

CIRCULAR

DATE October 25, 2021

PROCESSING REQUESTS UNDER THE FREEDOM OF INFORMATION AND PRIVACY ACTS

REVIEW DATE: October 25, 2026

1.0 PURPOSE

This circular contains the Bureau of Engraving and Printing's (BEP) policy and procedures for processing requests submitted pursuant to the Freedom of Information Act (FOIA), 5 United States Code (USC) § 552 or the Privacy Act (PA), 5 USC § 552a and applicable regulations of the Department of the Treasury found at 31 Code of Federal Regulations (CFR) Part 1.

2.0 SCOPE

This circular applies to all BEP components involved in processing FOIA/PA requests including the Washington, DC Facility (DCF) and the Western Currency Facility (WCF).

3.0 POLICY

It is the policy of the BEP to make available to the public, upon written request, records or extracts thereof, in accordance with the FOIA/PA and applicable regulations of the Department of the Treasury found at 31 CFR Part 1.

The Office of Chief Counsel is responsible for administering the FOIA and PA programs at BEP. All requests for records received pursuant to either the FOIA and/or PA shall be referred to the Disclosure Officer in the Office of Chief Counsel. Unless otherwise officially authorized to do so, no BEP employee or contractor other than the Disclosure Officer may release records of BEP, in whole or in part, under the provisions of the FOIA and/or PA.

The Disclosure Officer will make the final determination on what records are properly releasable under the FOIA and/or PA. BEP records shall be withheld only if it is reasonably foreseen that disclosure would harm an interest protected by a FOIA exemption or if disclosure is prohibited by law. Additionally, the Disclosure Officer shall always consider whether partial disclosure of information is possible whenever it is determined that a full disclosure of a requested record is not possible.

4.0 SUPERSESSION

This circular supersedes Circular No. 50-00.8, "Processing Requests Under the Freedom of Information and Privacy Acts," dated December 16, 2015.

5.0 AUTHORITIES AND REFERENCES

- 5.1 Freedom of Information Act, [5 USC § 552](#).
- 5.2 Privacy Act of 1974, 5 USC § 552a.
- 5.3 Department of the Treasury's regulations, [31 CFR Part 1](#).
- 5.4 Presidential Memorandum on the Freedom of Information Act, [74 Fed. Reg. 4683](#), dated January 21, 2009.

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- 5.5 Office of Attorney General [Memorandum](#) on the Freedom of Information Act, dated March 19, 2009.
 - 5.6 Office of Management and Budget (OMB) [M-10-06](#), Open Government Directive, dated December 8, 2009.
 - 5.7 OMB Fee Schedule and Guidelines Implementing Certain Provisions of the Freedom of Information Reform Act, [52 Fed. Reg. 10012](#), dated March 27, 1987.
 - 5.8 OMB Circular A-108, Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act, dated December 23, 2016.
 - 5.9 Department of the Treasury, The Freedom of Information Act, TD 25-05, dated March 1, 2000.
 - 5.10 Department of the Treasury, The Freedom of Information Act Handbook, [TDP 25-05](#), dated July 2010.
 - 5.11 Department of the Treasury, The Privacy Act of 1974, [TD 25-04](#), dated January 27, 2014 (Administrative Edit).
 - 5.12 Department of the Treasury, The Privacy Act Handbook, [TD P 25-04](#).
 - 5.13 Department of Justice, [Guide to the Freedom of Information Act](#).
 - 5.14 Department of Justice, [Overview of the Privacy Act of 1974](#).

6.0 RESPONSIBILITIES

BEP's Chief Counsel is responsible for general oversight of the FOIA and PA program and for designating one or more employees to serve as Disclosure Officer and Appeals Officer.

6.1 The Disclosure Officer is responsible for:

- 6.1.1 Administering the FOIA and PA programs as the Director's agent;
- 6.1.2 Designating a FOIA/PA Coordinator to assist the Disclosure Officer in all matters relating to the administration of the provisions of this circular;
- 6.1.3 Determining whether to honor requests, in whole or in part, in accordance with the FOIA/PA;
- 6.1.4 Establishing a system to assign an individualized tracking number within 10 business days for each request received and provide to each individual filing a request the tracking number assigned to the request;
- 6.1.5 Acknowledging, in writing, receipt of the request, not later than 10 business days from receipt of the request;
- 6.1.6 Ensuring that FOIA requests are processed within 20 business days and PA requests within 30 business days. A request for more time to search and review records should not exceed 30 days unless exceptional circumstances require a longer period. Those circumstances are:

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- 6.1.6.1 The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;
 - 6.1.6.2 The need to search, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request; or
 - 6.1.6.3 The need for consultation, which shall be conducted with all practical speed, with another bureau or agency having substantial subject matter interest therein.
- 6.1.7 Reviewing and approving all requests for records, letters of acknowledgement, deficiency letters, expedited processing requests, fee waivers and categories, extensions, consultations, referrals, certification letters, and notices of denial or delay to complete processing the FOIA/PA requests. The Disclosure Officer shall offer the services of BEP's FOIA Public Liaison when making their determinations on requests and, if the determination is adverse, they must also notify requesters of the mediation services provided by National Archives and Records Administration, Office of Government Information Services (OGIS);
 - 6.1.8 Ensuring that all payments are sent to BEP's Office of Financial Management, Accounting Division and maintaining copies of all receipts and BEP Form 8643-1, "Report of Collection" (see [Exhibit A](#));
 - 6.1.9 Reviewing, approving, and transmitting BEP's Monthly, Annual, and Chief FOIA/PA Reports to the Department of the Treasury, Departmental Office;
 - 6.1.10 Ensuring FOIA/PA training for BEP employees and contractors;
 - 6.1.11 Establishing a telephone line or internet service that provides information about the status of a request;
 - 6.1.12 Reviewing and updating BEP's FOIA/PA website;
 - 6.1.13 Maintaining BEP's FOIA Library;
 - 6.1.14 Transmitting the FOIA/PA file to the Appeals Officer for disposition; and
 - 6.1.15 Performing all other duties required by the FOIA/PA, Department of the Treasury's Departmental Office, and Department of the Treasury's directives.

6.2 The FOIA/PA Coordinator is responsible for:

- 6.2.1 Entering all FOIA/PA requests and appeals into the automated FOIA/PA Online System and Tracking Table on the same day as receipt. The information recorded into the FOIA/PA Online System and Tracking Table shall include, at least:
 - 6.2.1.1 Date received;
 - 6.2.1.2 Name of the requester;
 - 6.2.1.3 Subject;
 - 6.2.1.4 Exemptions claimed; and

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- 6.2.1.5 Date of disposition of the request (see [Exhibit B](#));
- 6.2.2 Maintaining a separate paper record of all FOIA/PA records;
- 6.2.3 Ensuring that all requests for records made pursuant to the FOIA are delineated separately from those requests for records made pursuant to the PA;
- 6.2.4 Providing a copy of the incoming request to the Disclosure Officer on the same day as receipt of the request;
- 6.2.5 Preparing appropriate transmittal emails, memorandum, and certification letters requesting responsive records for review by the Disclosure Officer (see Exhibits [C](#), [D](#));
- 6.2.6 Routing transmittal emails, memorandum, and certification letters to the appropriate Office Chief for initial search and technical review;
- 6.2.7 Collecting and reviewing the certification letter and responsive records sent by the Office Chief for review by the Disclosure Officer;
- 6.2.8 Drafting the acknowledgment or deficiency letter to the requester for final review and signature approval by the Disclosure Officer;
- 6.2.9 Drafting proper notice of delay in responding to the requester for approval by the Disclosure Officer. In circumstances where the Disclosure Officer has approved an extension to complete processing the FOIA/PA request, preparing a written notification to the requester indicating the extended completion date for signature approval by the Disclosure Officer;
- 6.2.10 Calculating fees in accordance with the FOIA/PA and 31 CFR § 1.7 and following up on outstanding fees due by requesters;
- 6.2.11 Recording and hand delivering all payments to BEP's Office of Financial Management, Accounting Division and maintaining copies of all cash receipts and BEP Form 8643-1, "Report of Collection" (See, [Exhibit A](#));
- 6.2.12 Updating the FOIA/PA Liaison list within each BEP component;
- 6.2.13 Compiling and reviewing data to prepare BEP's Monthly, Annual, and Chief FOIA/PA Reports for review and signature approval by the Disclosure Officer;
- 6.2.14 Updating BEP's FOIA Library and website; and
- 6.2.15 Performing all other duties required by the FOIA/PA, Department of the Treasury's Departmental Office, and Department of the Treasury's directives.

6.3 The Appeals Officer is responsible for:

- 6.3.1 Reviewing FOIA appeals received by the Director; and
- 6.3.2 Absent unusual circumstances, recommending a decision to the Director within 20 business days after receipt of the appeal.

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6.4 The Office Chief is responsible for:

- 6.4.1 Preserving, searching, collecting, reviewing, and preparing records within that office;
- 6.4.2 Designating a FOIA/PA Liaison;
- 6.4.3 Notifying the Disclosure Officer and/or FOIA/PA Coordinator of the name, telephone number, room number, and email address of the FOIA/PA Liaison within that office;
- 6.4.4 Reviewing and signing the certification letter along with any records prepared by the designated FOIA/PA Liaison within 10 calendar days. The Office Chief may designate the FOIA Liaison as the signatory authority for the certification letter. However, the Office Chief will remain responsible for certifying whether there are responsive records; and
- 6.4.5 Requesting and justifying an extension of time within two calendar days before the due date.

6.5 The FOIA/PA Liaison is responsible for:

- 6.5.1 Searching, collecting, reviewing, and preparing records within that office and ensuring completion of the certification letter;
- 6.5.2 Coordinating with the Records Liaison within that office for purposes of searching and collecting responsive records; and
- 6.5.3 Routing the certification letter and appropriate records to the FOIA/PA Coordinator. The FOIA/PA Liaison must provide the original record plus a copy along with the certification letter. The original records will be returned once the Office of Chief Counsel concludes processing the request.

7.0 PROCEDURES

- 7.1 BEP responds to FOIA/PA requests by mail, fax, or the Department of Justice's National Portal System. BEP does not accept FOIA/PA requests by electronic mail.
- 7.2 A request under the FOIA must:
 - 7.2.1 Be in writing and signed;
 - 7.2.2 State that it is made pursuant to FOIA;
 - 7.2.3 Contain a statement that enables the processing office to determine the appropriate fee category (i.e., commercial requesters, educational institutions, non-commercial scientific institutions, news media, or all other requesters);
 - 7.2.4 Describe the nature of the records being sought in sufficient detail to enable personnel to locate the records, including the date timeframes, subject matter, location, if possible. If the scope is too broad, the requester may incur large fees for search, review, and/or duplication;
 - 7.2.5 Provide an address where the determination letter may be sent;

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- 7.2.6 State whether the requester wishes to inspect the records or have a copy made without first inspecting them;
- 7.2.7 Contain a statement agreeing to pay fees for search, duplication, and/or review as appropriate. In the absence of an agreement to pay, the requester may submit a request for a waiver or reduction of fees, along with a justification of how such a waiver request meets the criteria for a waiver or reduction of fees in accordance with the FOIA, 5 USC § 552(a)(4)(A)(iii) and regulations of the Department of the Treasury found at 31 CFR § 1.7(d) (see section 9.0, Fees and Fee Waivers); and
- 7.2.8 State whether the requester desires expedited processing due to a compelling need (see Section 8.0, Expedited Processing).
- 7.3 A request under the PA must:
- 7.3.1 Be in writing and signed by the individual about whom the record is maintained or their duly authorized representative. A request for records or amendment of records on an individual made by a third party must include a release signed by the individual whose records are being requested;
- 7.3.2 State that it is made pursuant to the PA;
- 7.3.3 Describe the nature of the records being sought in sufficient detail (i.e., dates or timeframes if possible) to enable personnel to locate the records;
- 7.3.4 Provide the name of the system/subsystem or categories of records to which access is sought;
- 7.3.5 Provide an address where the determination letter may be sent; and
- 7.3.6 Include proof of identity that bears the requester's signature (i.e., driver's license) or a signed and dated notarized statement swearing or affirming the requester's identity and that they understand the penalties provided in 5 USC § 552a (i)(3) for requesting or obtaining access to records under false pretenses.
- 7.4 Under the FOIA, 5 USC § 552(a)(6)(A) and the Department of the Treasury regulations found at 31 CFR § 1.5(h), BEP is required to respond to a perfected request within 20 business days of receipt unless the requester agrees to an extension or an extension is warranted under unusual circumstances.
- 7.5 For a PA request, BEP has up to 30 business days after receipt of a perfected request to complete processing the request as set forth in the Department of the Treasury regulations found at 31 CFR § 1.26(g) unless unusual circumstances warrant a delay.
- 7.6 When a determination has been made to grant or deny a request, a final determination will be mailed along with a certificate of service.
- 7.7 If the requester asks to inspect the records in person, the records will be made available in an area designated by the Disclosure Officer after reviewing the records and any appropriate deletions are made. When it is not possible to bring the records

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to the individual, an escort will be provided and will remain with the individual until completion of the inspection.

- 7.8 If a requester does not respond within 30 calendar days to any communication from BEP, the request file will be closed. The requester shall be advised of this rule.
- 7.9 The Office of Chief Counsel will not process FOIA/PA requests during the Year-End Shutdown (YES) period. All FOIA/PA requests received during this time will be processed when operations resume at the DCF and WCF.

8.0 EXPEDITED PROCESSING

- 8.1 Requests and appeals will be processed on an expedited basis only upon request and when it is determined that they involve a “compelling need” in accordance with the FOIA, 5 USC § 552(a)(6)(E) and the Department of the Treasury regulations found at 31 CFR § 1.5(e). Both the envelope and the request itself must be clearly marked "Expedited Processing Request."
- 8.2 A “compelling need” means that:
 - 8.2.1 Failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to life or physical safety of an individual; or
 - 8.2.2 The requester is an individual primarily engaged in disseminating information, and there is an urgency to inform the public concerning actual or alleged Federal government activities. The standard of “urgency to inform” requires that the records requested pertain to a matter of current exigency to the public and that delaying a response to a request for records would compromise a significant recognized interest to and throughout the general public; or
 - 8.2.3 The loss of substantial due process rights.
- 8.3 The demonstration of “compelling need” must be supported by a certified statement by the requester under penalty of perjury to be true and correct to the best of their knowledge and belief. The statement should be in the form prescribed by 28 USC § 1746 as followed: “I declare under penalty of perjury that the foregoing is true and correct. Executed on (date).” As a matter of administrative discretion, BEP may waive the formal certification requirement.
- 8.4 According to the FOIA, 5 USC § 552(a)(6)(E) and the Department of the Treasury regulations found at 31 CFR § 1.5(e), BEP has 10 calendar days to grant or deny a request for expedited processing.
- 8.5 When expedited processing has been denied, requesters may file an appeal within 10 calendar days of the date of the notice of denial. The appeal must be in writing and addressed to: Disclosure Officer, Bureau of Engraving and Printing, Office of Chief Counsel, 14th & C Streets, Room 419-A, SW, Washington, DC 20228. The appeal determination and notification must be made by BEP within 10 business days of receipt of the appeal of the denial of expedited processing.

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9.0 FEES AND FEE WAIVERS

9.1 When Charged.

Fees to be charged under the FOIA/PA will vary depending upon the requester category (i.e., commercial requester, educational institution, non-commercial scientific institution, news media, or all other requesters). Search, review, and duplication fees are calculated in accordance with the procedures set forth by the Department of the Treasury's regulations found at 31 CFR § 1.7, and may be charged, when applicable, even if no records are found or disclosed.

BEP reserves the right to request payment after a request is processed and before records are released. Requesters have the option of deciding how much they are willing to pay for requested information, but it should not be less than \$25.00. BEP does not charge a fee if the total cost of processing a FOIA request is \$15.00 or less and for a PA request \$3.00 or less.

When it is anticipated that the fees will exceed \$250.00 and the requester has not indicated in advance their willingness to pay fees as high as are anticipated, payment of the estimated fees must be obtained prior to performing such work in the case of requesters with no history of payment.

When a requester or group of requesters attempts to break a request into a series of requests for the purposes of evading the assessment of fees, BEP shall aggregate any such requests and charge accordingly.

The following schedule of fees shall be charged for materials and/or services furnished in response to requests for records received from commercial requesters, educational institutions, non-commercial scientific institutions, news media, or all other requesters. This also includes BEP's search and review, and costs of preparing records for inspection in those cases when the requester has not requested copies of the records.

If BEP fails to comply with the FOIA's time limit in which to respond to a FOIA request, it may not charge search fees, or, in the instances of requests from educational institutions, noncommercial scientific institutions, or representatives of the news media it may not charge duplication fees.

- 9.1.1 Standard Paper Duplication. \$0.15 per page for standard duplication services, such as making photocopies. Fees for special duplication services, such as those involving photographs or requiring that materials be sent to a private contractor for copying, are based on the actual cost of duplication.
- 9.1.2 Photo Prints. An amount equal to actual processing costs based on labor, materials, and overhead expenses.
- 9.1.3 Formats/Tools (CD's DVD's, etc.). The actual cost of the tools, supplies, and time expended will be charged based on labor, material and overhead expenses.
- 9.1.4 Search and Review. For each 15 minutes spent by personnel searching for requested records, including electronic searches that do not require new programming, the search fees shall be as follows: executive – \$21; professional

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– \$16.50; and administrative – \$13.00. Review fees will be charged separately at the same rate.

- 9.1.5 Other services. Other services and materials requested, which are not covered by this Section nor required by the FOIA/PA are chargeable at actual costs. This includes, but is not limited to: a) certifying that records are true copies, and/or b) sending records by special methods such as express mail, etc.

9.2 Fee Category

Fees to be charged under the FOIA/PA will vary depending upon the requester's category. The fee categories are as follows:

- 9.2.1 Commercial Use. Refers to requests from or on behalf of one who seeks information for a use or purpose of furthering the commercial, trade, or profit interests of the requester, which can include furthering those interests through litigation.
- 9.2.2 Educational Institution. Refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research. A requester in this category must show that the request is made in connection with the requester's role at the educational institution. BEP may seek assurance from the requester that the request is in furtherance of scholarly research and will advise requesters of their placement in this category.
- 9.2.3 Non-Commercial Scientific Institution. Refers to an institution that is not operated on a commercial basis, and that is operated solely for the purpose of conducting scientific research – the results of which are not intended to promote any particular product or industry. A requester in this category must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are sought to further scientific research and not for a commercial use.
- 9.2.4 Representative of the News Media/Freelancers. Refers to any person or entity that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting news to the public at large and publishers of periodicals that disseminate "news" and make their products available through a variety of means to the general public. A request for records that supports the news-dissemination function of the requester shall not be considered to be for a commercial use. "Freelance" journalists who demonstrate a solid basis for expecting publication through a news media entity shall be considered as a representative of the news media. A publishing contract would provide the

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clearest evidence that publication is expected; however, components shall also consider a requester's past publication record in making this determination.

9.2.5 All other requesters. Refers to requesters not falling into any of the categories mentioned above.

The following chart shows the services that are provided free of charge and the services, which are chargeable for the different requester categories:

Requester Category	Free	Chargeable Fees
Commercial	None.	Search, review (even if records are not disclosed), and duplication.
Educational Institution	Search, review, and 100 pages.	Search if records are sought for commercial use, and duplication over 100 pages.
Non-Commercial Scientific Institution	Search, review, and 100 pages.	Duplication over 100 pages.
News Media	Search, review, and 100 pages.	Duplication over 100 pages.
All other requesters	For FOIA: 2 hours of search, review, 100 pages. For PA: Search, review, and 100 pages.	For FOIA: Search after 2 hours and duplication over 100 pages. For PA: Duplication over 100 pages.

9.3 Waiver or Reduction of Fees

9.3.1 A fee waiver or reduction of fees will only be granted if the disclosure of the information is in the public interest because: 1) furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the government; **and** 2) is not primarily in the commercial interest of the requester.

9.3.2 Requests for fee waivers must be submitted in writing and are not automatically granted as they are decided on a case-by-case basis. A requester's status as a non-profit organization or representative of the news media will not automatically qualify the requester for a fee waiver without showing that the waiver is in the public interest. A requester is not eligible for a fee waiver solely because of indigence. BEP will notify in writing of the decision to grant or deny the fee waiver.

9.3.3 In deciding whether the public interest standard is satisfied, BEP will consider the following factors:

9.3.3.1 Disclosure of the requested information would shed light on the operations or activities of the government. The subject of the request must concern identifiable operations or activities of the federal

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government with a connection that is direct and clear, not remote or attenuated.

9.3.3.2 Disclosure of the requested information would be likely to contribute significantly to public understanding of those operations or activities. This factor is satisfied when the following criteria are met:

9.3.3.2.1 Disclosure of the requested records must be meaningfully informative about government operations or activities. The disclosure of information that is already in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding.

9.3.3.2.2 The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public must be considered. BEP will presume that a representative of the news media will satisfy this consideration.

9.3.3.3 The disclosure must not be primarily in the commercial interest of the requester. To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, BEP will consider the following criteria:

9.3.3.3.1 Whether the requester has any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. BEP will give an opportunity to the requester to provide explanatory information regarding this consideration.

9.3.3.3.2 If there is an identified commercial interest, BEP will determine whether that is the primary interest furthered by the request.

9.4 Appeals of Denials of Requests for Waiver/Reduction of Fees or Fee Category.

9.4.1 When a request for waiver/reduction of fees has been denied, or there has been an adverse determination of the requester's fee category, requesters may file an appeal within 90 calendar days of the date of the notice of denial.

9.4.2 The appeal must be in writing and addressed to: Director, Bureau of Engraving and Printing, 14th & C Streets, SW, Washington, DC 20228. Requesters must include the assigned FOIA/PA number, a copy of the request, the BEP final response letter, and any other correspondence associated with the request. The letter and the envelope should be clearly marked "Freedom of Information Act Appeal-Fee" or "Privacy Act Appeal-Fee."

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10.0 PAYMENTS

Payment shall be sent in the form of a check or money order payable to the Bureau of Engraving and Printing and sent to the Disclosure Officer, Bureau of Engraving and Printing, Office of Chief Counsel, 14th & C Streets, Room 419-A, SW, Washington, DC 20228. The Disclosure Officer shall record and hand-carry payments to BEP Office of Financial Management, Accounting Division, accompanied by a completed Form 8643-1, "Report of Collection" (see [Exhibit A](#)).

11.0 ADMINISTRATIVE APPEALS

11.1 A requester may appeal an initial FOIA determination to the Director of BEP in any of the following circumstances:

- 11.1.1 Access to the records they requested has been denied in whole or in part;
- 11.1.2 The request does not reasonably describe the records sought;
- 11.1.3 The information requested is not a record subject to the FOIA
- 11.1.4 The requested record does not exist, cannot be located, or has been destroyed;
- 11.1.5 The requested records are not readily reproducible in the form or format sought by the requester;
- 11.1.6 An adverse determination has been made as to the fee category or waiver applicable to request; or
- 11.1.7 A request for expedited processing has been denied.

11.2 The appeal must be filed within 90 calendar days of the date of the notice of the relevant determination. However, an appeal of a denial for expedited processing must be filed within 10 calendar days of the denial.

11.3 Appeals must be in writing and addressed to: Director, Bureau of Engraving and Printing, 14th & C Streets, SW, Washington, DC 20228. Requesters must include the assigned FOIA/PA number, a copy of the request, the BEP final response letter, and any other correspondence associated with the request. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal" or "Privacy Act Appeal."

11.4 Absent unusual circumstances, the BEP Director must make a determination with respect to any appeal within 20 business days after receipt of such appeal. If an adverse determination is made upon appeal, the Director shall inform the requester of their right to commence an action in the U.S. District Court.

12.0 FOIA ELECTRONIC READING ROOM AND FREQUENTLY REQUESTED RECORDS

12.1 The FOIA, 5 USC § 552(a)(2) and the Department of the Treasury regulations found at 31 CFR § 1.4 require each agency to provide in electronic format a place where the public may inspect and copy or have copied the following categories of records:

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- 12.1.1 Final opinions, including concurring and dissenting opinions and orders made in the adjudication of cases, as defined in 5 USC § 551, that may be cited, used, or relied upon as precedents in future adjudications.
 - 12.1.2 Statements of policy and interpretations that have been adopted by BEP and are not published in the Federal Register. This qualification is generally met when the head of an agency or a responsible official who has been empowered by the agency to make an authoritative issuance has taken action.
 - 12.1.3 Administrative staff manuals and instructions, or portions thereof, which establish a BEP policy that affects a member of the public.
 - 12.1.4 Frequently Requested Records, which are records that have been located and processed in response to a FOIA request that have become or are likely to become the subject of subsequent requests for substantially the same records, regardless of form or format, or when BEP receives three or more requests for the same record.
 - 12.1.5 A general index of the records referred to under 12.1.4 above.
- 12.2 Listed below are some of the categories of records, which may be examined, copied, or reproduced in response to public inquiries:
- 12.2.1 Circulars
 - 12.2.2 Notices
 - 12.2.3 Bulletins
 - 12.2.4 Manuals and Operating Documents
 - 12.2.5 General Rules, Regulations, and Handbooks
 - 12.2.6 Production Reports
 - 12.2.7 Financial Statements with Respect to BEP Operations
 - 12.2.8 Invitations to Bid
 - 12.2.9 Purchase Orders
 - 12.2.10 Logs
- The categories of records listed above have been published solely for the convenience of the public, and their inclusion in this index should not be construed as a determination that specific records are releasable. BEP has the right to invoke the exemptions listed in the FOIA, 5 USC § 552(b) in appropriate instances.
- 12.3 The BEP FOIA Library is located at 14th & C Streets, SW, Washington, DC 20228-0001.

13.0 RETENTION PERIOD

FOIA/PA records will be retained in accordance with the National Archives and Records Administration (NARA) General Records Schedule No. 4.2.

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14.0 OFFICE OF PRIMARY RESPONSIBILITY

Office of Chief Counsel

<electronically approved>

Leonard R. Olijar

Director

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EXHIBIT B

FOIA/PA REQUESTS FISCAL YEAR XXXX

REQUEST #	FOIA/PA	NAME	DESCRIPTION	DO	DATE REQUEST REC'D	DATE DEFICIENCY LETTER	ACKNOWLEDGMENT LETTER	DATE TASK DOCS SENT	DATE CERTIFICATION LETTER REC'D	AMENDED REQUEST REC'D	TRACK (I, U, III)	EXPEDITED PROCESSING	WAITER OF FEES	EXTENSION OF TIME REQUEST	DATE REQUEST CLOSED	DISPOSITION	FOIA/PA EXEMPT	FEES CHARGED	DATE PAYMENT REC'D	DATE APPEAL REC'D	COMMENTS
1	XXXX-03-003	FOIA	Doc, John BFP Monthly Production Report	XX	8/23/2012	8/30/2012	NA	NA	NA	NA	I	NO	NO	NO	10/5/2012	ACTIVE	NA	NO	NA		News Media
2	XXXX-03-003	FOIA	Doc, John	XX	8/31/2012	NA	9/8/2012	9/12/2012	9/27/2012	NA	II	GRANTED	NO	9/28/2012	10/10/2012	ACTIVE - Imperfect	NA	NO	NA		
3	XXXX-03-003	FOIA	Doc, John	XX	9/4/2012	9/6/2012	NA	NA	NA	NA	II	NO	DEFERRED	NO	10/10/2012	CLOSED - Imperfect	NA	NO	NA		
4	XXXX-03-003	FOIA/PA	Doc, John Contracts EMC, Net App and REP	XX	9/4/2012											CLOSED - Full Grant		\$107.54	10/1/2012		*TD to OA 7/16/2013, CD
5	XXXX-03-003	FOIA/PA	Doc, John	XX	9/1/2012										9/28/2012	CLOSED - Full Denial	NA			11/1/2012	
6	XXXX-03-003	FOIA	Doc, John	XX												CLOSED - Partial Grant/Denial	b(5), b(7)				
7	XXXX-03-003	PA	Doc, John	XX												CLOSED - Assigned to Another Agency					Referred to the OIG-Treas
8	XXXX-03-003	PA	Doc, John	XX												CLOSED - No Records Defined					

CIRCULAR

DATE October 25, 2021

EXHIBIT C**MEMORANDUM**

TO: Name, Chief
Office of _____

FROM: Name, Disclosure Officer
Office of Chief Counsel

SUBJECT: FOIA/PA Request for Records

FOIA/PA Request No. xxxx-xx-xxxx

DATE: Month, Day, Year

On (Month, Day, Year), the Office of Chief Counsel received a Freedom of Information Act (FOIA) request under 5 USC § 552 (or Privacy Act (PA) request under 5 USC § 552a) from (Name of Requester) to obtain (description of records requested). Attached please find for your review the (FOIA or PA) request and a certification response letter that must be completed and signed.

Once you review the request, please determine if you have any responsive records. In determining whether you have responsive records, BEP is not obliged to create records. However, we are required to provide records that exist in either an automated system or manual record file.

If responsive records are found, please provide them within 10 calendar days upon receipt of this memorandum. Please provide the original records plus one copy along with the certification response letter to the Office of Chief Counsel, Room XX. We will determine what is appropriate for release pursuant to the (FOIA or PA). The original records will be returned once we conclude processing the request. If you cannot respond within 10 calendar days, please submit a written request with a justification, within two calendar days of your due date.

If you have any questions about this request, please call me at (xxx) xxx-xxxx.

Enclosure(s)

CIRCULAR

DATE October 25, 2021

EXHIBIT D

CERTIFICATION LETTER FOIA/PA REQUEST FOR RECORDS

I. BACKGROUND DATA

Privacy Request No: xxx-xx-xxx
Date Received: (Month, Day, Year)

FOIA Request No. xxx-xx-xxx

Requester: (Name)

Nature of Request: (Description of Records)

II. OFFICE/PERSON RESPONSIBLE FOR PROVIDING INFORMATION TO THE OFFICE OF CHIEF COUNSEL:

Name, Chief-Office of _____

III. CERTIFICATION AS TO INFORMATION PROVIDED FOR BEP RESPONSE

The attached is a FOIA/PA request filed under 5 USC § 552 or § 552a. You must provide all records maintained in your files relative to the above-captioned request within 10 calendar days upon receipt of this certification letter. Upon completion of your search and review, please indicate (X) the appropriate statement, sign and return to the Disclosure Officer, Office of Chief Counsel, Room XX.

1. _____ This certifies that records are on file and the records are enclosed.
2. _____ We are unable to provide you with copies in the time frame you requested. We shall furnish you with the required information by: _____. Please provide justification in the notes section below.
3. _____ We have searched and reviewed the files maintained in this office and certify that there are no records responsive to this FOIA/PA request.

IV. EFFORT REQUIRED TO FURNISH REQUESTED INFORMATION

Please complete the information below.

SEARCH	REVIEW	NUMBER OF PAGES/COPIES	MATERIALS (i.e., COST OF CD, DVD ETC.)
HOURS: GS & STEP:	HOURS: GS & STEP:		

Print name: _____
Signature: _____
Title: _____

Date: _____

Notes _____
