

CHANGE REQUEST COVER SHEET

Change Request Number: 12-83

Date Received: 4/11/2012

Title: FOIA Guidance

Name: Tim Eckert

Phone: (202) 267-7527

Policy OR Guidance: Guidance

Section/Text Location Affected: T3.1.6A.4

Summary of Change: Addition of language regarding the processing of FOIA requests, plus sample letter

Reason for Change: Need to further specify process for notifying a contractor of a FOIA request against their contract.

Development, Review, and/or Concurrence: Acquisition Policy, Procurement Legal, and Contracting Offices at Headquarters, the Centers, and the Regions

Target Audience: Contracting workforce

Potential Links within FAST for the Change: None

Briefing Planned: No

ASAG Responsibilities: None

Potential Links within FAST for the Change: None

Links for New/Modified Forms (or) Documents (LINK 1) [null](#)

Links for New/Modified Forms (or) Documents (LINK 2) [null](#)

Links for New/Modified Forms (or) Documents (LINK 3) [null](#)

SECTIONS EDITED:

Procurement Guidance:

T3.1.6 Non-Disclosure of Information

Disclosure of Information

Section 4 : Processing a Freedom of Information (FOIA) Request [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

SECTIONS EDITED:

Section 4 : Processing a Freedom of Information (FOIA) Request

Old Content: Procurement Guidance:

T3.1.6 Non-Disclosure of Information

Disclosure of Information

Section 4 : Processing a Freedom of Information (FOIA) Request

The CO processes requests for procurement information under FOIA. Unless the request for information is exempt from disclosure under the Act (such as trade secrets and commercial or financial information that is privileged or confidential), the information must be released. The CO coordinates responses to FOIA requests with the local FOIA Control Officer and the Office of Chief Counsel (Procurement Guidance T1.15.4.d(1)).

New Content: Procurement Guidance:

T3.1.6 Non-Disclosure of Information

Disclosure of Information

Section 4 : Processing a Freedom of Information (FOIA) Request

a. The CO processes requests for procurement information under FOIA. Unless the request for information is exempt from disclosure under the Act (such as trade secrets and commercial or financial information that is privileged or confidential), the information must be released. The CO coordinates responses to FOIA requests with the local FOIA Control Officer and the Office of Chief Counsel.

b. The CO must coordinate a request for procurement information with the vendor (submitter) whose contract, or information provided under a contract, is requested. The CO must request that the vendor describe the specific information exempt from disclosure and provide the specific exemption(s) which apply to the information. The vendor's response must be placed in the contract file. The CO determination whether the information is exempt from disclosure and rationale for the determination must also be placed in the contract file.

Red Line Content: Procurement Guidance:

T3.1.6 Non-Disclosure of Information

Disclosure of Information

Section 4 : Processing a Freedom of Information (FOIA) Request

a. The CO processes requests for procurement information under FOIA. Unless the request for information is exempt from disclosure under the Act (such as trade secrets and commercial or

financial information that is privileged or confidential), the information must be released. The CO coordinates responses to FOIA requests with the local FOIA Control Officer and the Office of Chief Counsel.

b. The CO must coordinate a request for procurement information with the vendor (Procurement submitter) Guidance whose T1.15.4 contract, or information provided under a contract, is requested. d The CO must request that the vendor describe the specific information exempt from disclosure and provide the specific exemption(s) which apply to the information. The vendor's response must be placed in the contract file. The CO determination whether the information is exempt from disclosure and rationale for the determination must also be placed in the contract file.
