

June 12, 2002

Final - electronic
version

MEMORANDUM

SUBJECT: Guidance on Homeland Security Information

FROM: Kimberly T. Nelson
Assistant Administrator and
Chief Information Officer

TO: Assistant Administrators
General Counsel
Inspector General
Chief Financial Officer
Associate Administrators
Regional Administrators
Staff Office Directors

non-responsive

non-responsive

3. Information not actively distributed to the public, but potentially available to the public

The third category of information that we believe should be examined is information that is not actively disseminated to the public but *could* be made available. This could be information that has *not* been treated as protected under one of the nine FOIA exemptions and could be released to the public upon request. For this category of information, decisions should be made on a case-by-case basis.

It is worth noting that the guidance issued by DOJ advises departments and agencies to give full and careful consideration to all applicable FOIA exemptions. Related guidance from Attorney General John Ashcroft on October 12, 2001, advised Federal agencies that information that relates to "critical systems, facilities, stockpiles, and other assets" may be protected under FOIA exemption 2 which covers internal agency rules.² If you have any questions about whether a FOIA exemption might apply to specific information, please contact OEI's Alan Margolis at 202-566-1644.

non-responsive

Two additional pages of this memo are outside the scope of the request and therefore not provided as they are not responsive to the request

²Memo from Attorney General John Ashcroft to the Heads of all Federal Departments and Agencies, dated October 12, 2001, regarding the Freedom of Information Act. - <http://www.usdoj.gov/oip/foiapost/2001foiapost19.htm>