

**CIVIL SERVICE COMMISSION**  
**FOIA Standard Operating Procedure**  
Pursuant to 5 GCA, Government Operations, Ch. 10, Sunshine  
Reform Act of 1999

Document No.	Title: <b>FOIA</b>	Print Date: <b>2/9/21</b>
Revision No. <b>1.0</b>	Prepared By: <b>Eric D. Miller</b>	Date Prepared: <b>2/9/21</b>
Effective Date: <b>2/9/21</b>	Reviewed By: <b>Daniel Leon Guerrero</b>	Date Reviewed: <b>2/9/21</b>
Standard: <b>Standard</b>	Approved By: <b>Civil Service Commission</b>	Date Approved: <b>3/23/21</b>

**Policy:** To efficiently and timely respond to requests for document and records requested by the public.

**Purpose:** To fully comply with the Sunshine Law of Guam, 5 GCA §10101, et seq.

**Scope:** All Freedom of Information (FOIA) requests.

**Procedures:**

**1.0** All FOIA requests to inspect and/or obtain a copy of public documents will be referred to the Legal Secretary/Board Secretary or designee for processing.

A. Legal Secretary/Board Secretary or designee, or personnel receiving the FOIA request shall immediately give the request to Executive Director for approval.

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B. Legal Secretary/Board Secretary or designee will provide the record for inspection in any form or format requested, if the record is readily reproducible in the format requested.

**2.0** The Legal Secretary/Board Secretary or designee shall maintain a log of all FOIA requests. Each request will be assigned a number, date of request, name of requestor, description of document requested, date of response and date received.

**3.0** FOIA requests may be oral, electronic, or written.

**4.0** The Executive Director will advise the Legal Secretary/Board Secretary or designee what should be released and what is exempt from disclosure and prior to allowing the requestor to inspect or review the public documents, will obtain approval from the Executive Director.

**5.0** The Legal Secretary/Board Secretary or designee shall comply with the request within four (4) working days from receipt of request if the records requested are disclosable public records in the possession of the agency.

**6.0** If the records being requested contain information exempted from disclosure, the Legal Secretary/Board Secretary or designee shall redact the exempt information and release the non-exempt information in the records, citing the exemptions in law that require the information to be redacted.

**7.0** In unusual circumstance, the time limit prescribed herein may be extended up to ten (10) calendar days including Saturdays, Sundays, and legal holidays, written notice by the Executive Director to the person making the request,

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setting forth the reasons for the extension and the date on which a determination is expected to be dispatched.

“Unusual circumstances” means:

A. 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,

B. 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.

**8.0** The following records are exempt and not subject to disclosure:

A. Records protected by attorney client privilege.

B. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

C. Social Security numbers.

D. Phone numbers and home addresses

**9.0** On or before February 1 of each year the CSC will submit to the Attorney General of Guam a report which shall include:

A. The number of determinations made by the agency not to comply with requests for records made to such agency under 5 GCA, §10108 and the reasons for such determination.

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B. 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.

**10.0** The purpose of the request for records is irrelevant and the purpose may not be the basis for non-disclosure.

**11.0.** Request for the Proposed Notice of Adverse Action (PNAA) or Final Notice of Adverse Action (FNAA) where the FNNA or PNAA that is not appealed shall not be subject to FOIA.

When the FNAA or the PNAA has been filed in the appeal file it can be FOIA'ed because everything in the appeal file is public record.

**12.0** Request for a copy of the entire appeal file and then later a second request for the entire file which would include documents filed post first request. Provide documents not delivered in first request.

**13.0** Request for all emails regarding a certain case. Provide one copy of each email, not necessary to provide identical copies to all parties cc'd in the email.

**14.0** Request for the entire file. Provide only what is in the entire file. Do not provide the docket sheet unless it is specifically requested. The Docket is not part of the official file. Redact confidential information like Social Security Numbers, and medical data.

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15.0 The real party in interest in any case does not need to file a FOIA request to get a document in a case where they are a real party of interest. Parties may have access to subject files upon request.

Approved by:   
Daniel D. Leon Guerrero

3/26/2021  
Date