

STEPS IN FOA PROCESS

FOA NUMBER AND NAME _____

DATE RECEIVED _____

| # | WHO | TASK | DEADLINE | COMPLETED |
|-------|---|--|---------------------------------------|-----------|
| 5.2 | STAFF | Forward FOA request to the Department FOA Coordinator. | upon receipt | |
| 5.2.1 | DEP FOA COORDINATOR | ENTER Initial info in FOA Database (H:\FOA\FOA Database\GO FOAA Log\FOAA 2017 DEPGO.xlsx): <ul style="list-style-type: none"> • Unique identifier; • Requestor's name; • Date request received; • Description of the request; • Status; • Type of Requestor | Within one day of FOA request receipt | |
| 5.2.2 | DEP FOA COORDINATOR | CREATE FOLDER FOR FOA REQUEST Name for the FOA project folder with: (1) unique ID # assigned by database; (2) last name of the requestor in caps; and (3) very brief description of subject of request. (e.g. 99 SMITH (dams)) | Within one day of FOA request receipt | |
| 5.2.3 | DEP FOA COORDINATOR and/or BUREAU FOA COORDINATOR | Save in the FOA project folder: (a) PDF of request letter or email or scan of hardcopy (link to FOA database). (b) written clarifications to original request. Clarifications may be received and saved by the Department FOA Coordinator, Bureau FOA Coordinator(s), or both. | | |
| 5.2.4 | DEP FOA COORDINATOR | Contact Requestor for clarification If requestor provides information that is incomplete to perform a diligent search; Contact out-of-state requestor to confirm that requestor willing to travel to DEP offices to review materials. If not, suspend processing of FOA request should and send letter to requestor advising that the Department will consider the matter closed within 30 days unless requestor confirms they or their agent willing to inspect records at DEP. | If necessary. | |
| 5.2.5 | DEP FOA COORDINATOR | ESTABLISH STAGING AREA. BRWM file room. | | |
| 5.2.6 | DEP FOA COORDINATOR | Notify FOA Distribution Group. Send email to FOA Distribution Group and Bureau FOA Coordinators. Include: (1) link to the electronic copy of FOA request and additional correspondence; (2) location of staging area; and (3) deadline by which staff must produce records in staging area. | After initial processing complete. | |

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| 5.3 | FOA DIST GROUP AND BUREAU FOA COORDINATORS | NOTIFICATION TO STAFF. Make inquiry to staff to ID employees who may possess, maintain, manage, or control, records subject to FOA request; instruct staff to search for and produce requested records in the staging area by the deadline. | ASAP and within five working days FOA request received | |
| 5.3.1 | FOA DIST GROUP | If <u>no</u> requested records identified, notify the DEP FOA Coordinator as such | | |
| 5.3.2 | STAFF | Any employee that has records responsive to request provides DEP FOA Coordinator with estimate of amount of staff time required to produce records. | | |
| 5.4 | DEP FOA COORDINATOR | INITIAL RESPONSE TO REQUESTOR. Send initial response to the requestor in writing and save copy to project folder. | w/in 5 wkg days | |
| 5.5 | STAFF MANAGERS | SEARCH FOR PAPER AND ELECTRONIC RECORDS. employees who may have records requested in FOA conduct a diligent search of paper and electronic records which they possess, maintain, manage, or control. Ensure that records not necessarily associated with individual employee searched. | | |
| 5.6 5.6.1 5.6.1.1 5.6.1.2 5.6.1.3 5.6.1.4 5.6.1.5 | STAFF | REVIEW FOR RECORDS NOT SUBJECT TO PUBLIC ACCESS AND REMOVE AND REDACT the following information from records to be produced pursuant to a FOA request: RECORDS CONFIDENTIAL BY STATUTE. RECORDS CLAIMED OR DESIGNATED CONFIDENTIAL. IDENTITY OF INFORMANTS. PERSONAL CONTACT INFORMATION CONCERNING PUBLIC EMPLOYEES. PERSONNEL RECORDS. | Upon identifying records responsive to FOA request | |
| 5.6.2 5.6.2.1 5.6.2.2 5.6.2.3 5.6.2.4 | STAFF | FLAG RECORDS FOR FURTHER REVIEW. Individual employees segregate and provide to Bureau FOA Coordinator for further assessment records that may contain: WORK PRODUCT DOCTRINE. ATTORNEY-CLIENT PRIVILEGE. TRADE SECRETS. CONSULTATION WITH ATTORNEY GENERAL. | Prior to producing records for inspection and copying, | |

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| 5.6.3 | STAFF | REMOVAL OF CONFIDENTIAL OR PRIVILEGED RECORDS. Indicate where a confidential or privileged item was removed from a file using a numbered Protected Document Sheet (H:\FOA\FOA Templates and Examples\FOA Protected Document Sheet.dot). Attach a duplicate second Protected Document Sheet (with same ID number) to the removed item. | | |
| 5.6.4 | STAFF | ROUTING OF RECORDS. Send records that are not confidential, privileged, or otherwise protected, with a completed FOA Production Cover Sheet (H:\FOA\FOA Templates and Examples\FOA Production Cover Sheet.dot) attached to the staging area | by deadline. | |
| 5.6.5 | STAFF or BUREAU FOA COORDINATOR STAFF (custodian) STAFF (custodian) Department FOA Coordinator | EXCEPTIONS LOG. List records removed or redacted in an exceptions log. (H:\FOA\FOA Templates and Examples \FOA Exceptions Log.docx) and forward log to Department FOA Coordinator. Segregate and maintain records removed from production Re-file segregated records in accordance with Department guidance for filing confidential records. Provide hard copy or PDF of exceptions log(s) to requestor and copy Bureau FOA Coordinators. Refer questions re withheld records to Bureau FOA Coordinator. | no later than ten working days after the deadline until closing of FOA request, after closing of FOA request | |
| 5.6.6 | STAFF | VOLUNTARY DISCLOSURE. Attempt to acquire consent from party who submitted records that are/may be protected to disclose records to requestor or propose that submitter reach an agreement with requestor that portions of records be disclosed while other portions be protected from public access. Obtain consent or agreement in writing. | Optional | |
| 5.7 | STAFF | Complete FOA Processing Form (H:\FOA\FOA Templates and Examples\ FOA Processing Form 2017.docx) and forward to DEP FOA Coordinator | Upon completion of requirements. | |
| 5.8 | DEP FOA COORDINATOR | Contact requestor and schedule a time and place for requestor's inspection and copying of records (e.g. BRWM File Room) | Upon deadline | |
| 5.9 | DEP FOA COORDINATOR | Invoice requestor per policy:; \$15 per hour of staff time after first hour; plus copying costs and/or cost related to scanning or purchase of media device. | | |
| 5.10 | DEP FOA COORDINATOR | Return all materials to respective custodians | After FOA closed. | |