

Sealing, Donna

From: Donna Sealing / OIS
Sent: Friday, March 27, 2009 1:03 PM
To: Donna Sealing
Subject: NRC's Announcement of AG FOIA Memo #1

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Freedom of Information Act

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Attorney General Eric Holder has reminded the heads of Federal agencies

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and executive departments of the importance of the Freedom of Information Act. [More](#).

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Sealing, Donna

From: Donna Sealing
Sent: Friday, March 27, 2009 1:01 PM
To: Donna Sealing
Subject: NRC's Announcement of AG FOIA Memo #2

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AG Holder Issues FOIA Reminder

Attorney General Eric Holder has reminded the heads of Federal agencies and executive departments of the importance of the Freedom of Information Act.



Attorney General Eric
Holder

In a memorandum issued last week, the Attorney General cited an earlier memorandum from President Barack Obama in which the President said, "The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails."

Attorney General Hold had two principal points:

First, an agency should not withhold information simply because it may do so legally ... and

Second, whenever an agency determines that it cannot make full disclosure of a requested record, it must consider whether it can make partial disclosure.

At the same time, however, the Attorney General said. "The disclosure obligation under the FOIA is not absolute. The Act provides exemptions to protect, for example, national security, personal privacy, privileged records, and law enforcement interests."

The Attorney General's memorandum rescinded an October 2001 Memorandum on FOIA that said the Department of Justice would defend decisions to withhold records "unless they lack a sound legal basis or present an unwarranted risk of adverse impact on the ability of other agencies to protect other important records." Instead, the Department of Justice now will defend a denial of a FOIA request only if (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the statutory exemptions, or (2) disclosure is prohibited by law."

The Attorney General also recommended that agencies "readily and systematically post information online in advance of any public request" and said that "providing more information online reduces the need for individualized requests and may help reduce existing backlogs." He also reminded agencies that as of December 31, 2008, Section 7 of the OPEN Government Act of 2007, Pub. L. No. 110-175, requires, for all requests filed on or after that date, that agencies assign an individualized tracking number to requests that will take longer than ten days to process, and provide that tracking number to the requester. In addition, agencies must establish a telephone line or online service that requesters can use to inquire about the status of their requests using the request's assigned tracking number, including the date on which the agency received the request and an estimated date on which the agency will complete action on the request.

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