**MEMORANDUM**

**VIA E-MAIL TO:** [DOJ.OIP.FOIA@usdoj.gov](mailto:DOJ.OIP.FOIA@usdoj.gov)

To: Director Melanie Ann Pustay, Office of Information Policy, United States Department of Justice

From: Lawrence A. Ruzow, Chief FOIA Officer, Office of Navajo and Hopi Indian Relocation

Subject: Implementation of Attorney General Holder’s FOIA Guidelines

Date: March 15, 2010

I.

It has been ONHIR’s policy for many years to provide as prompt and full response to FOIA requests as possible. ONHIR’s Executive Director Christopher J. Bavasi has instructed the current Chief FOIA Officer and his predecessors to release information unless there is a clear and compelling reason not to do so. When possible, ONHIR has a dialogue with requesters so that they are provided the information they are seeking and need. ONHIR has been successful for many years in avoiding any appeals of decisions made by the Chief FOIA Officer to either the ONHIR Executive Director or to the Courts. We note that Attorney General Holder’s 2009 Guidelines encourage such openness.

Because of the great increase in requests made in FY 2009 (99) as compared with FY 2008 (4), no direct comparison in how requests were treated in FY 2009 as compared with FY 2008 is appropriate. ONHIR would note, however, that of all the FY 2009 Requests, there were full releases in all but 5 cases. Most of the documents withheld have been withheld because of Privacy Act requirements that documents containing Personally Identifiable Information not be released without the prior written consent of the individual whose personal information is contained in the document in question. ONHIR has tried to facilitate requesters obtaining consent from such other persons to the release of their Personally Identifiable Information. In FY 2008 three of the requests were “full grants” and one was a “partial grant.”

II.

ONHIR is a small “micro” agency with only 46 FTE positions and 44 employees. FOIA requests are routed to the Chief FOIA Officer and the appropriate document/file search is then conducted under his supervision by Agency staff. Requests are routinely responded to in less than the 20 working days period allowed by law. ONHIR has made arrangements with one frequent requester[[1]](#footnote-1) to scan requested documents into PDF format and then send them as an E-Mail attachment. Another frequent requester prefers to review files in which requested documents have been filed and ONHIR honors this request and makes an office or conference room available to him to conduct his file review.

III.

Over the last year or so, ONHIR has greatly expanded its website to provide additional information to the public without the need for members of the public to file a FOIA Request. The ONHIR website includes the statute under which we operate; our Management Manual; a link to the CFR where our agency regulations appear; extensive information concerning applying for Relocation Benefits; financial information about our agency; FAIR Act reports, our FOIA reports for FY 2008 and FY 2009 and other detailed information about ONHIR. We anticipate providing even more information in the future. We have not received any requests from the public asking that we put information on our website, but if asked we will seek to accommodate such requests.

IV.

ONHIR receives requests electronically and also submitted by non-electronic means. We respond to FOIA requests made by E-Mail, fax, regular mail, personal delivery or private delivery (FedEx or UPS).

ONHIR tracks requests electronically. We assign a tracking number to all requests and enter the request information on a spreadsheet available for review by all agency staff.

ONHIR uses technology to process requests. If appropriate we use our AS 400 computer system to search for agency files that pertain to a request.

ONHIR uses technology to assist in the preparation of our Annual FOIA Report. While we incorporate information from our Excel FOIA log to prepare the FOIA Annual Report, the data in the Annual Report is entered manually. We have had problems with the word processing aspects of the US DOJ Annual Report template, though US DOJ OIP staff has been most helpful in all aspects relating to FOIA and our agency.

V.

We have not had problems thus far with backlogs. In FY 2008 all requests were processed within 20 working days. In FY 2009 we received 99 requests and completed the processing on 97 of them during the Fiscal Year. 81 requests were processed within 20 days, 5 were processed in 21-40 days and 11 in 41-60 days.

In almost all cases, if a request took more than 20 days to process this resulted from one of two situations: There have been times when requesters have sought access to files and then were not able to visit the agency for some period of time because of their own personal situation. There have been some other situations in which getting the consent of a person whose Personally Identifiable Information is being sought takes some time.

We are not able to control either of these two situations, though we do follow up with requesters to encourage those who wish to review files to make arrangements to do so as soon as possible and to encourage those who need to get consent to view Personally Identifiable Information to obtain such consents. We work diligently to meet time requirements established by law.

cc: Christopher J. Bavasi, Executive Director ONHIR

Diane Pratte, CIO, ONHIR

1. The “frequent requesters” are attorneys from a Navajo Nation Program (the Navajo—Hopi Legal Services Program) that represents applicants seeking Relocation Benefits from ONHIR. [↑](#footnote-ref-1)