

FOIA Process Overview

The FOIA process begins when requesters file FOIA requests with DOE to obtain agency records. FOIA requests may be filed with DOE; however, the records must be in the Agency's possession and control and must be located after a reasonable search. Agencies are not required to perform additional researches, analyze data, answer written questions or create records.

1. Request Received by FOIA Office

- The written request initially goes to the FOIA Officer in the Department's FOIA office in the Office of Information Resources. The requests should be as specific as possible.
- Upon receipt, the FOIA Officer must decide within 20 days whether to grant the request (Time period for providing a response may be extended under the FOIA. Further, in certain circumstances, requesters may receive an "expedited" response)
- DOE provides a written response to the request either denying the request or notifying the requester of the current status of the request.

2. Determination on Review by Office of Hearings and Appeals

- If the request is denied in whole or in part, the requester has the right to file an appeal with the DOE's Office of Hearings and Appeals. If the Office of Hearings and Appeals denies an appeal in whole or in part, the requester may seek judicial review in a United States District Court.

3. Processing by Authorizing Official

- If the request is accepted, The Freedom of Information Officer will ascertain which Authorizing Official (Head of the Organization within the Department) has responsibility or possession of records.
- The Freedom of Information Officer reviews the request, consults with the Authorizing Official where appropriate and forwards the request to the Authorizing Official for action.
- When the Authorizing Official receives the request, he/she will have his/her organization's FOIA staff review the request and promptly identify and review all responsive records within 10 working days of receipt of a request for records. An extension of time may be sought under appropriate circumstances.
- The Authorizing Official prepares a written response to the requester either (1) granting the request, (2) denying the request, (3) granting/denying it in part, (4) replying with a response stating that the request has been referred to another agency or (5) informing the requester that responsive records cannot be located or do not exist.
- If a request involves records in the custody of multiple Authorizing Officials, the FOIA Officer identifies all concerned Authorizing Officials, forwards copies to all Authorizing Officials that can reasonably be expected to have custody of most of the requested records.

4. Review by the Office of General Counsel

- After review and determination by the appropriate authorizing official(s), the documents, request and response are sent to The Office of General Counsel for Final Review and Concurrence to determine if the authorizing official has conformed with the appropriate statutory authority in responding to the request.
- If the Office of the General Counsel does not concur, the response will be returned to the applicable authorizing official to make the recommended changes before final concurrence is given.