



STB ADMINISTRATIVE ISSUANCE

Issuance No.: 4-121

Date Revised: March 21, 2003

Subject: FREEDOM OF INFORMATION ACT AND PRIVACY ACT PROCEDURES

1. **Purpose.** This issuance establishes guidelines for processing Freedom of Information Act (FOIA) and Privacy Act (PA) requests.
2. **Authority/Reference.** 5 U.S.C. 552, et seq.; 49 CFR 1001.3
3. **Policy.** To facilitate the public's right to know while according protection to data whenever the Government's interest in nondisclosure is paramount.
4. **Scope.** Coverage includes but is not limited to agency records: hard copies of documents, correspondence, memoranda, microfiche, computer files, recordings, data tapes.
5. **Procedures.**
 - a. **Incoming FOIA/PA Requests.** The mailroom shall send all FOIA/PA correspondence to the FOIA/PA Officer. Requests received elsewhere at the Board are also to be delivered to the FOIA/PA Officer.
 - b. **FOIA/PA Reference Number.** The FOIA/PA Officer shall assign a number for reference purposes to each request, which shall appear on all communications concerning the request.
 - c. **Search Responsibilities.** Search requests (See attached form) shall be sent by the FOIA/PA Officer to whatever agency offices may be thought to have custody of the materials requested. Copies – no originals – of materials responsive to the request shall be sent to the FOIA/PA Officer by the due date indicated on the request form, together with recommendations for application of possible exemptions. The names, grades, and time expended on searching and reviewing (but not copying) the materials furnished shall appear at the bottom of the returned request form.
 - d. **Exemptions from FOIA/PA.** Materials may be exempt from disclosure under the statute, or may be designated as confidential by the party submitting the information to the Board. Guidance on the applicability of such exemptions may be sought from the FOIA/PA Officer at any time after a request is received. Materials which ultimately may be exempted from disclosure must nevertheless be furnished to the FOIA/PA Officer, who is responsible for determining whether documents should be released in whole or in part, or withheld, and for

maintaining a file in the event of an appeal. If there is disagreement between the FOIA/PA Officer and an office of the Board whether materials should be released or exempted, the Chairman will resolve the matter.

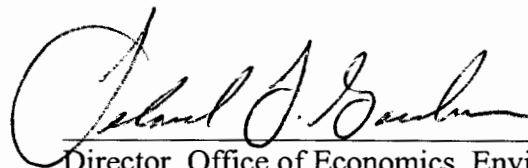
e. Unclear, Massive, Over-broad Requests. If the office of the Board receiving a request from the FOIA/PA Officer determines that the request is likely to involve voluminous documents, or extraordinary retrieval time by staff, or overly broad, or simply unclear, the office shall notify the FOIA/PA Officer accordingly so that s/he may seek clarification from the requester or otherwise warn the requester of the costs involved.

f. Delays and Due Date Extensions. Board offices which anticipate needing and extension of time for response, should notify the FOIA/PA Officer as soon as practical.

g. Response to Requester. The FOIA/PA Officer is responsible for timely responses to all requests, and the assessment of fees in accordance with Board rules.

h. Confidential Commercial Information. Requests for information submitted to the Board by parties who designate the information as confidential or commercially sensitive, shall be processed in accordance with 49 CFR 1001.4.

i. FOIA/PA Appeals. In the event of a requester appeal to the Chairman, the FOIA/PA Officer shall convey the entire file on the matter to the General Counsel's Office, which will prepare a response to the appeal for the Chairman within 20 working days (30 working days for PA appeals) of receipt of the appeal. Files thereafter shall be returned to the FOIA/PA Officer.



Director, Office of Economics, Environmental
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