



Bureau of Land Management

Department of the Interior

Chief FOIA Officer Report to the Attorney General

I. Steps Taken to Apply the Presumption of Openness

1. The Bureau of Land Management (BLM) implemented Instruction Memorandum (IM) 2009-203, "Freedom of Information Act (FOIA) Policy Guidance," on August 27, 2009. This IM was issued to all BLM States/Centers in support of the new FOIA guidelines. It included the distribution of the Secretary's July 2, 2009 Memorandum, "Freedom of Information Act Policy Guidance." The IM communicated new policy to state the following:

- a. Requests for Records shall be treated liberally with a presumption of disclosure.
- b. The BLM will only withhold information when it reasonably foresees that the release could harm an interest protected by a FOIA exemption (i.e., in cases of National Security, personal privacy, law enforcement, attorney client-privileged information, statute, etc.)
- c. Program offices must provide foreseeable harm statements to deny access to records that are "sensitive and proper" for protection from release to FOIA requesters.
- d. All employees must work collaboratively with FOIA Coordinators to fulfill their roles in processing requests so that replies are handled promptly within the statutory timeframes mandated by law.
- e. Program offices should proactively review records and projects in anticipation of requests to identify information that can be posted online to reduce FOIA requests.

FOIA specialists have briefed managers and Senior Executives on the new guidelines in the Washington Office and all BLM States/Centers. Responsive records are reviewed by program experts, FOIA specialists, and solicitors to ensure that exemptions are applied correctly.

The BLM has plans underway to train FOIA points of contact in program offices by using a number of in-house tools such as brown-bag lunches and Web-based courses which include the updated guidance on FOIA. The Web-based course is scheduled for pilot testing from our National Training Center in April 2010 and for launching in June 2010.

Shortly following the issuance of the Attorney General's Memorandum, the BLM applied the discretionary release guidelines during FOIA processing of responsive records to information protected under exemption 5. Specific examples of discretionary releases that have been made since March 11, 2009 include:



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- a. Draft Environmental Assessments
- b. Attorney Client Privilege information
- c. Draft document with comments for the Section 3.1 Air Quality section as part of an oil and gas lease Environmental Assessment
- d. Draft geomechanical report

2. The BLM’s FY09 annual FOIA report shows a decrease in the number of full denials (in FY08, BLM had 18 full denials; in FY09, BLM had 15 full denials). The BLM has not had an increase in the release of records granted in full or in part. In FY09, the BLM’s backlog increased by one. The ten oldest FOIA requests referenced in the FY08 DOI Annual FOIA Report were completed in FY09.

| BLM FOIA Statistics | FY08 | FY09 |
|--------------------------------|-------------|-------------|
| Total Requests Processed | 1001 | 922 |
| Total Requests Granted in Full | 500 | 408 |
| Total of Partial Grants | 277 | 264 |
| Total Full Denials | 18 | 15 |

II. Steps Taken to Ensure an Effective System for Responding to Requests

The BLM has taken a number of steps to ensure an effective system for responding to requests. In 2008, the BLM FOIA team including States and Centers began using redaction software (Adobe Acrobat Professional) and scanners to assist in processing FOIA requests. In January 2008, we also issued an IM entitled, “Freedom of Information Act (FOIA) Policy to Improve Customer Service per Executive Order 13392: Improving Agency Disclosure of Information.” This IM informed all employees that they should respond to inquiries from the requesting BLM FOIA office within 5 days of the initial notification of a request in order for the agency to begin processing the request in a timely manner.

We have also implemented Standard Operating Procedures requiring all FOIA specialists to use the DOI electronic FOIA tracking system (EFTS) to ensure that all requests are logged in on the date they are received and assigned a tracking number. Electronic FOIA inboxes are checked daily. Requests which require referral to States or other Federal agencies are routed within the statutory timeframe (10 working days) in accordance with the Open Government Act of 2007.



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The FOIA specialists in all BLM States and Centers report either directly to the Chief Information Officer or the State Director. This reporting structure positions all specialists with the ability to adequately carry out their FOIA responsibilities.

Prior to the release of the Attorney General’s Memorandum, the BLM had begun posting information online in an effort to increase proactive disclosures. No new websites have been posted online since the new FOIA guidelines were issued, but there is an effort underway to increase proactive disclosures. The following websites are currently available to the public and feature proactively posted information:

| GENERAL BUREAU OF LAND MANAGEMENT WEBSITES | |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Information on Wild Horse/Burro Gathers, Adoption Holdings, and Sales Statistics | http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro/wh_b_information_center/monthly_review_of.html |
| Range Administration System Reports that Include Information on Grazing Allotment Information, Operator Information, and Permit Schedule Information | http://www.blm.gov/ras/ |

Additionally, a large amount of Joint Pipeline Documents concerned with the defunct Alaska Northwest Natural Gas Pipeline project have been made available to the public upon request after we received several requests for them last year. Due to the size of the files, they are available upon request on DVD rather than posted to the website.

IV. Steps Taken to Greater Utilize Technology

1. Yes, the BLM currently receives requests electronically by e-mail and fax.
2. Not Applicable
3. Yes, the BLM tracks requests electronically using the DOI EFTS.
4. Not Applicable
5. Yes, the BLM Washington Office and 12 of the 14 States and Centers within the BLM utilize redaction software.
6. Not Applicable
7. Yes, the BLM utilizes technology to prepare its FOIA annual report (the DOI EFTS).



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8. Not Applicable

V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

1. The BLM did not reduce its number of backlogged requests between FY08 and FY09. However, it processed all of its 10 oldest requests (requests received in fiscal years 2006 and 2007) that were published in the FY08 annual report. The oldest case dated 8/1/2006 in the FY08 report has been completed. In FY08, BLM reported 46 as the total number of backlog requests. In FY09, the BLM reported 47 backlog requests. In FY09, the oldest request reported was dated 5/29/2008.

2. The BLM conducted a data call to evaluate the number of full-time employees (FTEs) devoted to FOIA processing within the agency. Due to the fact that the majority of our FTEs devoted to FOIA also serve as Records Managers and Privacy Act Officers, we have not been able to reduce the backlog of FOIA requests significantly. See 3 below, also.

3. The BLM is taking multiple steps to improve timeliness in responding to requests and administrative appeals. It has set the following goals:

- a. Host the BLM Annual FOIA Conference by June 14, 2010. Conference attendees will include FOIA, Records Management, and Privacy Act Officers from the BLM States and Center office, as well as the program heads from the Washington Office. The FOIA Program Manager will provide specific guidance on the preparation of foreseeable harm statements, discretionary disclosures, and the Open Government Guidance.
- b. Implement the revised BLM 1278 Manual, "External Access to BLM Records," by June 30, 2010. This Manual lists categories of records that are releasable to the public without a FOIA request. The BLM FOIA specialists and program managers reviewed the current records categories and revised the lists of records which are releasable to the public. The new lists of records will be in the revised BLM 1278 Manual. The release of the Manual will provide an easy checklist for program managers and FOIA specialists to review prior to posting records to the Internet and during the processing of requests.
- c. Establish an administrative policy to streamline FOIA processing by September 30, 2010.



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d. Establish a Virtual FOIA Team to reduce the backlogged requests by September 30, 2010. The BLM plans to leverage its existing resources to assist the State Offices with processing complex and voluminous requests.

The goals above are designed to assist the BLM in reducing the backlog of requests by 10 percent in FY10. By focusing on the efforts above the BLM will provide the greatest results possible to reduce the backlog by 10 percent in FY10.