NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

National Policy

N 1270.6

Effective Date:
07/01/19

Cancellation Date:
07/01/20

SUBJ: Notice of Change to Order 1270.1A, Freedom of Information Act Program (FOIA)

1. Purpose of this Notice. This notice provides organizational and procedural changes to Order 1270. lA, *Freedom of Information Act Program (FOIA).*

2. Audience. This Order applies to all FAA employees and managers with FOIA responsibilities.

3. Where can I **Find This Notice?** This Order is available on the FAA public website and employee website at https://employees.faa.gov/tools_resources/orders_notices/ and http://www.faa.gov/regulations policies/orders notices/, respectively. Additional information on FOIA can be found at http://www.faa.gov/foia.

4. Explanation of Changes. The changes listed below to paragraph 15, FAA Order 1270.lA are as follows:

a. Organizational change. Through the FAA' s Organizational Change Process, the FAA FOIA Program organizational designation of AFN-140 is hereby changed to AFN-400.

b. Notification Requirement. The Order is being changed to add a new requirement which reads as follows:

(1) Notification. Notification will be provided for those FOIA requests which have been flagged by the "Relevant Organization" as potentially including matters of significant public interest. "Relevant Organization" is defined as the Office of Communications (AOC), the Office of Government and Industry Affairs (AGI), the Office of the Chief Counsel (AGC), and the DOT Office of the Secretary of Transportation (OST). The following steps will be taken to ensure senior management awareness of FOIA responses on matters of potentially significant public interest prior to release:

(a) Effective September 20, 2018, AFN-400 will provide a weekly report, via email, ofFOIA requests received and logged into the FOIA National Tracking System (NTS) during the prior week to the established point of contact for each Relevant Organization.

(b) Any of the Relevant Organizations can flag a FOIA request for notification purposes. In addition, the head of any other line of business or staff office can flag any FOIA request for notification purposes through their respective FOIA operations.

(c) Within one business day of any organization flagging a FOIA request for notification, AFN-400 will modify the FOIA-NTS to include an informational flag for flagged FOIAs.

(d) Prior to issuing a response to FOIA requests flagged for notification, the FAA FOIA National Program Manager (AFN-400) will provide notification to the following Relevant Organizations in a reasonable amount of time before the response is issued:

(1) AGC;

(2) AOC;

(3) AGI;

(4) if appropriate, OST.

(e) These steps are intended to provide situational awareness only. In no way are these steps meant to delay the release of the FOIA response, or require additional vetting or input from the Relevant Organizations, including any further legal review.

(2) Appeals. Any Relevant Organization can designate any FOIA appeal form notification purposes. AFN-400 shall provide a report, via email, of FOIA appeals received and in process to the established point of contact for each Relevant Organization. If AFN-400 processes a FOIA appeal of a request flagged for notification, and a determination is made to release additional records during the appeal process, AFN-400 must provide the notification required in section (d) before the response is issued.

(3) Litigation. If FOIA litigation is commenced involving a request previously flagged for notification, the program office(s) involved in the matter in dispute will inform AGC counsel assigned to the case of its being flagged. In addition, to the extent additional records are required to be produced during the litigation, the program office(s) maintaining the responsive records will notify the Relevant Organizations referenced in section (d) in a reasonable amount of time, to the extent feasible in light of any court constraints, before the release of additional records. At minimum, the Relevant Organizations named in section (d) must receive notification and a copy of records released at the time they are released to any third party.



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