

U.S. GEOLOGICAL SURVEY DIRECTIVE
SURVEY MANUAL CHAPTER – ADMINISTRATION SERIES

Issuance Number: 318.1

Subject: Freedom of Information Act

Issuance Date: 5/3/2021

Expiration Date: 5/4/2026

Responsible Office: Office of the Director

Instruction: This supersedes Survey Manual (SM) chapter 318.1, dated September 14, 2020.

Approving Official:

Deputy Director for Administration and Policy

1. **Purpose and Scope.** This SM chapter establishes U.S. Geological Survey (USGS) policy and responsibilities for the administration of the Freedom of Information Act (FOIA) for all USGS employees.
 2. **Authority.**
 - A. The Freedom of Information Act, as amended, [5 U.S.C. §552](#).
 - B. [Secretarial Order No. 3371](#), *The Department of the Interior Freedom of Information Act Program*, dated November 20, 2018.
 - C. [Secretarial Order No. 3378](#), *Improving the Department of the Interior Freedom of Information Act Program*, dated January 7, 2020.
 - D. Department of the Interior FOIA Regulations, [43 CFR Part 2, Subparts A through E](#), effective as of December 16, 2019.
 - E. Departmental Manual (DM), [383 DM 15](#), Freedom of Information Act Policy, Responsibilities, and Procedures.
 3. **References.**
 - A. Department of Justice, [Guide to the Freedom of Information Act](#).
-

- B. [383 DM 15 HB](#), Freedom of Information Act Handbook.
 - C. [Department of the Interior \(DOI\) FOIA Guidance](#).
 - D. [Overview of USGS FOIA Process](#).
4. **Policy.** USGS will make records available to the public consistent with the Freedom of Information Act.
5. **Responsibilities.**
- A. *USGS Director.* The Director is responsible for items listed in [383 DM 15.6.F](#).
 - B. *Deputy Director for Administration and Policy.* The Deputy Director for Administration and Policy is responsible for ensuring that all USGS programs and activities comply with the provisions of the FOIA and DOI FOIA regulations, manuals, policies, and directives. [Secretarial Order No. 3371](#) reorganized the Bureau FOIA Officers to report to both the Deputy Chief FOIA Officer and Bureau Deputy Directors. The Deputy Director for Administration and Policy is responsible for assessing, ensuring, and reporting the USGS's FOIA compliance to the Chief FOIA Officer.
 - C. *USGS FOIA Officer.* The USGS FOIA Officer is responsible for the following activities.
 - (1) Reporting directly to the Deputy Director for Administration and Policy.
 - (2) Performing the duties and responsibilities listed in 383 DM 15.6.G, to include serving as the primary contact between the DOI FOIA Office (DFO) and the USGS for FOIA activities.
 - (3) Consulting with the DOI Office of the Solicitor, Division of General Law, for USGS records requiring a legal review (i.e., denying fee waivers or withholding all or part of a requested record). The USGS FOIA Officer is authorized to deny a requester access to records.
 - (4) Supervising and managing a USGS FOIA team, including developing annual performance plans, progress reviews and rating narratives, and approving the final rating of the team members reporting directly to the USGS FOIA Officer.
 - (5) Providing advice, guidance, and training to USGS employees on matters relating to the FOIA and FOIA requests.
 - D. *USGS FOIA Team.* The USGS FOIA Team is responsible for performing the duties and responsibilities of the Action Office listed in [383 DM 15.6.H](#). The USGS FOIA Team is authorized to sign response letters, including responses applying FOIA exemptions and may deny access to records after consulting with the DOI Office of the Solicitor, Division of General Law. The USGS FOIA Team is also responsible for reporting directly to the

USGS FOIA Officer and ensuring that the USGS FOIA Officer is notified of all FOIA activities. The USGS FOIA Team also conducts training for and provides guidance to USGS employees on matters relating to the FOIA and FOIA requests.

- E. *USGS Employees*. USGS employees are responsible for responding promptly and accurately to FOIA-related requests (e.g., requests to search for and provide records to the FOIA Team which respond to a FOIA request); and complying with the requirements of the FOIA and the Federal Records Act, [44 U.S.C. Chapter 31](#) (see [383 DM 15.6.L](#)). USGS employees are responsible for notifying the FOIA Team at foia@usgs.gov, within one business day of receipt, when a FOIA request has been received individually. This notification includes a copy of the FOIA request. USGS employees are responsible for properly maintaining records and files pertaining to the request.
6. **Freedom of Information Act Exemptions**. There are nine exemptions that serve as a basis for withholding information from the public. For a description of each exemption, see the [DOJ FOIA Guide](#), [383 DM 15 HB](#), and the USGS FOIA Exemptions and Exclusions web page.
- A. The FOIA exemptions are not mandatory bars to disclosure. The USGS will only withhold information if we reasonably foresee that disclosure would harm an interest protected by an exemption or if disclosure is prohibited by law (see [5 U.S.C. § 552\(a\)\(8\)\(A\)\(i\)](#)). The USGS must consider whether we can partially disclose information whenever we determine that a full disclosure of the requested record(s) is not possible. The USGS will segregate (redact) the exempt information that falls under one or more FOIA exemption(s) and will release the nonexempt information (see [5 U.S.C. § 552\(a\)\(8\)\(A\)\(ii\)](#)).
- B. To determine the foreseeable harm, the USGS FOIA Program will coordinate with the appropriate record holder(s); subject matter expert(s); program office(s); Center Director(s); and other managers, prior to coordinating executive-level (Director, Deputy Director for Administration and Policy, Executive Leadership Team (ELT)) reviews. The USGS FOIA Program will coordinate with the appropriate ELT member(s) prior to sending requests to the Director or Deputy Director for Administration and Policy to review.
- (1) The USGS FOIA Program will document any internal (within USGS) consultations and document the recommendations provided by the specific individual(s).
 - (2) The USGS FOIA Program will prominently display and include the foreseeable harm analysis for any executive-level reviewer in a well-organized case file using the USGS FOIA Program's standard case file structure.
 - (3) The USGS FOIA Program is responsible for all aspects of coordinating internal consultations, providing explanations of potential FOIA Exemptions, conducting training (as appropriate), providing FOIA reference materials, and coordinating with

- the USGS FOIA Officer to resolve differences of opinion about the ability to release records.
- (4) The USGS FOIA Officer is responsible for making and issuing final decisions on all FOIA requests, as authorized by the Director.
 - (5) The USGS FOIA Officer may further delegate this responsibility to Government Information Specialists on the FOIA Team.
7. **Uniform Fee Schedule.** Unless waived, we are authorized to charge fees to requesters in accordance with provisions of [43 CFR Part 2, Subpart G](#) and [43 CFR Part 2, Appendix A](#). If the fee for processing a request is less than \$50, the USGS will not charge the requester, unless multiple requests are aggregated under §2.54 of this subpart to an amount that is \$50 or more.