



A Requester's Perspective

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FOIA: A Key Component of Our Government



- Taxpayer access to taxpayer-funded records
- “The public has the right to know”
- Transparency builds public trust
- Transparency promotes economic value
- An appropriate channel to share agency records
- Well-established statutory framework
- Helps facilitate a robust news media
- Helpful in identifying and correcting problems



FOIA: Key Component of Government (cont.)



- Can help explain the importance of agency programs to the public
- An opportunity to engage constructively with interested members of the public
- Provides an agency with unique insight into the public's specific interests in agency activities
- Can identify for an agency opportunities for proactive publication records
- A robust FOIA program helps avoid FOIA litigation



Recent Successes



- Fewer fee-related disputes
- More records are being provided electronically
- Document size is less of an impediment
- Greater recognition of access to digital records
- More willingness to make discretionary releases
- OGIS audits beneficial in improving processes



More Recent Successes



In the large majority of agencies:

- Reduced FOIA request backlogs
- More outreach by email/phone to clarify requests
- FOIA Public Liaisons help resolve issues
- Better status information available



Areas For Improvement



- Response letters are often abrupt or unhelpful – e.g., don't explain the specific need to withhold
- Agencies do not reach out to requesters to clarify ambiguities or poorly framed requests
- Some agencies still don't accept emailed requests
- Failing to provide segregable releasable portions



More Areas For Improvement



- Sending large fee letters without first telephoning the requester
- “No records found” letters that lack explanation
- Lack of adequate training on exemption b(5), particularly the deliberative process privilege
- Routine denial of fee waiver requests



RECOMMENDATIONS



Facilitate Engagement With Agency Staff



- Provide a phone number and include an agency contact person in the response letter
- Keep agency contact data current on FOIA.gov
- Call or email requesters if questions arise
- Don't assign the same person to be both the FOIA Officer and the FOIA Public Liaison
- Bear in mind that requesters do not typically know what records exist and what they are called



Foster Win-Win Solutions



- Offer suggestions on how to amend a problematic, awkward, or inelegantly framed request
- Suggest ways a request might be narrowed
- Discuss excluding problem fields from datasets
- Offer samples of voluminous data as starting point
- Tell requesters what is typically available/released
- Train a staff member to negotiate difficult requests
- Use Internet posting as a simpler alternative to sending records, where appropriate



Ensure a User-Friendly FOIA Reading Room



- Don't be stingy on posting released records
- Organize material by subject or topic
- No "data dumps"
- Allow browsing, not just keyword searching
- Get help from a librarian / information specialist
- Ensure adequate IT support
- Do OCR on documents but Section 508 compliance should not become an obstacle for older records
- Create a "what's new" section
- Permit email notification for newly-posted items



Create Customer-Oriented Response Letters



- Provide a customer-oriented, human-centered response – not a legalistic or adversarial response
- Avoid written responses that are hyper-technical/disingenuous or pedantic
- Recognize and accept that requesters are often unfamiliar with the agency's records structure
- Clarify and better explain "no records" responses
- In no record responses, try to mention a more productive route for the requester
- Provide specific explanations for exemption b(5)



Improve Fee-Related Communications



- Provide better staff training on fee categories
- Provide better staff training on fee calculations
- Prevent mingling of search and review fees
- Be more open to fee waiver requests even when the requester has not articulated explanations well
- Offer suggestions for ways to reduce fees
- Don't send large fee letters without first phoning the requester



Produce User-Friendly Files



- Stop the common practice of producing muddy, blurry, or otherwise poor quality images
- Train staff how to scan documents properly
- Use 300-400 dpi for scans wherever possible
- Stop the practice of scan, print, scan, print
- Don't provide color scans of B&W material
- Don't "lock down" or password protect electronic files being provided
- Don't put labels on CDs -- they cause problems
- Have the capability to output digital files





THANK YOU

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