



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3378

**Subject:** Improving the Department of the Interior Freedom of Information Act Program

**Sec. 1 Purpose.** This Order is intended to provide the Deputy Chief FOIA Officer (DCFO) with the necessary resources and authority to fully oversee the Department of the Interior (Department) Freedom of Information Act (FOIA) program and align capabilities that are essential to accomplishing long-term strategic goals.

**Sec. 2 Background.** Secretary's Order 3371 "The Department of the Interior Freedom of Information Act Program" dated November 20, 2018 (SO 3371), designated the Solicitor as the Chief FOIA Officer for the Department and established the DCFO position in the Office of the Solicitor (SOL) to oversee the Department's FOIA program. This Order expands upon SO 3371 by establishing the Departmental FOIA Office (DFO) in the Office of the Solicitor, clarifying the authority of the DCFO, and assigning additional FOIA-related responsibilities to Department employees.

**Sec. 3 Scope.** This Order applies to all employees and Bureaus/offices of the Department except the Office of the Inspector General and the National Indian Gaming Commission and their employees. This Order specifically addresses a category of employees known as "FOIA personnel." This term encompasses any employee who processes FOIA requests, including intake and tracking, disseminating search requests, reviewing records, preparing release packages, or other activities necessary to respond to FOIA requests, whether the employee performs the functions full-time or as a collateral duty.

**Sec. 4 Authority.** This Order is authorized by the FOIA, 5 U.S.C. § 552, as amended, and section 2 of Reorganization Plan No. 3 of 1950, 64 Stat. 1262, as amended.

**Sec. 5 Establishment of Departmental FOIA Office (DFO).** The DFO is hereby established in the Immediate Office of the Solicitor, under supervision of the DCFO.

**Sec. 6 FOIA Roles & Responsibilities.**

a. Deputy Chief FOIA Officer. The DCFO oversees all aspects of the Department's FOIA program, including authority to direct activities of the FOIA offices of Bureaus/offices and assumes control over any aspect of any FOIA request in the Department. Specifically, to the extent resources allow, the DCFO is responsible for:

- (1) Overseeing the work of DFO staff.

(2) Regularly advising Department senior leadership and Bureau/office heads regarding all aspects of the Department's FOIA program, and overall compliance with this Order and SO 3371.

(3) Promulgating policies and procedures that govern FOIA processing for all Bureaus/offices.

(4) Providing mandatory training to FOIA personnel and other employees in Bureaus/offices, as appropriate.

(5) Establishing appropriate FOIA program management elements to be included in position descriptions (PDs), performance standards for all FOIA personnel in Bureaus/offices, and coordinating with Bureaus/offices to ensure that FOIA personnel PDs and Employee Performance Appraisal Plans (EPAPs) are approved by the DCFO.

(6) Serving as the reviewing official on EPAPs for all Bureau/office FOIA Officers, and approving all year-end performance ratings issued to FOIA Officers.

(7) Serving as deciding official, as appropriate, for disciplinary and performance-based actions against FOIA Officers.

(8) Conducting periodic staffing needs assessments for each Bureau/office to determine staffing levels necessary to efficiently and effectively manage its FOIA activities; and providing direction to Bureau/office heads on any necessary realignment of FOIA Personnel to leverage existing resources.

(9) Approving recruitment, selection, and reassignment actions for Bureau/office FOIA Officers.

(10) Coordinating with the Office of the Chief Information Officer (OCIO) to obtain, deploy, and adequately train users in information technology that will improve processing and managing FOIA requests.

(11) Establishing and deploying a FOIA Support Team to provide operational support for FOIA processing in Bureaus/offices based on deployment criteria that is established and approved by the DCFO.

(12) Providing cross-training and career development opportunities to FOIA personnel by establishing a rotation plan to detail Bureau/office FOIA personnel into the DFO to assist with FST operational support activities as well as by other means.

(13) Establishing an oversight program to monitor FOIA-related activities throughout the Department, including developing and assisting with the implementation of quality control review plans for each Bureau/office to ensure that FOIA processing is consistent, efficient, and accurate.

(14) Establishing a FOIA Litigation Unit and consolidating FOIA litigation activities in the FLU after all of the other DFO units are fully staffed and operational.

(15) Conducting periodic assessments of the Department's FOIA Program to determine if the DFO-led programs and activities are positively impacting FOIA operations of the Department.

(16) Directing and taking other actions the DCFO deems necessary to improve the Department's FOIA program.

b. Assistant Secretary - Policy, Management and Budget (AS - PMB).

The AS - PMB is responsible for issuing and implementing, in consultation with SOL, policy and/or guidance for Bureau/office personnel relating to this Order, such as standardized PDs, as needed; and assisting SOL, through the Office of Human Capital and the Office of Budget, in completing workforce and cost analyses for existing Bureau/office FOIA activities and staffing.

c. Chief Information Officer (CIO). The CIO is responsible for coordinating with the DFO to obtain, deploy, and adequately train users in improved technology that will be utilized by Bureau/office FOIA offices to process and manage FOIA requests.

d. Bureau/Office Heads. Each Bureau/office head is responsible for:

(1) Ensuring that Bureau/office PDs and EPAPs for FOIA Personnel are approved by the DCFO; and the DCFO is the reviewing official on all of the FOIA Officers' EPAPs beginning in FY 2020.

(2) Timely providing any requested data to the AS - PMB and the DFO to enable the completion of workforce and cost analyses.

(3) Implementing directives of the DCFO regarding realignment of FOIA personnel (including reporting relationships and full-/part-time status) to meet the needs of the Bureau/office FOIA program unless there is just cause for disagreement, in which case, the Chief FOIA Officer will resolve the matter.

(4) Working with the DFO management to ensure that all Bureau/office employees have access to adequate FOIA resources, technology, guidelines, and training on FOIA.

(5) Requiring FOIA officers and FOIA personnel to comply with all practices, procedures, quality control plans, and technology recommended by the DFO.

(6) Requiring all Bureau/office personnel to timely respond to search and collection requests, and assign staff to facilitate that process as necessary.

(7) Cooperating fully with all audit, information, and reporting requests from the DFO.

(8) Facilitating and funding the periodic rotation/detail of FOIA Personnel to the FST, at the DCFO's discretion; and fostering cross-training and career development opportunities for FOIA personnel.

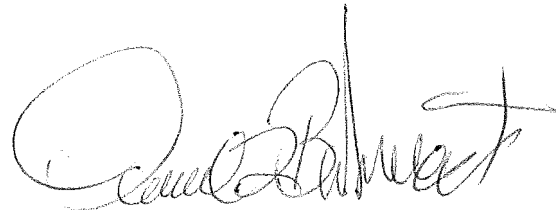
(9) Taking disciplinary and/or performance-based actions when appropriate to remedy an employee's non-compliance with FOIA and/or Department authorities governing FOIA-related activities.

(10) Assisting the DFO with disseminating procedures and guidelines to adequately and systematically inform employees of the content, meaning, and importance of FOIA compliance.

(11) Timely updating the organization/program descriptions in the Departmental Manual for their respective Bureaus/offices, as well as Bureau/office manuals and policies, as needed, to reflect the requirements in SO 3371, this Order, and future directives issued by the DFO.

e. Department Employees. All Department employees must comply with FOIA and the Department's FOIA regulations, policies, and guidelines; and timely respond to FOIA-related requests.

**Sec. 7 Expiration Date.** This Order is effective immediately. It will remain in effect until its provisions are converted to the Departmental Manual or until it is amended, superseded, or revoked, whichever occurs first.

A handwritten signature in black ink, appearing to read "Dan Claitor". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

Secretary of the Interior

Date: JAN 07 2020