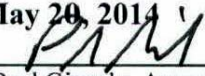




OPERATIONAL INSTRUCTION

Operational Instruction OFM-2014-52-6

Effective: May 20, 2014

Approved: 
Paul Girardo, Associate Director,
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Approved: 
Donna Sanger, General Counsel

Freedom of Information Act Invoicing and Collection Procedures

I. COVERAGE

This Operational Instruction is issued pursuant to the Court Services and Offender Supervision Agency's (CSOSA's) Freedom of Information/Privacy Act Policy (dated October 2, 2000) and CSOSA's Funds Control Policy (dated July 28, 2000). This Operational Instruction provides general guidelines and procedures for the invoicing and collection of funds related to Freedom of Information Act (FOIA) requests.

II. GUIDELINES

The Freedom of Information Act (5 U.S.C. § 552), provides a right of access to the public for government records. The Act also allows the government to withhold certain information, e.g. national security issues, deliberative process, attorney/client privileges and confidential business information, in responding to those requests. The actual cost of searching for, reviewing and duplicating the requested information may be billed by the Agency for reimbursement by the requestor depending upon the categories of the requestor. There are four categories of FOIA requesters:

- Commercial Use Requesters: charges will be assessed that recover the full direct costs of searching for, reviewing for release and duplicating the records;
- Educational and non-commercial scientific institutions: charges will be for duplication costs alone, excluding charges for the first 100 pages;
- Requesters who are representatives of the news media: charges will be for duplication costs alone, excluding charges for the first 100 pages;
- All other requesters (including Federal entities): charges will be assessed that recover the full reasonable direct costs of searching for and duplicating records (except for the first 100 pages and the first two hours of search time).

FOIA costs that do not exceed \$10 will not be billed by the Agency. All FOIA funds billed and collected by CSOSA will be remitted to the U.S. Treasury, not credited to CSOSA.

CSOSA's Office of General Counsel (OGC) is responsible for reviewing and fulfilling FOIA requests and, where appropriate, computing, preparing and submitting invoices for cost reimbursement. CSOSA's Office of Financial Management (OFM) is responsible for collecting, recording and tracking reimbursements in a timely and accurate manner.

III. ATTACHMENTS

- A. FOIA Deposit Tracking Form
- B. Account Summary Fees Due – Public Defender Service for the District of Columbia
- C. Account Summary – Fees Due – General Public

IV. ROLES AND RESPONSIBILITIES

The OGC FOIA Manager is responsible for receiving and vetting FOIA requests and coordinating the search, collection/copying and production of requested information. The FOIA Manager is also responsible for collecting and computing all Agency search and duplication efforts necessary to produce the requested information. This information will form the basis for production of an invoice to be submitted to the requester. FOIA invoices are prepared by the FOIA Manager using the FOIA Express system. The FOIA Manager will either forward the prepared invoice to OFM or directly to the requestor with a copy sent to OFM for tracking purposes. The invoice must be paid by the requestor prior to the FOIA Manager releasing any of the requested information.

The OFM Staff Accountant is responsible for the tracking, collection and recording of the receipt of payments from FOIA requestors. For FOIA requests from the Public Defender Service for the District of Columbia (DC PDS), OGC will forward the invoice to OFM. OFM will forward the invoice to DC PDS for payment to CSOSA through the Government's Intra-government Payment and Collection (IPAC) system. For FOIA requests from a Non-Federal entity, OGC will forward the invoice directly to the individual/company through email or hard copy mail for reimbursement via check or wire transfer, with a copy sent to OFM. All invoices submitted to Non-Federal requestors must contain Agency payment remittance and address information.

Payment must be received by CSOSA prior to the release of any of the requested information to the requestor.

The OFM Staff Accountant is responsible for ensuring that collections are received and properly deposited for all Agency FOIA invoices. The OFM Staff Accountant must inform the Associate Director, OFM, General Counsel and OGC FOIA Manager of the status of all FOIA invoices and collections through the FOIA Invoicing/Collection Report (Attachment A). This report will be issued monthly via email.

IV. PROCEDURES

1. The following procedures are to be followed when requested FOIA information has been compiled by the Agency:

a. Invoices for the DC PDS:

- i. OGC FOIA Officer determines the reimbursable cost categories and rates;
- ii. OGC FOIA Officer develops FOIA invoice information, calculating the number of pages/documents provided and/or the number of hours used to collect the documents, using the FOIA Express system;
- iii. OGC will forward the completed invoice to OFM, who will then forward the invoice to the DC PDS contact point via e-mail (if possible) or mailed hard copy. The invoice must contain the following remittance information:
 1. CSOSA FOIA Invoice Number (unique number for each FOIA invoice);
 2. Instructions to reimburse CSOSA via the IPAC system, including CSOSA's IPAC payment information:
 - a. ALC: 9569-0000
 - b. CSOSA Treasury Fund Symbol 95-1734.
- iv. Upon receipt of the CSOSA FOIA invoice, the DC PDS shall process an IPAC payment to CSOSA/OFM for the amount of the invoice and reference the unique CSOSA FOIA invoice number;
- v. OFM Staff Accountant will record the receipt of the IPAC/Collection into the Agency's financial management system (Oracle) within three calendar days of receiving the IPAC transaction, using the U.S. Treasury General Fund Symbol 3220 - General Fund Proprietary Receipts, Not Otherwise Classified, All Other;
- vi. When payment is received, the OFM Staff Accountant forwards an e-mail to OGC FOIA Officer notating the amount and invoice number of the IPAC/Payment received, thereby allowing OGC to track that the payment has been received and release the requested information;
- vii. The OFM Staff Accountant must maintain records of all invoices submitted by OGC and resulting collections/deposit information, to include IPAC confirmations and financial system reports.

b. Non-Federal Invoices:

- i. OGC FOIA Officer determines the reimbursable cost categories and items based on the characteristic of the requestor;
- ii. OGC FOIA Officer develops FOIA invoices, calculating the number of pages/documents provided and the number of hours used to collect the documents, using the FOIA Express system;
- iii. OGC will forward the completed invoice to the individual/company requesting the FOIA information, providing a copy of the invoice to OFM for tracking purposes. The invoice must contain the following remittance information:

1. CSOSA FOIA Invoice Number (unique number for each FOIA invoice);
 2. Checks must be made payable to: U.S. Treasury
 3. Checks must be mailed to:
 Court Services and Offender Supervision Agency
 Office of Financial Management
 Suite 831
 633 Indiana Avenue, N.W.
 Washington, DC 20004
 - iv. OFM receives payment (typically in the form of a hard copy check) and records the date/time received on the check or on supporting documentation accompanying the check. If the individual/company requests making payment via wire transfer, the individual/company must contact the OFM Systems Accountant for specific instructions.
 - v. Within one business day after receipt of the check (or wire/cash) payment, OFM forwards an e-mail to OGC FOIA Manager stating that the reimbursement has been received and the amount of the check and CSOSA FOIA invoice number (if provided with the payment), thereby allowing OGC to track that the payment was received and release information to the requestor;
 - vi. OFM deposits the check (or cash) at PNC Bank to the Treasury General Fund within three business days after receipt of the payment. (Note that PNC Bank is currently located in close proximity to OFM and currently has an agreement with Treasury to accept Federal deposits at any of their branches.)
 - vii. After depositing the check, the OFM Staff Accountant posts the reimbursement transaction in the Agency's financial system (Oracle) within three business days using the U.S. Treasury General Fund Symbol 3220 - General Fund Proprietary Receipts, Not Otherwise Classified, All Other;
 - viii. The OFM Staff Accountant must maintain records of all invoices submitted by OGC and resulting collection/deposit information, to include deposit receipts and financial system reports.
2. The OFM Staff Accountant will submit the FOIA Invoicing/Collection Report to the Associate Director, OFM, General Counsel and OGC FOIA Manager on a monthly basis via email. This report provides information on the status of all FOIA invoices and collections.
 3. In cases where reimbursement for a FOIA invoice is not received, information will not be provided to the requestor by OGC.
 4. It is not CSOSA policy to request reimbursement from other Federal agencies.

**Guidance
Disclaimer**

The contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

