to respond to requests pursuant to the FOI/PA within 20 business days

of receipt, as required by statute (5 U.S.C. § 552, as amended).

8.2. To comply with this requirement, the provisions and responsibilities in Section 11 below are established for all offices and divisions possessing potentially responsive records.

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### **9. Scope:**

This policy applies to all FBI programs, offices, divisions, and branches.

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### **10. Proponent:**

Records Management Division (RMD), Record/Information Dissemination Section (RIDS)

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### **11. Roles and Responsibilities:**

11.1. Records Management Division (RMD), Records/Information Dissemination Section (RIDS):

11.1.1. Receives, assigns, and responds to all FOI/PA requests.

11.1.2. Acknowledges FOI/PA requests and issues search requests to all appropriate FBI Headquarters Branches, Divisions and Offices, Field Offices, and Legal Attachés (collectively FBI offices).

11.1.3. Requires that search requests be acknowledged via email to the listed RIDS POC by recipient FBI offices within five business days from the date requested and that responsive documents be produced by the FBI offices within ten business days;

11.1.4. Collects all responsive documents from FBI offices that appear responsive to requests.

11.1.5. In consultation with appropriate FBI offices, applies proper statutory exemptions and exclusions based on legal requirements.

11.1.6. Conducts additional liaison with internal and external contributors to ensure proper processing and response.

11.1.7. Prepares final responses to requesters.

11.2. FBI Headquarters Divisions, Field Offices, and Legal Attachés (collectively FBI Offices):

11.2.1. Must acknowledge receipt of search requests from RMD/RIDS via email to listed RIDS POC within five days of the search request.

11.2.2. Must undertake a manual search for records and identify all reasonably responsive information to RIDS regardless of potentially applicable exemptions.

11.2.3. Must provide reasonably responsive information to RMD/RIDS within two weeks of the search request by the FBI office.

11.2.4. Must provide a no records response within five days of the search request when the FBI office has no responsive information.

11.2.5. Must indicate that responsive records pertain to a pending investigation, where appropriate.

11.2.6. Must promptly alert RMD/RIDS when other exigencies may have a bearing on the necessary collection and review of responsive records.

11.2.7. Must coordinate review of the records with RMD/RIDS.

11.3. Office of the General Counsel:

11.3.1. Consults with RMD/RIDS as necessary on legal requirements and proposed release determinations.

11.3.2. Acts as a liaison between RIDS and Assistant United States Attorneys and Department of Justice attorneys.

11.3.3. Acts as a liaison between RIDS and other government agencies and the Office of the Deputy Attorney General (ODAG). 3.4 Reviews proposed litigation declarations and provide comments, if applicable.

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**12. Exemptions:**

None

**13. Supersession:**

MIOG, Part 1, Sections 190-1 through 190-3

**14. References, Key Words, and Links:****14.1. Links:**14.1.1. FBI FOIA web site: <<<http://www.fbi.gov/FOIA>>>**14.2. Key Words/Acronyms:**

14.2.1. AG Memo (Attorney General Memorandum for Heads of Executive Departments and Agencies - The Freedom of Information Act (March 19, 2009)

14.2.2. FBI (Federal Bureau of Investigation)

14.2.3. FO (Field Office)

14.2.4. FOIA (Freedom of Information Act)

14.2.5. FOI/PA (Freedom of Information/Privacy Acts)

14.2.6. HQ (Headquarters)

14.2.7. Legat (Legal Attaché)

14.2.8. ODAG (Office of the Deputy Attorney General)

14.2.9. OGC (Office of the General Counsel)

14.2.10. RIDS (Record/Information Dissemination Section)

14.2.11. RMD (Records Management Division)

14.2.12. U.S.C. (United States Code)

**15. Definitions:**

15.1. Freedom of Information Act requests: Requests received from the public concerning information held by the FBI.

15.2. Privacy Act requests: Requests received from individuals seeking information about themselves within records maintained by the FBI.

**16. Appendices, Attachments, and Forms:**

None

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