



USAID
FROM THE AMERICAN PEOPLE

ADS 507

Freedom of Information Act

Document Quality Check Date: 08/24/2012
Partial Revision: 12/14/2011
Responsible Office: M/MS/IRD
File Name: 507_082412

Functional Series 500 – Management Services
ADS 507- Freedom of Information Act (FOIA)
POC for ADS 507: Sylvia Lankford, (202) 712-0879, SLankford@usaid.gov

Table of Contents

<u>507.1</u>	<u>OVERVIEW</u>	<u>3</u>
<u>507.2</u>	<u>PRIMARY RESPONSIBILITIES</u>	<u>3</u>
<u>507.3</u>	<u>POLICY DIRECTIVES AND REQUIRED PROCEDURES</u>	<u>4</u>
<u>507.3.1</u>	<u>General Policy</u>	<u>4</u>
<u>507.3.2</u>	<u>General Processing of a FOIA Request</u>	<u>4</u>
<u>507.3.2.1</u>	<u>Contact Information for FOIA Requests and Appeals</u>	<u>4</u>
<u>507.3.2.2</u>	<u>Expedited Processing</u>	<u>5</u>
<u>507.3.2.3</u>	<u>Fees</u>	<u>6</u>
<u>507.3.2.4</u>	<u>FOIA Liaison Officer Actions</u>	<u>6</u>
<u>507.3.3</u>	<u>Determination to Release or Deny</u>	<u>7</u>
<u>507.4</u>	<u>MANDATORY REFERENCES</u>	<u>7</u>
<u>507.4.1</u>	<u>External Mandatory References</u>	<u>7</u>
<u>507.4.2</u>	<u>Internal Mandatory References</u>	<u>7</u>
<u>507.5</u>	<u>ADDITIONAL HELP</u>	<u>8</u>
<u>507.6</u>	<u>DEFINITIONS</u>	<u>8</u>

An asterisk and yellow highlight indicate that the adjacent material is new for this chapter or substantively revised. 2

507.1 OVERVIEW

Effective Date: 05/28/1996

This chapter outlines the policies and procedures that govern Freedom of Information Act (FOIA) requests for USAID records.

507.2 PRIMARY RESPONSIBILITIES

Effective Date: 03/19/2009

- a. The **Director, Bureau for Management, Office of Management Services (M/MS/OD)** is responsible for receiving and acting upon appeals from requesters whose initial FOIA requests for USAID records have been denied, in whole or in part.
- b. The **Chief, Bureau for Management, Office of Management Services, Information and Records Division (M/MS/IRD)** serves as USAID's Freedom of Information Officer. He or she is responsible for program direction, original denials, policy decisions, and E-FOIA website development required for effective implementation of USAID's FOIA Program.
- c. The **Freedom of Information Team Leader, M/MS/IRD**, is the principal operations officer within USAID for the processing of FOIA requests. This also includes other non-FOIA requests for records if the holding office intends to recommend an access denial to those records or the charging of authorized processing fees for services to be performed in filling such requests.
- d. The **FOIA Team Members, M/MS/IRD**, are responsible for processing requests and releasing records when such releases are authorized by the FOIA. They do not have the authority to make denials, including "no records" responses. See [Attorney General's Memorandum](#) regarding transparency and requirements for FOIA Team Members.
- e. The **General Counsel, Office of Ethics & Administration (GC/EA)** has responsibility for providing legal advice on all USAID matters regarding or resulting from the FOIA. Upon request, GC/EA advises M/MS/IRD on release and denial decisions, and apprises the FOIA Team Leader of all significant developments with respect to the FOIA.

Each Assistant General Counsel designated to provide legal advice to USAID Bureaus and Offices is responsible for providing, at M/MS/IRD's request, legal advice on FOIA requests assigned to those Bureaus or Offices.

- f. The designated **Freedom of Information Liaison Officer** in each USAID Bureau and Office is responsible for monitoring the processing of all FOIA requests assigned by M/MS/IRD to the Bureau or Office he or she represents.

**An asterisk and yellow highlight indicate that the adjacent material is new for this chapter or substantively revised. 3*

g. The **Freedom of Information Liaison Officer** in USAID Missions is the Mission Director or a senior officer designated by the Mission Director. The FOIA Liaison Officer is responsible for coordinating all requests for records received by the Mission, whether the request was received directly by the Mission or through M/MS/IRD, and sending copies of the records to M/MS/IRD in Washington so that M/MS/IRD can respond to the FOIA request.

507.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

507.3.1 General Policy

Effective Date: 05/28/1996

It is the policy of USAID that information about its mission and operations be freely available to the public. The policy directives and required procedures in this chapter are based on the spirit as well as the letter of the FOIA.

507.3.2 General Processing of a FOIA Request

507.3.2.1 Contact Information for FOIA Requests and Appeals

Effective Date: 05/28/1996

a. Written requests: Requesters may send written requests for reasonably described records to the following address:

Chief, Information and Records Division
Office of Administrative Services
U.S. Agency for International Development
Room 2.7C
Washington, DC 20523-2701
FAX: 202-216-3070

The request and the envelope must be plainly marked "FOIA Request." See [22 CFR 212.32](#), Identification of records, for a description of reasonably described records. See USAID's E-FOIA website, <http://www.usaid.gov/foia-requests>, for tips on formulating FOIA requests.

b. Requests in person: Requests can be submitted in person at the USAID Public Information Center during the hours of 9:00 a.m. and 5:00 p.m., excluding weekends and Federal holidays. The Center's address is as follows:

U.S. Agency for International Development
Ronald Reagan Building
1300 Pennsylvania Avenue NW
Mezzanine Level, Room M.01
Washington, DC 20523

**An asterisk and yellow highlight indicate that the adjacent material is new for this chapter or substantively revised. 4*

c. Courier services: Courier services must use the following address and telephone number:

U.S. Agency for International Development
Ronald Reagan Building
1300 Pennsylvania Avenue NW
Room 2.7C
Washington, DC 20523
Telephone: (202) 712-0960

d. Telephone requests: Telephone requests are not accepted.

e. Appeals: Appeals must be addressed to

Director, Office of Administrative Services
U.S. Agency for International Development
Room 4.6B
Washington, DC 20523-2052
FAX: 202-216-3369

507.3.2.2 Expedited Processing

Effective Date: 04/30/2002

a. A requester may be entitled to expedited processing if

- The failure to obtain the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or
- The requester is a person primarily engaged in disseminating information to the public and the information is urgently needed to inform the public of an actual or alleged government activity.

A request for expedited processing must contain

- (1) An explanation detailing the reasons why the request should be expedited; and
 - (2) A certification that the reasons given are true and correct.
- b.** The Chief, M/MS/IRD must notify the requester if the request will be processed on an expedited basis no more than 10 days after M/MS/IRD receives the request.
- c.** If the request for expedited processing is denied, the requester may file an administrative appeal with the Director, M/MS.

**An asterisk and yellow highlight indicate that the adjacent material is new for this chapter or substantively revised. 5*

507.3.2.3 Fees

Effective Date: 05/28/1996

The following specific fees are charged for services rendered:

a. COMMERCIAL USERS

Search	\$23.76
Review	\$40.98
Duplication	20¢ a page

b. EDUCATIONAL & NON-COMMERCIAL SCIENTIFIC INSTITUTIONS

Search	No fee
Review	No fee
Duplication	20¢ a page after the first 100 pages

c. NEWS MEDIA

Search	No fee
Review	No fee
Duplication	20¢ a page after the first 100 pages

d. ALL OTHERS

Search	2 hours free; \$23.76 an hour thereafter
Review	No fee
Duplication	20¢ a page after the first 100 pages

If copies of records are provided in other than paper format (such as on microfiche, video tape, or as electronic data files), or other than first-class mail is requested or required, the requester is charged the actual cost of providing these additional services. (See Mandatory Reference, [22 CFR 212.35](#), Schedule of Fees and Method of Payment for Services Rendered, for more information)

507.3.2.4 FOIA Liaison Officer Actions

Effective Date: 05/28/1996

On receiving from M/MS/IRD requests for USAID records believed to be in the custody of the Bureau or Office, the FOIA Liaison Officer must

- a.** Supervise the retrieval and review of the requested records by appropriate staff of the Bureau or Office;
- b.** Maintain regular and prompt liaison with M/MS/IRD on the status of the

**An asterisk and yellow highlight indicate that the adjacent material is new for this chapter or substantively revised. 6*

retrieval and review process;

- c. Promptly transmit a copy of the requested records to the FOIA Team;
- d. Provide a justifying memorandum to the FOIA Team when a determination has been made to recommend denial of a request, in whole or in part; and
- e. Complete and return to the FOIA Team Form [AID 810-2, Freedom of Information Action Control Record](#), attached to each FOIA request referred to them.

507.3.3 Determination to Release or Deny

Effective Date: 05/28/1996

- a. The Chief, M/MS/IRD, or the Chief's delegate, must make the original determination to release or deny access to a record, in whole or part. (See Mandatory Reference, [22 CFR 212.36](#), Denial of Request for Access to Records)
- b. The Director, M/MS, or the Director's delegate, must make the final determination to deny appeals for access to a record, in whole or part. (See Mandatory Reference, [22 CFR 212.36](#), Denial of Request for Access to Records)

507.4 MANDATORY REFERENCES

507.4.1 External Mandatory References

Effective Date: 03/19/2009

- a. [22 CFR 212.31-42](#)
- b. [OMB Circular No. A-130](#) (Authority)
- c. [5 U.S.C. 552, the Freedom of Information Act](#) (Authority)
- d. [Attorney General's Memorandum](#)

507.4.2 Internal Mandatory References

Effective Date: 04/30/2002

There are no Internal Mandatory references for this chapter.

507.4.3 Mandatory Forms

Effective Date: 04/30/2002

- a. [Form AID 810-2, Freedom of Information Action Control Record](#)

**An asterisk and yellow highlight indicate that the adjacent material is new for this chapter or substantively revised. 7*

507.5 **ADDITIONAL HELP**
Effective Date: 04/30/2002

- a. USAID E-FOIA Web site: <http://www.usaid.gov/foia-requests>

507.6 **DEFINITIONS**
Effective Date: 05/28/1996

There are no Definitions for this chapter.

507_082412

**An asterisk and yellow highlight indicate that the adjacent material is new for this chapter or substantively revised. 8*