

1.1 FOIA Standard Operating Procedure

1.1.1 Policy

FOIA provides every person the right to inspect and take a copy of any public document on Guam, except as otherwise expressly prohibited in law, and except as provided in 5 GCA § 10108. The CCU FOIA Coordinator shall prepare a response to all requests and determine any fee charged for responding to a request. All CCU/GPA/GWA employees shall cooperate with the FOIA Coordinator by providing electronic or hard copies of existing public records requested by any person.

1.1.2 Definitions

- 1.1.2.1 *Freedom of Information Act (FOIA)* - Guam law that gives the public right to inspect and take a copy of any public records on Guam with the exception of those expressly provided under the same law
- 1.1.2.2 *Person* - any natural person, corporation, partnership, limited liability company, firm, or association
- 1.1.2.3 *Public Records* - any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency in any format, including an electronic format
- 1.1.2.4 *Magnetic Media* - CD ROM, DVD-ROM discs
- 1.1.2.5 *FOIA Coordinator* - The Board Secretary shall be responsible for preparing all CCU FOIA requests and the Legal Counsels for GPA or GWA will be responsible for ensuring compliance with time standards, where applicable. This will provide organizational clarity about the employee responsible for all duties related to responding to FOIA requests.
- 1.1.2.6 *FOIA Officer* - The Legal Counsel of GPA and GWA, respectively, are the FOIA Officers for the CCU relative to each respective agency.

1.1.3 Procedure Description

- 1.1.3.1 *Filing of FOIA Request* - all FOIA request for CCU's records shall be processed during regular hours of operation which is Monday to Friday from 8:00 a.m. to 5:00 p.m. Any oral or written FOIA request for information, including by mail, fax, email, or other electronic means, received by CCU / GPA / GWA staff for public information is treated as a FOIA request and responded to consistent with this policy. A copy of this policy must be posted on the CCU website. The request may be received by filling out the CCU FOIA Request Form available at the CCU office or CCU's website.
- 1.1.3.2 *The request must be labeled as "Sunshine Reform Act / Freedom of Information Act Request," address to the CCU Chairman and sent to:*

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Mail

CCU FOIA Coordinator

3rd Floor, Gloria B. Nelson Public Service Building

688 Route 15 Fadian, Mangilao, Guam

Fax

(671) 648-3290

Email

l.sablan@gpagwa.com

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- 1.1.3.3 *Receipt of FOIA Request - Any FOIA request for information received by CCU / GPA / GWA employees must be delivered to the FOIA Coordinator within one business day. The FOIA Officer shall be consulted if there is any doubt whether to process a request as a FOIA request*
- 1.1.3.4 *Processing FOIA Request – the FOIA Coordinator shall receive FOIA request or CCU FOIA Request Form (FRF), stamp it “RECEIVED” and indicate date and time of receipt.*
- 1.1.3.5 *If the FOIA request is not received on FRF, the FOIA Coordinator shall complete an FRF with information received. If necessary, the FOIA Coordinator shall contact the Person making the FOIA request to obtain or clarify FRF required information.*
- 1.1.3.6 *Thereafter, the FOIA Coordinator shall assign a FOIA request work order number and create an electronic filing folder in the CCU electronic document management filing system using that number.*
- 1.1.3.7 *The FOIA Coordinator shall collate FRF and any supporting documents and file in FOIA folder (red folder marked “urgent”) and immediately bring it to the attention of the Chairman and FOIA Officer.*
- 1.1.3.8 *For FOIA requests sent to the CCU during non-working hours (5:00 p.m. to 8:00 a.m., Saturday, Sunday, or Government of Guam holidays), the date to be indicated as its date of receipt shall be the date of the next working day.*
- 1.1.3.9 *The FOIA Coordinator shall ensure that the labor cost required for CCU / GPA /GWA employees to respond to the request is properly recorded in said employees time records using the FOIA request work order number.*
- 1.1.3.10 *Review of FOIA Request – The FOIA Officer shall review the FOIA request and take note of the date of its receipt and the date it falls due. He/she shall monitor observance of the deadline to respond provided by the law and shown under 3.3.9 of this SOP.*
- 1.1.3.11 *After noting the date of receipt and its due date, the FOIA Officer shall forward the request to the FOIA Coordinator who shall arrange obtaining the requested records/documents. The FOIA Officer shall prepare the response.*
- 1.1.3.12 *Preparation of Requested Records – FOIA Coordinator shall gather the records subject of FOIA request within three (3) working days, from the date stamped on the request as date of receipt or the date appearing on the FRF.*
- 1.1.3.13 *In case the request does not clearly identify the records, the FOIA Coordinator shall immediately contact the Person making FOIA request and ask for specification or details of the records sought.*
- 1.1.3.14 *In this case, the running of the period provided under 3.3.9 and its subparagraphs shall be stopped and shall commence the run again only once the requested records have been clearly identified. In this regard, the FOIA Coordinator shall note on the received copy of the FRF the date and time of communication and its brief description.*
- 1.1.3.15 *In the event the documents requested requires extra-ordinary effort to gather or assemble, the FOIA Coordinator shall notify the FOIA Officer who shall prepare a notice from the CCU Chairman to the Person requesting the FOIA in accordance with 3.3.9.2.1 of this SOP*

- 1.1.3.16 *Preparing the FOIA Information – The FOIA Coordinator shall review the gathered records, coordinate, and confirm with FOIA Officer on the documents to be released and redact the following exempt records*
- 1.1.3.17 *Exempted records from FOIA - the following records shall be exempted from the coverage of FOIA. “If the records being requested partially contain information exempted from disclosure by this Chapter or by another law, the agency shall redact the exempt information only and release the non-exempt information in the records, citing the exemption in law that requires the information to be redacted*
- 1.1.3.17.1 Records pertaining to pending litigation to which the authority is a party, until the pending litigation has been finally adjudicated or otherwise settled
- 1.1.3.17.2 Records of complaints to, or investigations conducted by, or records of intelligence information, or security procedures or information, of an agency or its personnel
- 1.1.3.17.3 Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. All information regarding salary, and the name, age, and mailing address of each employee and public official shall be public record.
- 1.1.3.17.4 The home address and telephone number of any person whose occupation is subject to regulation or licensure by the government of Guam, or of any public official or government employee, or of any member of a government board, commission, or council, unless such person gives express permission to disclose such information
- 1.1.3.17.5 All existing privileges or confidential records or other information expressly protected under the law
- 1.1.3.17.6 Records specifically pertaining to security procedures, passwords, combinations, access codes, electronic or computer user I.D.s, policies, or procedures on security
- 1.1.4 Draft documents.
- 1.1.4.1 *Billing – the FOIA Coordinator shall count the number of pages covered by the FOIA request and may bill its cost for ten cents (10¢) for the first page and two cents (2¢) for the succeeding pages. For magnetic media, fifteen dollars (\$15.00) per CD or DVD-ROM disc may be charged. Any branch, department, or agency of the government of Guam shall not be charged for any FOIA requests.*
- 1.1.4.2 *Review of Records for Release - before the requested records are released and within the 3-day period to prepare it, the FOIA Coordinator shall forward the gathered records to the FOIA Officer. The FOIA Officer shall:*
- 1.1.4.3 *Review its contents and make sure that all exempt documents have been removed and all exempted information have been redacted, as specified in section 3336.1 from the records to be released to the requestor.*
- 1.1.4.4 *Identify legal citations to exemptions to FOIA law that require redaction or prohibit disclosure of records and provide to FOIA Coordinator.*
- 1.1.4.5 *Draft a transmittal letter to the Person making the FOIA request upon completion of his review.*

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- 1.1.4.6 *Release of Requested Records - the FOIA Coordinator shall release to the requestor the records, observing the time prescribed by the law within which to release it, to wit:*
- 1.1.4.7 *Four (4) working days, from receipt of the request, if what is requested is information in writing*
- 1.1.4.8 *Five (5) working days, from receipt of the request, if the information requested is stored on or to be stored on magnetic media*
- 1.1.4.9 *Exception - the time limit prescribed by the law may be extended up to ten (10) consecutive days, including Saturdays, Sundays and legal holidays; provided, the extension is due to unusual circumstances; and provided further, a written notice by the GM was sent to the requestor stating the reason for the extension and a date on which the records will be expected to be released.*
 - 1.1.4.9.1 For this purpose, unusual circumstances mean:
 - 1.1.4.9.1.1 *the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; or*
 - 1.1.4.9.1.2 *the need to search for, collect and appropriately examine more than ten (10) separate and distinct records which are demanded in a single request, or records that in total, are contained in five hundred (500) or more pages, or contain about two hundred fifty thousand (250,000) words, whichever is more.*
 - 1.1.4.9.1.3 *Keeping of FOIA Request - FOIA Coordinator shall keep all records of FOIA request in an envelope labeled "FOIA REQUEST FY- YEAR.", and in the CCU Chairman's electronic document management filing system. Records of FOIA request shall include:*
 - 1.1.4.9.1.4 *written request filed by the requestor or FRF*
 - 1.1.4.9.1.5 *proof of receipt of requested records by the requestor; and*
 - 1.1.4.9.1.6 *proof of payment of the cost. After filing the Annual Report to the Attorney General of Guam, the FOIA Coordinator shall place it in the FOIA Request envelope and in the CCU Chairman's electronic document management filing system*
 - 1.1.4.9.2 *Annual Report - FOIA Coordinator shall prepare annual report, which report shall be reviewed by the FOIA Officer and CCU Chairman and submitted to the Attorney General of Guam on or before February 1 every year. After submission of the report, the FOIA Coordinator shall post its stamped "Received" electronic copy on the CCU website. The report must cover the preceding year and contain the following information*
 - 1.1.4.9.2.1 *the number of determinations made by the agency not to comply with requests for records made to such agency under §10108 of this Chapter and the reasons for each such determination*
 - 1.1.4.9.2.2 *the number of requests for records pending before the agency as of September 30 of the preceding year, and the median number of days that such requests had been pending before the agency as of that date;*
 - 1.1.4.9.2.3 *the number of requests for records received by the agency and the number of requests which the agency processed;*

- 1.1.4.9.2.4 the median number of days taken by the agency to process different types of requests; and the number of full-time staff of the agency devoted to processing requests for records under this Section, and the total amount expended by the agency for processing such requests