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FEDERAL BUREAU OF INVESTIGATION
POLICY DIRECTIVE

Freedom of Information Act and Privacy Act Requests
1027D

General Information

Proponent	Information Management Division (IMD) (formerly Records Management Division [RMD])
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Supersession	Policy Directive (PD) 0481D, *Freedom of Information Act and Privacy Act Requests*

1. Authorities

- The Freedom of Information Act (FOIA), Title 5 United States Code (U.S.C.) Section (§) 552, as amended
- The Privacy Act of 1974, 5 U.S.C. § 552a, as amended
- The OPEN Government Act of 2007
- The OPEN FOIA Act of 2009
- The FOIA Improvement Act of 2016
- Attorney General (AG) Memorandum for Heads of Executive Departments and Agencies, "The Freedom of Information Act (FOIA)" (March 19, 2009) (hereafter referred to as "AG memorandum")
- Federal Rule of Criminal Procedure 6(e)

2. Purpose

2.1. The purpose of this policy is to establish the actions that must be taken by Federal Bureau of Investigation (FBI) personnel when responding to Freedom of Information and Privacy Act (FOIPA) requests.

2.2. FOIA requires that information in the possession of agencies and departments of the executive branch of the United States government (USG) be accessible to the public. FOIA sets standards for determining what information the USG must disclose and what

information may be withheld. FOIA also provides administrative and judicial remedies for those denied access to information.

2.3. 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.

2.4. The AG memorandum directs all executive branch departments and agencies to apply a presumption of openness when administering FOIPA. The FOIA Improvement Act of 2016 codifies the requirement of foreseeable harm contained in the AG memorandum, meaning that, under FOIA, an agency must only withhold information if the agency reasonably foresees that disclosure would harm an interest protected by an exemption or that disclosure is prohibited by law.

3. Scope

This policy applies to all FBI personnel.

4. Exemptions

There are no exemptions to this policy.

5. Policy Statement

5.1. The FBI must respond to requests pursuant to FOIPA within 20 business days of receipt, as required by statute (5 U.S.C. § 552, as amended).

5.2. FBI personnel who possess potentially responsive information must comply with Record/Information Dissemination Section (RIDS), IMD search requests pursuant to this requirement.

5.3. FBI personnel must grant RIDS personnel access to information for the purpose of responding to requests pursuant to FOIPA. RIDS access includes all automatically or manually restricted or prohibited case file material, including, but not limited to, federal grand jury, federal taxpayer information (FTI), and any other legally restricted or protected information.

6. Roles and Responsibilities

6.1. RIDS, IMD must:

6.1.1. Receive, assign, and respond to all FOIPA requests.

6.1.2. Acknowledge all FOIPA requests and issue search requests to all appropriate FBI personnel.

6.1.3. Require that the recipient of the search request acknowledge receipt via e-mail to the listed RIDS point of contact (POC) within five business days of the request date and that the recipient produce responsive information within ten business days.

6.1.4. Collect all information responsive to requests.

6.1.5. Apply proper statutory exemptions and exclusions based on legal requirements and in consultation with appropriate FBI personnel.

6.1.6. Liaise with internal and external contributors to ensure proper processing and response.

6.1.7. Prepare final responses to requesters.

6.2. All FBI personnel must:

6.2.1. Acknowledge receipt of search requests from RIDS via e-mail to the listed RIDS POCs within five business days.

6.2.2. Perform searches for information (electronic and/or manual, as necessary) and identify all potentially responsive information.

6.2.3. Respond to RIDS search requests (via electronic communication [EC] or e-mail) within the time frame specified and provide potentially responsive information, regardless of potentially applicable exemptions, to the listed RIDS POCs.

6.2.4. Provide "no records" responses to the listed RIDS POCs within five business days of search requests when an FBI office has no responsive information.

6.2.5. Indicate that responsive information pertains to pending investigations, where appropriate.

6.2.6. Promptly alert the listed RIDS POCs when other exigencies may have a bearing on the necessary collection and review of responsive information.

6.2.7. Coordinate review of the information with RIDS.

6.3. The FOIA Litigation Unit (FLU), Litigation Branch, Office of the General Counsel (OGC) must:

6.3.1. Consult with RIDS as necessary on legal requirements and proposed release determinations.

6.3.2. Act as a liaison between RIDS and assistant United States attorneys (AUSAs) and Department of Justice (DOJ) attorneys.

6.3.3. Act as a liaison between RIDS and other government agencies (OGAs) and the Office of the Deputy Attorney General (ODAG).

6.3.4. Review proposed litigation declarations and provide comments, if applicable.

7. References

FOIA Web site: <<http://www.fbi.gov/FOIA>>

8. Definitions and Acronyms

8.1. Definitions

8.1.1. FBI personnel: any individuals employed by or detailed or assigned to the FBI, including task force officers (TFOs), task force members (TFMs), task force participants (TFPs), and members of the armed forces; experts or consultants to the FBI; industrial or commercial contractors, licensees, certificate holders, or grantees of the FBI, including all subcontractors; personal service contractors of the FBI; or any other category or person,

including all those who maintain access to FBI information, who act for or on behalf of the FBI, as determined by the Director.

8.1.2. FOIA request: a request submitted to RIDS for information on any topic within records maintained by the FBI.

8.1.3. Privacy Act request: a request submitted to RIDS by a United States person (USPER) or a lawfully admitted alien for information about him- or herself within records maintained by the FBI.

8.2. Acronyms

AG	Attorney General
AUSA	assistant United States attorney
EC	electronic communication
FBI	Federal Bureau of Investigation
FLU	FOIA Litigation Unit
FOIA	Freedom of Information Act
FOIPA	Freedom of Information and Privacy Acts
FTI	federal taxpayer information
IMD	Information Management Division
ODAG	Office of the Deputy Attorney General
OGA	other government agency
OGC	Office of the General Counsel
PD	policy directive
POC	point of contact
RIDS	Record/Information Dissemination Section
TFM	task force member
TFO	task force officer
TFP	task force participant
U.S.C.	United States Code
USG	United States government
USPER	United States person

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