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"Rummaging in the government's attic"

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Source of document: FOIA/PA Section
Office of General Counsel, Room 924
Federal Bureau of Prisons
320 First Street, N.W.
Washington, DC 20534
Email: BOP-OGC-EFOIA-S@BOP.GOV
[Online Electronic FOIA Request Form](#)

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**U.S. Department of Justice
Federal Bureau of Prisons**

*Central Office
320 First St., NW
Washington, DC 20534*

September 27, 2021

FOIA Request Number: 2021-01058

This is in response to your Freedom of Information Act (FOIA) request, in which you seek copies of the slide/PowerPoint presentations from the 2019 three day BOP National Training in DC entitled "Sustain, Change, and Train: Promoting Transparency One Request at a Time".

In response to your request, staff conducted a search and located 180 pages of responsive records, which were forwarded to this office for a release determination. After careful review, we determined 45 pages are appropriate for release in full and 3 pages are appropriate for release in part and are attached. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, records were redacted under the following exemptions: (b)(6) and (b)(7)(C). An explanation of FOIA exemptions is attached.

The remaining 132 pages are not BOP records. Those records originated with the Office of Information Policy (OIP) and are available on their public website. The Freedom of Information Act allows you to request any records not already required to be made available pursuant to 5 U.S.C. § 552(a)(1) or (a)(2). BOP is not required to release the type of record you seek.

In an effort to be responsive to the remaining portion of your request, the titles of those OIP presentations are Litigation Considerations, FOIA Requests from Start to Finish, Exemptions 6 and 7(C), and Exemption 4. These records are maintained on OIP's public website and can be found at <https://www.justice.gov/oip/training#s3> by selecting "Training Materials for OIP Courses".

If you have any questions about this response, please feel free to contact the undersigned, this office, or the Federal Bureau of Prisons' (BOP) FOIA Public Liaison, Mr. Eugene Baime, at: 320 First Street NW, Room 924, Washington, DC 20534; ogc_efoia@bop.gov; or 202-616-7750 (phone).

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road (OGIS), College Park, MD 20740-6001; ogis@nara.gov; 202-741-5770 (phone); 1-877-684-6448 (toll free); or 202-741-5769 (fax).

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, DC 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink that reads "S. Raymond".

S. Raymond, for
Eugene E. Baime, Supervisory Attorney

FOIA, RECORDS MANAGEMENT & E- DISCOVERY

THE TRIFECTA OF DOCUMENTS

(b) (5) - DPP
[REDACTED] Chief, Information Management
Section, BOP (b) (5) - DPP [REDACTED] Assistant General
Counsel, E-Discovery, BOP

- ④ E-Discovery –Email SearchesRecords ManagementWhat's a Record?Records Management: What We DoRM's Role in PreservationImportant Changes to RIDSQuestions

AGENDA

- ④ Netmail – BOP’s email archiving tool
BOP archives email for 7 years
Email archived by staff member NOT by location
Searchable Results available in .pdf or .pst format
TRULINCS – Inmate Email System
Inmate to Staff – saved indefinitely
Inmate to Public – maintained for 180 days
Searchable but limited to date range, inmate name, specific email addresses

EMAIL SEARCHES

- ④ Info needed: FOIA No., staff names, search terms, date range
Staff Account vs. GroupWise Resources requests ASAP



EMAIL SEARCHES

④ Inmate Central Files Adminis
Email



WHAT'S A RECORD?

④ **Manage and update all agency schedules (RIDS) Schedule new records and update existing records Archive records Approve destruction of records Reporting requirements**

RECORDS MANAGEMENT:
WHAT WE DO

- ④ Records Safety and Storage
Placing a legal hold on archived records
Record Destruction and Legal Holds

RECORDS MANAGEMENT'S ROLE IN PRESERVATION

The old RIDS is obsolete. The Records and Information Disposition Schedule List has been updated to include the latest General Records Schedule from NARA. <http://sallyport.bop.gov/co/ipp/npim/rids/index.jsplnmate> Central File retention reduction (From 30 years to 10 years after expiration of sentence)

IMPORTANT CHANGES TO RIDS

④ [REDACTED] Chief, Information Management Section,
[REDACTED]@bop.gov [REDACTED], Assistant General
Counsel, E-Discovery, [REDACTED]@bop.gov [REDACTED]

QUESTIONS

FOIA and Government Procurement

(b)(6), (b)(7)(C)

LAW BRANCH

ASSOCIATE GENERAL COUNSEL, COMMERCIAL

Introduction

When a FOIA request is made for procurement related information things can get complex. A lot of the information in the government's possession related to procurements is protected under a variety of statutes. There are serious consequences for releasing proprietary information and you must be cautious. Common FOIA Exemptions that apply to government procurement: Exemption 3, Exemption 4, Exemption 5, Exemption 6.

FOIA Exemption 3

Procurement related statutes that qualify under Exemption 3 of FOIA (some overlap with Exemption 4):

- 41 U.S.C. § 423(a) – Procurement Integrity Act, Source selection information
- 10 U.S.C. § 2305(g) – Contractor proposals
- 41 U.S.C. § 253b(m)(1) – Contractor proposals
- 15 U.S.C. §§ 46(f) & 3710a(c) – Trade secrets

Procurement Integrity Act

Proposals in a competitive procurement may not be released under FOIA. Also prohibited are the release of “contractor bid or proposal information or source selection information before the award of a contract to which the information relates.”

Source Selection Information

(1) Bid prices submitted in response to an agency invitation for bids(2) Proposed costs or prices(3) Source selection plans(4) Technical evaluation plans(5) Technical evaluations of proposals(6) Cost or price evaluations of proposals(7) Competitive range determinations that identify proposals that have a reasonable chance of being selected for award of a contract (8) Rankings of bids, proposals, or competitors (9) Reports and evaluations of source selection panels, boards, or advisory councils(10) Other information marked as "Source Selection Information"

Source Selection Information

If you are unsure if something is considered Source Selection Information call your attorneys and/or contracting officer. It is possible that documents can get marked as SSI by mistake. If this is the case then do not release the information without consulting with legal and contracting. In this scenario the contractor must be notified of the alleged inappropriate marking and be given an opportunity to justify it. Wait until the matter is resolved by the Contracting Officer before releasing any information

Contractor Proposals

When a contract is awarded the proposal is generally incorporated into the contract. It then becomes public information. When a proposal is not incorporated into a contract (e.g. a proposal that was not selected for award) then it can not be made available for release under FOIA

Exemption 4: Proprietary Business Information

Cannot release records submitted to the Government if release would involve substantial risk of competitive injury to the business that furnished the information. Examples: Private business sales statistics. Technical designs. Research data. Non-Federal customer and supplier lists. Overhead and operating costs. Non-public financial statements. Resumes of company employees. Names of consultants and subcontractors. Details of production or quality control systems information. Internal operating procedures and staffing patterns.

Unit Pricing

Unit pricing is the most commonly requested business information. Generally, for awarded contracts the overall price of the awardee is public information. However, the breakdown of the unit pricing that comprises the overall price can be considered proprietary. If the Contracting Officer does not feel the unit pricing is proprietary we will conduct a "Reverse FOIA" where we make the contractor justify why the unit pricing is proprietary.

Exemption 5

Records withheld under Exemption 5 are similar to those in non-procurement scenarios. These records would be predecisional agency memorandums that describe the agency's decision making process leading up to contract award. Examples: Draft Source Selection Decisions and other documents Contracting Officer memorandums to the file Internal email correspondence discussing the procurement Some of these documents may lose their exempt status after the contract has been awarded

Exemption 6 – PII

Personally Identifiable Information is exempt from release just as it would be in any other situation. You will use the same analysis for PII that you normally do.

Conclusion

With procurement documents you must be very careful. The consequences of an improper disclosure can have severe adverse impact on the Agency and will expose us to protracted litigation. It will also seriously complicate any future procurement involving either the party that inadvertently received the information as well as the party the information belongs to. When in doubt work with your legal and contracting staff

FREEDOM OF INFORMATION & PRIVACY ACTS

Where sharing is caring.....



Just kidding!!!

FOIA/PA

FOIA*5 USC §
552 REGULATES THE
REQUIRED RELEASE
OF
INFORMATION "SWORD"
RD"

PRIVACY ACT*5 USC §
552(A) REGULATES
THE PROHIBITED
RELEASE OF
INFORMATION "SHIELD"
LD"

The Freedom of Information Act

The Freedom of Information Act generally provides that any person has a right, enforceable in court, to obtain access to federal agency records, except to the extent that such records (or portions of them) are protectable from public disclosure.....

FOIA/PA FACT OR FICTION

FACT OR FICTION

FOIA was a result of the Watergate scandal.



FACT OR FICTION

THE BOP IS SUBJECT TO FOIA BUT THE COURTS ARE NOT.



FACT OR FICTION

INMATES CANNOT FILE A FOIA REQUEST



FACT OR FICTION

Requesters no longer have to pay any fees in connection with a FOIA request.

Before May 4, 2015	100 pages/2 hrs search
time free	10 cents/page
search fees	3 levels of clerical, professional, managerial
	**Total fees had to exceed \$14.00 **

FEE STUFF

After May 4, 2015 100 pages/2 hrs
search time free 5 cents/page 2
levels or search fees clerical and
professional – based on the document,
not who is performing the search
Total fees must exceed \$25.00

FACT OR FICTION

A requester can send their FOIA request directly to the Legal Department at FMC Rochester and that constitutes a properly filed FOIA request.



Electronic Requests

The screenshot shows a web browser window displaying the Federal Bureau of Prisons' Freedom of Information Act (FOIA) page. The browser's address bar shows the URL "http://www.fedprisons.gov/freedom-of-information-act". The page header includes the FBI logo and the text "Federal Bureau of Prisons". A navigation menu contains links for Home, About Us, Inmates, Locations, Jobs, Business, Resources, and Contact Us. The main heading is "Freedom Of Information Act" with the subtitle "A powerful resource for gaining access to our public records and information". Below this is a secondary navigation menu with links for Overview, FOIA Library, Exemptions & Redactions, FAQs, Privacy, Request Information, and Track Request. The "Request Information" link is highlighted. The main content area is titled "Online FOIA Request" and contains the following text: "You may not need to make a FOIA request. You may be able to access the information you require via the World Wide Web without making a FOIA request. Many documents are available on the Bureau of Prisons' or other websites. Also, frequently requested information is available electronically in our FOIA Library. If you have visited the FOIA Library and were not able to find the information you are looking for, you may need to make a FOIA request. Please follow the guidelines below so we can respond to your request as quickly as possible." A yellow highlighted box contains the text: "Important! Do not use this form if you are seeking non public information on an individual. Requests for information on an individual must be accompanied by an authorization and submitted via mail. For more information on seeking non-public information on an individual please see the [FAQ page](#)." Below this is a large button labeled "ELECTRONIC FOIA REQUEST FORM". At the bottom, there is a section for "Contact Information".

Freedom Of Information

A-Z Topics • Site Map • FOIA

Federal Bureau of Prisons

Home About Us Inmates Locations Jobs Business Resources Contact Us

Freedom Of Information Act

A powerful resource for gaining access to our public records and information

Overview FOIA Library Exemptions & Redactions FAQs Privacy Request Information Track Request

Online FOIA Request

You may not need to make a FOIA request

You may be able to access the information you require via the World Wide Web without making a FOIA request. Many documents are available on the Bureau of Prisons' or other websites. Also, frequently requested information is available electronically in our [FOIA Library](#).

If you have visited the FOIA Library and were not able to find the information you are looking for, you may need to make a FOIA request. Please follow the guidelines below so we can respond to your request as quickly as possible.

Important!

Do not use this form if you are seeking non public information on an individual. Requests for information on an individual must be accompanied by an authorization and submitted via mail. For more information on seeking non-public information on an individual please see the [FAQ page](#).

ELECTRONIC FOIA REQUEST FORM

Contact Information

FACT OR FICTION

FOIA does not require we create a record or answer a question in response to a FOIA request.



FACT OR FICTION

FOIA does require we conduct reasonable searches in response to requests for records.



FACT OR FICTION

It really is not all that important to complete a search form if you are required to conduct a search in response to a FOIA request.

FOIA REQUEST WORKSHEET
FOIA Request Number: [REQUEST NUMBER]

Please complete this form as promptly as possible (no later than 30 days after receipt of request). Complete documentation measures BOP can defend the adequacy of the search if questioned by DOJ or litigated in court.

Please answer 1-10 within 5 business days of receipt.

- Location(s) of records
- Another credit rating agency may have responsive records not maintained by your office. Yes or No
If yes, which credit?
- Records can't be released for legal reasons. Please explain.
- Records are publicly available at the site.
- Records not maintained in the manner requested, must be created, and/or a computer program must be created to search for records. Please explain.
- If answered yes 3, 4 or 5 and you **APPLY TO ALL RECORDS, NO SEARCH IS REQUIRED UNLESS FOIA RESPONSES TRIP TO QUESTION 11**
- Estimated Number of Pages Available in digital format. Yes or No
- Estimated search time will exceed 2 hours. Yes or No
If yes, how long and please explain why the work will take longer?
- Anticipated date records will be provided.
- You have identified which will have records.
- Name / Title / Grade of person or people searching for records or if no search is requested, responded to 3, 4, or 5 and date

SUBJECT TO THE ABOVE, PLEASE BEGIN SEARCHING FOR RECORDS
Please complete 1-3 below and provide responses with any records.

- Records were located. Yes or no
 - If no, please refer to question 2
 - If yes
 - Number of pages of records
 - Location of records (all email)
 - Records are in digital format. Yes or no
- List all areas searched for records (both physically and via computer)
- Hours spent searching for records (include time spent searching which did not result in discovering records)
- Describe search terms used
- List any other offices / locations in which responsive records may exist
- Describe any potential items in returning the records.
- Name / Title / Grade of person or people who searched for records and date of search

FACT OR FICTION

When records are processed, staff names are always removed.



Fact or Fiction

In FY 2018, the BOP processed just shy of 8000 FOIA requests.



FACT OR FICTION

We can never release information about staff or inmates without specific consent.



WHAT IS PUBLIC INFORMATION

Staff: Name....BUT we only release names of executive staff in records; all others redacted

Position Title Past and Present

Grade Past and Present Salary

Past and Present - this

includes the amount of awards.

Duty Station and Address Past and Present

WHAT IS PUBLIC INFORMATION

Inmates: Name (but not whole lists of names)
Register Number Place of
Incarceration Age (not date of birth)
Race Conviction and Sentencing
Data Past Movement via Transfer or
Writ General Institution Assignment

FACT OR FICTION

Concerning inmates, the Privacy Act and Privacy rights are two different things.



FACT OR FICTION

If you knowingly and willfully release information inappropriately you can go to jail.



If any officer or employee of a government agency knowingly and willfully discloses protected information will be found guilty of a misdemeanor and fined a maximum of \$5,000. Also, if any agency employee or official willfully maintains a system of records without disclosing its existence and relevant details can be fined a maximum of \$5,000. The same misdemeanor penalty (and \$5,000 maximum fine) can be applied to anyone who knowingly and willfully requests an individual's record from an agency under false pretenses.

FACT OR FICTION

Staff emails are off limits for FOIA requests.



FACT OR FICTION

It is a good idea to use a black marker to remove any text from a document you are concerned about.



BUREAU LEARNING UNIVERSITY

BLU



**FOIA for Federal Employees -
GOV**

(COURSE LGL-0370-GXX)



**Freedom of Information Act
(Update Available)**

(COURSE fgov_01_a37_kc_enus)

FOIA/PA Address

Federal Bureau of Prisons
FOI/PA Request Section

320 First Street NW
Building, Room 841
Washington, D.C. 20534

HOLC

Questions

FOIA/PA Section

Office of General Counsel, Room 924

Federal Bureau of Prisons

320 First Street, N.W.

Washington, DC 20534 Email:

OGC_EFOIA@BOP.GOV