

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 15-29(NxGen)

April 24, 2015

To: All Regional Directors, Officers-in-Charge,
and Resident Officers

From: Anne Purcell, Associate General Counsel

Subject: Preparation of NxGen Case Files for Centralization of FOIA Handling

The HQ FOIA Branch is continuing the process of centralizing FOIA work for the Regions. Their goal is to achieve full centralization later in this fiscal year. We believe that centralization of FOIA efforts will lessen the burden placed on field personnel while providing improved service to the public.

For centralization to work, it is essential that Regions' NxGen case files are complete and in good order. To facilitate this process, we want to share some tips for making sure that your NxGen Files are FOIA-ready.

Conformed Signatures

In OM 09-15, Electronic Case File Procedures, and OM 12-80, Moving to NxGen as the Regional Office Case File, we advised Regions that instead of scanning signed docket letters, complaints, dismissal letters, and other documents requiring a signature from Agency personnel into NxGen, it would be acceptable for the Region to substitute a conformed (/s/) signature for the "wet" signature. While we leave the decision of whether these letters must have the "wet" or conformed signature to the Regional Directors' discretion, the document in the NxGen file must contain a signature.

Use of Appropriate Document Prefixes and Document Subtypes

The HQ FOIA Branch receives monthly requests for copies of all petitions, tally of ballots, charges, and other documents issued. In order to accommodate these requests, OCIO has developed a "batching" function that will pull documents with the particular document type and subtype that have a status of "Issued." Accordingly, it is essential that Regions make sure that the appropriate Document Type, Subtype, and Status are selected, so that the FOIA response has all of the appropriate information to satisfy the request.

Draft Documents

Files should not contain multiple drafts of a document. Only the final document should appear. It is extremely difficult and time-consuming for a reviewer to determine which version of the document actually issued. Moreover, when a FOIA request seeks “all documents” in the case file, each document in the file, including drafts, must be opened and reviewed for possible disclosure. The FOIA review is not allowed to “skip” drafts. Although the draft document may be protected from disclosure under exemptions to FOIA, it still must be reviewed. In order to avoid this significant waste of time and resources, Regions should ensure that draft versions of documents are not maintained in the file.

We are not requiring Regions to remove documents such as complaints that did not issue because the case settled. Those documents will not have “Issued” status and are appropriate to remain in the file. We do not, however, want several iterations of the same document in the file.

If you feel that maintaining copies of drafts is helpful and you want to preserve them in NxGen, please use NxGen’s versioning feature. Training for the versioning process can be found at [Versioning Documents in NxGen](#) under “Documents”. Alternatively, you must remove draft documents before a case is closed.

In addition to the concerns listed above, we also recommend that Regions consider the NxGen Quality Review Checklist on the [Quality Review Checklists | Insider](#) page for other document and data integrity concerns.

Please address any questions or concerns to your AGC, Deputy, Deidre MacNeil or Diane Bridge.

/s/
A.P.