



**Court Services and Offender Supervision Agency
Pretrial Services Agency
for the District of Columbia
Office of the General Counsel**

**POLICY
STATEMENT**

Freedom of Information Act
Number: 1103
Effective Date: 10/16/2020
Recertification Date: 10/16/2024
Review Due Date:10/16/2026

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Overview

Background

The Freedom of Information Act (FOIA), 5 U.S.C. § 552, provides any person the right to request access to federal agency records or information. The FOIA applies to records either created or obtained by an agency and under agency control at the time of the FOIA request. Agencies within the executive branch of the federal government, including the Executive Office of the President and independent regulatory agencies are subject to the FOIA.

The Court Services and Offender Supervision Agency (CSOSA) and the Pretrial Services Agency for the District of Columbia (PSA) (collectively, the Agency) are committed to fully complying with the FOIA, as amended, and providing the public with access to certain information.

FOIA and the Privacy Act (PA), 5 U.S.C. § 552(a), interrelate in the following areas:

- When any person requests access to their personal records, both statutes are potentially applicable.
- When any person requests access to another individual's record through the FOIA, the PA may prohibit the disclosure of that record.
- If a record is required to be released under the FOIA, the PA does not bar its disclosure. The outcome will depend upon FOIA exemption applicability.

This policy establishes the Agency's commitment to:

- Abide by federal law to implement the FOIA uniformly and consistently; and
- Support open government through transparency, proactive disclosure, and, when possible, discretionary releases of information.

Summary of Changes

PS was recertified with no changes from PS issued on 10/16/2020.

Coverage

This joint Policy Statement applies to all employees, interns, and contractors of CSOSA and PSA and covers the release of Agency records.

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Overview, Continued

- Authorities**
- Freedom of Information Act (FOIA), 5 U.S.C. § 552
 - Privacy Act (PA), 5 U.S.C. § 552a
 - Title 28, Part 802 of the Code of Federal Regulations, Disclosure of Records
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Supersedes This Policy Statement supersedes Office of the General Counsel Directive – *Freedom of Information/Privacy Act*, dated October 2, 2000.

- References**
- [Freedom of Information – CSOSA Website](#)
 - [PS 1113 – Privacy Act](#)
 - [OI-OGC-1103.1 – Freedom of Information Act Operational Instruction](#)
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Administrator The Office of General Counsel (OGC) is responsible for the contents of this policy.

Policy

Principles

- The Agency implements the FOIA uniformly and consistently.
 - The Agency provides maximum allowable disclosure of agency records upon request by any individual.
 - The Agency releases information to a requester following federal law, applicable regulations, and policies of the Agency.
 - Requested records are provided in full, except those records that are withheld under one or more of the nine exemptions and the three exclusions for which an agency may withhold the record.
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FOIA Exemptions and Exclusions

The Freedom of Information Act provides that any person has a right, enforceable in court, of access to federal agency records, except to the extent that such records (or portions thereof) are protected from disclosure by one of [nine exemptions](#), or three narrow categories of exclusion of law enforcement and national security records.

An entire record is not necessarily exempt when a record contains some information that qualifies as exempt. Instead, the FOIA specifically provides that any reasonably separate portions of a record must be provided to a requester after exempt portions are deleted. FOIA requires the Agency to identify the location of deletions in the released portion of the record and, where technologically feasible, to show the deletion at the place on the record where the deletion was made, unless including that indication would harm an interest protected by an exemption or exclusion.

Definitions

Freedom of Information Act (FOIA)

The federal law that provides the public the right to request access to records from any federal agency. All federal agencies are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions and three exclusions outlined in 5 U.S.C. § 552(b).

Administrative FOIA Appeal

FOIA provides requesters with a statutory right to administratively appeal an “adverse determination” an agency makes on a FOIA request. Adverse determinations, or denials of requests, include agency decisions that the requested records are exempt, in whole or in part, as well as determinations that the requested record does not exist or cannot be located. Adverse determinations can also encompass procedural matters associated with a request, such as decisions on fee waiver or expedited processing, or the form or format of the requested records.

Office of Government Information Services (OGIS)

OGIS is a program office located within the [National Archives and Records Administration \(NARA\)](#). OGIS offers FOIA mediation services to resolve disputes between FOIA requesters and federal agencies.

Record

A record is any information that would be an agency record, when maintained by an agency in any format, including an electronic format. A record also includes any information described that is maintained for an agency by an entity under a government contract, for records management. (5 U.S.C. § 552(f)(2))

Request

Request means any request for records made pursuant to [5 U.S.C. 552\(a\)\(3\)](#).

Requester

Requester means any person who makes a request for access to records.

Roles and Responsibilities

Office of General Counsel (OGC), CSOSA

- Exercises authority to release or deny access to records and information under the FOIA.
- Works with PSA to reach a final decision on whether to release or deny access to records and information under the FOIA when PSA disagrees with Chief FOIA Officer's recommendation.
- Upon receipt of an administrative appeal, affirms or reverses initial determinations that:
 - Deny access to a record or portion thereof;
 - Deny a request for a fee waiver;
 - Pertain to the determination of the requester's category;
 - Advise of no records located; or
 - Deny a request for an expedited process.

Chief FOIA Officer

- Serves as the principal point of contact and the Agency's representative on FOIA related matters.
- For PSA information request, makes recommendation on whether to release the information in whole or in part and provides timely notification to PSA.
- Monitors implementation of the FOIA throughout the Agency.
- Apprises the CSOSA Director of the Agency's performance in implementing the FOIA.
- Recommends to the CSOSA and PSA Directors adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of FOIA.
- Reviews and reports to the Attorney General of the United States, [Department of Justice](#), on the Agency's performance in implementing the FOIA.
- Designates the FOIA Public Liaison.
- Reviews all aspects of the administration of the FOIA by the Agency to ensure compliance with the requirements of the FOIA.
- Represents the Agency on the Chief FOIA Officers Council under NARA.

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Roles and Responsibilities, Continued

FOIA Officer

- Reports to the Chief FOIA Officer.
 - Serves as the primary point of contact to implement FOIA requirements.
 - Monitors the Agency's compliance with the FOIA, applicable regulations, and Agency policy.
 - Notifies the Chief FOIA Officer of FOIA issues or non-compliance and implement corrective, remedial, and preventative actions when necessary.
 - Forwards original FOIA requests pertaining to PSA and any related documentation to PSA no later than the next business day following receipt.
 - Submits the Annual FOIA Report, the Chief FOIA Officer Report, and the Quarterly Reports to the Attorney General of the United States, Department of Justice.
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FOIA Public Liaison

- Assists in the resolution of disputes that arise from the processing of the FOIA requests.
 - Reports to the Chief FOIA Officer the number of times the FOIA Public Liaison engaged in:
 - FOIA dispute resolutions; and
 - FOIA disputes resolution with the assistance of OGIS.
 - Serves as a supervisory official to whom an FOIA requester can raise concerns about the response the requester has received from CSOSA's FOIA Office.
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