

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

**Arizona State Office**  
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**In Reply Refer to:**

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EMS TRANSMISSION:

Information Bulletin No. AZ-2003-020

To: All Employees

From: State Director

Subject: Subpoena for Testimony of Employees or for Production of Records

**Purpose:** BLM employees are frequently requested or subpoenaed to provide testimony or to produce records for litigation. This Information Bulletin (IB) reminds all employees of the requirement to comply with Department of the Interior (DOI) regulations at 43 CFR, Part 2, Subpart E---Legal Process: Testimony by Employees and Production of Records. These situations require a *Touhy* Request be submitted along with the subpoena in order for processing and approval.

**Background:** DOI regulations were issued in 2000 that outline in detail what is required of a requester when submitting a *Touhy* Request. The regulations also clearly state the steps an employee must take when they receive a *Touhy* Request and how BLM must process such requests. If a subpoena is submitted without the required *Touhy* Request, no action can be taken to comply with the subpoena. Only the State Director, in consultation with the Office of the Solicitor, can grant permission to comply with a *Touhy* Request. All employees were informed of these requirements via Instruction Memorandum (IM) No. AZ-2000-033, dated September 29, 2000.

In the case of a Subpoena Duces Tecum compelling production of records, all employees are reminded that the Freedom of Information Act (FOIA) and Privacy Act apply to all BLM records; especially Personnel records. If a *Touhy* Request and subpoena are issued for records protected by either the FOIA or the Privacy Act, the request must be processed under the appropriate Act. Such request should be submitted to the State FOIA Officer as soon as the request is received.

**Action:** All employees should become familiar with the DOI regulations regarding subpoenas for testimony and/or records production. Copies of IM No. AZ-2000-033 and the regulations are attached to this IB. Upon receipt of a *Touhy* Request, please contact the State Records Administrator for processing.

**Contact:** Toni Klimek, State Records Administrator, FOIA/PA Officer. She can be reached at (602) 417-9364, by fax at (602) 417-9376, or via e-mail at [Toni\\_Klimek@blm.gov](mailto:Toni_Klimek@blm.gov).

SIGNED BY:  
Judy E. Nelson  
For Elaine Y. Zielinski

AUTHENTICATED BY:  
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Attachments:

1. IM No. AZ-2000-033, dated September 29, 2000. (2 pp.)
2. 43 CFR, Part 2, Subpart E. (6 pp.)