



Minerals Management Service

Department of the Interior

Chief FOIA Officer Report to the Attorney General

I. Steps Taken to Apply the Presumption of Openness

1. The Secretary of the Interior issued a July 2, 2009 Memorandum to all DOI employees entitled, “FOIA Policy Guidance.” The Minerals Management Service (MMS) is in compliance with the Secretary’s Memo on the new guidance and we are releasing more information keeping in line with the Administration’s new FOIA policy guidance. If we believe there is foreseeable harm in releasing information regarding exemption 5, the DOI Solicitor’s Office has advised that we must write a foreseeable harm statement in accordance with the new standards. MMS is adhering to the Solicitor’s Office advice.

Additionally, the processing of MMS FOIA requests has changed. Although MMS has consistently emphasized the pro-disclosure intent of the FOIA, we have more closely examined withholdings for greater release opportunity to comply with the new Administration’s memoranda. An example of material released on a discretionary basis involves MMS’s renewable energy program. We are releasing drafts and other documents previously withheld in their entirety under exemptions 2 and 5. In most cases, we do not withhold documents in their entirety. We began tracking discretionary releases in Quarter 3 of FY09.

The MMS Minerals Revenue Management (MRM) office provided 3.5-hour FOIA training sessions to all MRM employees and contractors from May 2009 thru August 2009. This training specifically addressed the presumption of openness within President Obama’s Administration and under the Open Government guidelines.

2. The Department’s FOIA Annual Report reflects an increase in the number of full grants made by MMS from FY08 to FY09. In FY08, MMS made 103 full grants. In FY09, MMS made 134 full grants—a net increase of 31 full grants over FY08. The MMS made 38 partial grants in FY08 and 33 partial grants in FY09.

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

The MMS has taken multiple steps to ensure an effective system for responding to requests. The MMS Bureau FOIA Officer receives requests by mail, fax, or through the FOIA electronic mailbox. Upon receipt, a determination is made as to the responsive region/office that will process the request. Requests are forwarded to the appropriate MMS office(s). The MMS Bureau FOIA Officer tracks all entries and responses in the DOI electronic FOIA tracking system (EFTS). The MMS FOIA Liaisons determine the appropriate program office or offices that maintain the requested documents.



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There are weekly and, in most cases, daily communications with all MMS FOIA Liaisons to ensure that responses are provided in a timely manner. The MMS and all regional offices have an intranet website that can be accessed by anyone within MMS, including contractors. The MMS FOIA intranet website contains contact information and resources such as links to DOI FOIA intranet pages, copies of the DOI FOIA regulations and training, etc. Distribution and search logs for individual requests are located on our intranet websites for our program offices to access. The MMS MRM FOIA procedures require these distribution and search logs to be filled out in order to document complete FOIA searches and the time spent searching for records. We can easily provide copies of these logs to the DOI Appeals Office if necessary to verify the FOIA searches. MMS has FOIA Liaisons in our program offices. We also provide support and guidance which includes briefings and training sessions throughout the year. The MMS FOIA staff regularly attends training as needed to continue to increase our efficiency by updating our jobs skills as we apply new FOIA policy guidance.

The MMS Offshore Energy and Minerals Management (OEMM) Gulf of Mexico Region FOIA staff have implemented a specific business process in receiving and responding to all FOIA requests. This process involves the roles of the clerical personnel, FOIA Liaisons, professional/technical subject matter experts, as well as the FOIA Officer. Specific steps are followed from the day the request is received until the response is mailed to the customer. We have implemented a secondary database in addition to the DOI EFTS which is called the Public Information Resources Section Request Board. This internal database is constantly monitored as an additional step assuring that all FOIA requests are identified, acknowledged, assigned for action, and answered in a timely manner.

The MMS MRM FOIA Office purchased new FOIA/PA software (Privasoft) and obtained training in order to properly track the progress of a FOIA request and easily track older and archived requests. The case management portion of the software tracks each action an analyst needs to take in order to efficiently process a request. The actions are organized by date and the software provides reminders of the action due dates. The MMS MRM Information Technology Center (ITC) provides an IT Specialist and a Privasoft System Administrator to load software and update Privasoft with any changes; this allows the MMS MRM FOIA staff to work on FOIA/PA requests in a full-time capacity without system error interruptions.

The MMS MRM FOIA Office is processing nearly all FOIA requests electronically. We have requested (in the FOIA training) that any responsive records be sent to us electronically, if possible. In May 2009, we purchased a scanner to use with the Privasoft software so any paper records can be scanned into the redaction software. The MMS MRM FOIA Office e-mails nearly all its responses if a requester's e-mail address is available. From May 2009 thru August



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2009, the MMS MRM FOIA Office provided 3.5-hour FOIA training sessions to all MRM employees and contractors. One section of this training focused on the importance of timely responses to requesters.

Placement of MMS’s Bureau FOIA function under the Chief Information Officer (CIO) organizationally has helped to ensure that MMS FOIA personnel receive the IT support they require. The Bureau FOIA office and the FOIA regional offices work closely with IT contacts to ensure that information is publicly available.

III. Steps Taken to Increase Proactive Disclosures

The MMS FOIA Office continues to post FOIA requests which are of public interest on its FOIA websites. The MMS OEMM Gulf of Mexico Region Office has signed an outside contract for data management and scanning services. The focus of the contract is to provide scanning services for documents located in our Central File Room. These documents can be released to the public at various points in time in accordance with 30 CFR 250.197. Rather than wait until these documents are the subject of a FOIA request, after the documents are converted from hard copy to electronic images, they are made available on our website for the public. Specific examples of these proactive disclosures are well files, lease owner history, and lists of companies qualified to do business with the Federal Government in the Gulf of Mexico.

The MMS MRM Office-sponsored FOIA training sessions (May 2009-August 2009) specifically addressed the importance of proactively disclosing information which may be of interest to the public. The Office of Enforcement is in the process of setting up a website on MMS’s external page to display civil penalties and violations that were assessed to companies over the past three years. Additionally, the Project Management Office added a Gulf of Mexico Energy Security Act (GOMESA) summary page that displays Reported Royalty Revenue Data, Disbursements, and Lease statistics for GOMESA leases. On each State page, we added State-level GOMESA disbursements and County-level GOMESA and geothermal disbursements.

GENERAL MINERALS MANAGEMENT SERVICE WEBSITES	
MMS Home Page	http://www.mms.gov
MMS Minerals Revenue Management	http://www.mrm.mms.gov/



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MINERALS MANAGEMENT SERVICE WEBSITES FOR PROACTIVE DISCLOSURES	
MMS Offshore Energy and Minerals Management (OEMM)	http://www.mms.gov/offshore/
MMS Alaska OCS Region	http://www.mms.gov/alaska/
MMS Gulf of Mexico Region	http://www.gomr.mms.gov/index.html
MMS Pacific OCS Region	http://www.mms.gov/omm/pacific/index.htm
MMS OEMM Gulf of Mexico Energy Security Act (GOMESA) page that displays Reported Royalty Revenue Data, Disbursements, and Lease statistics for GOMESA leases.	http://www.mms.gov/offshore/GOMESARevenueSharing.htm
MMS Renewable Energy Program	http://www.mms.gov/offshore/RenewableEnergy/index.htm

IV. Steps Taken to Greater Utilize Technology

1. Yes, the MMS currently receives requests electronically via FOIA electronic mailboxes.
2. Not Applicable
3. Yes, the MMS tracks requests electronically using the DOI EFTS.
4. Not Applicable
5. Yes, the MMS uses Appligent Redax redaction software. Placement of the MMS's FOIA function under the CIO organizationally has helped to ensure that MMS FOIA professionals receive the IT support they need.
6. Not Applicable
7. Yes, the MMS uses the EFTS to prepare its annual report.
8. Not Applicable



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

1. In FY09, the MMS received 23 percent more requests (222) than it did in FY08 (180), many of which were complex and involved a voluminous amount of material.

2. The MMS FOIA backlog as reported in both the FY08 and FY09 annual reports was 9. The oldest request in FY08 was dated 10/29/2007. The oldest request reported in FY09 was dated 5/7/2009.

3. While it does not have a significant backlog, the MMS is taking multiple steps to improve timeliness in responding to requests and administrative appeals:

a. The MMS FOIA office is processing nearly all its FOIA requests electronically and is also providing electronic responses. This is a quicker, more efficient method. If we receive an appeal, we can provide an electronic copy of the FOIA request and FOIA response letter, as well as any e-mail received. We typically send all correspondence to the requester via e-mail when available and document any phone calls regarding the request with a follow-up e-mail reiterating what was said in the phone call.

b. The MMS OEMM Gulf of Mexico Region Office has added one Information Technician Assistant position on a part-time temporary basis to assist its FOIA Staff in improving timeliness to requests.

c. In addition to hiring a new temporary staff member who started in January, the MMS MRM FOIA Office purchased new FOIA/Privacy Act software (Privasoft) and obtained training in order to properly track the progress of a FOIA request and easily track older and archived requests. The software has an add-on redaction feature which MMS MRM has also purchased. The redaction portion maintains all records responsive to a request in a searchable records database. The database and redaction portion have enabled the MMS MRM FOIA Office to research requests electronically and provide responses to similar requests quickly. When an appeal is received, the original non-redacted record and the redacted record (with notes) can be retrieved from the system electronically with ease.

d. The MMS MRM FOIA office provided training to all staff from May 2009 thru August 2009. We held FOIA liaison training in April 2009 during which we provided details regarding the Open Government Initiative and President Obama's memoranda.