

Subject: [gbird] FW: FOIA guidance
From: "Piaggio, Antoinette J - APHIS" <Toni.J.Piaggio@aphis.usda.gov>
Date: 12/21/2017 2:49 PM
To: "gbird@lists.ncsu.edu" <gbird@lists.ncsu.edu>

From: Edwards, Jennifer M - APHIS
Sent: Thursday, December 21, 2017 12:44 PM
To: Piaggio, Antoinette J - APHIS <Toni.J.Piaggio@aphis.usda.gov>
Cc: Shiels, Aaron B - APHIS <Aaron.B.Shiels@aphis.usda.gov>; Eisemann, John D - APHIS <John.D.Eisemann@aphis.usda.gov>
Subject: RE: FOIA guidance

Yep.

Jenna Edwards
Supervisory Technical Information Specialist
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4101 LaPorte Avenue
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<http://www.aphis.usda.gov/wildlifedamage/nwrc>

From: Piaggio, Antoinette J - APHIS
Sent: Thursday, December 21, 2017 12:01 PM
To: Edwards, Jennifer M - APHIS <Jennifer.M.Edwards@aphis.usda.gov>
Cc: Shiels, Aaron B - APHIS <Aaron.B.Shiels@aphis.usda.gov>; Eisemann, John D - APHIS <John.D.Eisemann@aphis.usda.gov>
Subject: RE: FOIA guidance

Jenna,

This is a great help! May I share this e-mail with GBIRD collaborators?

From: Edwards, Jennifer M - APHIS
Sent: Thursday, December 21, 2017 9:41 AM
To: Piaggio, Antoinette J - APHIS <Toni.J.Piaggio@aphis.usda.gov>
Cc: Shiels, Aaron B - APHIS <Aaron.B.Shiels@aphis.usda.gov>; Eisemann, John D - APHIS <John.D.Eisemann@aphis.usda.gov>
Subject: RE: FOIA guidance

Hi Toni –

I apologize for the long response. Please let me know if you have any questions.

It might be helpful to clarify what a FOIA is. Freedom of Information Act (FOIA) requests are sent to the federal government for federal records. It looks like requests for GBIRD group information are coming in at the state, university and federal level. Each state's public record laws are different, so the response is dependent on the state through which the information

request is processed. Federal employees aren't subject to state records inquiries. The requestor needs to submit a request via the federal FOIA process.

Folks who aren't federal employees aren't subject to FOIAs unless they created federal records (via agreement or a federally funded project). It sounds like some of your partners aren't federal employees and may not be creating federal records subject to FOIA. We can talk more in depth about state and federal records law if there are questions.

In anticipation of a FOIA my suggestion would be to start organizing records including correspondence. Set up folders that are easily searchable by dates (requests are usually by date) and topics. We can't foresee what the requestors will ask for – some are very detailed and some are general - but if the records are organized and searchable you can respond quickly.

I am concerned about a blanket posting of correspondence and documentation online. The [APHIS FOIA reading room](#) might be a good option. APHIS FOIA folks post targeted reports or documents that are of interest to the public. For example – the NWRC *Annual Report of Research Facility – Column E* is posted yearly. The NWRC received FOIA requests for the report and the agreement with one of the FOIA requestors was that we make it publicly available in lieu of a receiving FOIAs for the information.

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From: Piaggio, Antoinette J - APHIS
Sent: Wednesday, December 20, 2017 02:11 PM
To: Edwards, Jennifer M - APHIS <Jennifer.M.Edwards@aphis.usda.gov>
Cc: Shiels, Aaron B - APHIS <Aaron.B.Shiels@aphis.usda.gov>; Eisemann, John D - APHIS <John.D.Eisemann@aphis.usda.gov>
Subject: FOIA guidance

Hi Jenna,

Another FOIA request has come to our GBIRD partners and as folks are trying to figure out how to be best prepared for efficient responses in the future. I and our partners were wondering if there is any broad guidance on FOIA and how to keep yourself tracking well to ease any future ones. Also what is my partners chose to post all our communications on an open website in the effort to be transparent as possible and avoid looking otherwise and more FOIAs? Thank you!

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