When to Consult, Refer, or Coordinate

Consultation: Document originated with *your* agency/office, but includes equity of another agency/office.

Referral: Document originated with *another* agency/office.

Coordination: Document originated with *another* agency/office and is an unacknowledged law enforcement or Intelligence Community record.
Threshold Considerations

- While records that originated at another agency are typically referred, the agencies may jointly agree that the records can be handled as a consultation.
- Only refer records to an agency subject to the FOIA.
- Look for ways to adopt standard processing procedures to reduce the numbers of referrals or consultations.

Consultations and Referrals

Consultation:
- Send document to other agency/office for their recommendation.
- Await agency/office consultation response.

Referral:
- Refer document to agency/office where it originated. If your agency/office has equity provide recommendation.
- Advise requester of referral.

Consultations and Referrals

Consultation:
- As originator your agency/office makes the final determination and release to requester.
- Always include administrative tracking number.

Referral:
- Agency/office where document originated will make the final determination and release to requester.
- Always include administrative tracking number.
Coordination Procedures

- Contact the originating agency to inquire whether their involvement in the matter can be publicly acknowledged.
  - This should be done for all records originating from Intelligence Community agencies.
  - If no privacy or national security harms are at risk, standard referral procedures apply.
  - If harms are at risk, the agencies should coordinate.

Conclusion

- These procedures are designed to foster efficiency and ensure consistency of responses.
- Agencies should:
  - Keep requesters informed so that they understand what has happened to the documents responsive to their request.
  - Provide the requester a point of contact at the agency where records have been referred.

Office of Information Policy Guidance

For detailed procedures, see:
OIP Guidance, “Referrals, Consultations, and Coordination: Procedures for Processing Records When Another Agency or Entity Has an Interest in Them”

http://www.justice.gov/oip/blog/foia-guidance-13