CHIEF FOIA OFFICERS COUNCIL

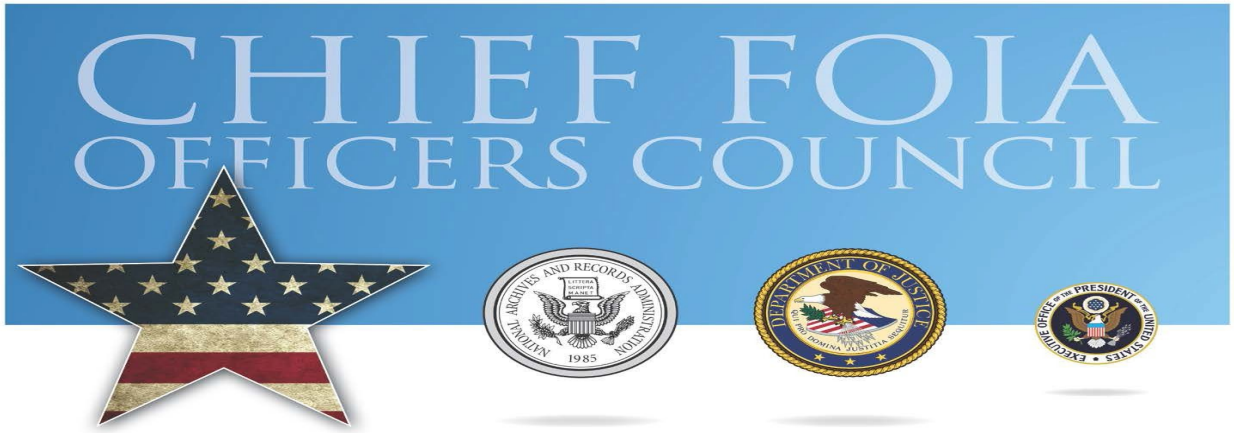
Public Meeting

Thursday, April 21, 2022

10:00 am –12:00 noon

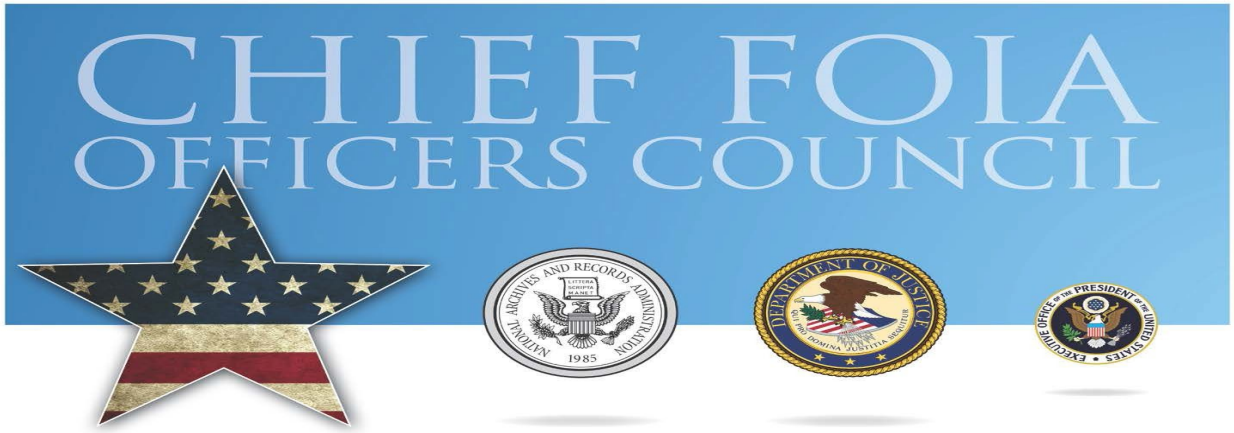
Bobby Talebian and Alina M. Semo

Co-Chairs



WELCOME & HOUSEKEEPING

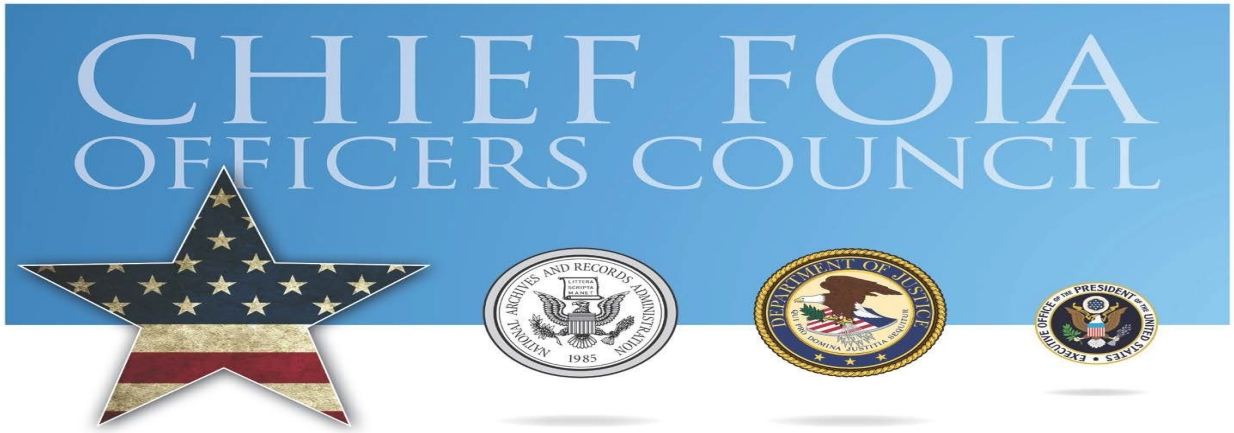
Chat to "All Panelists" to ensure your comments are seen by our moderators



OPENING REMARKS

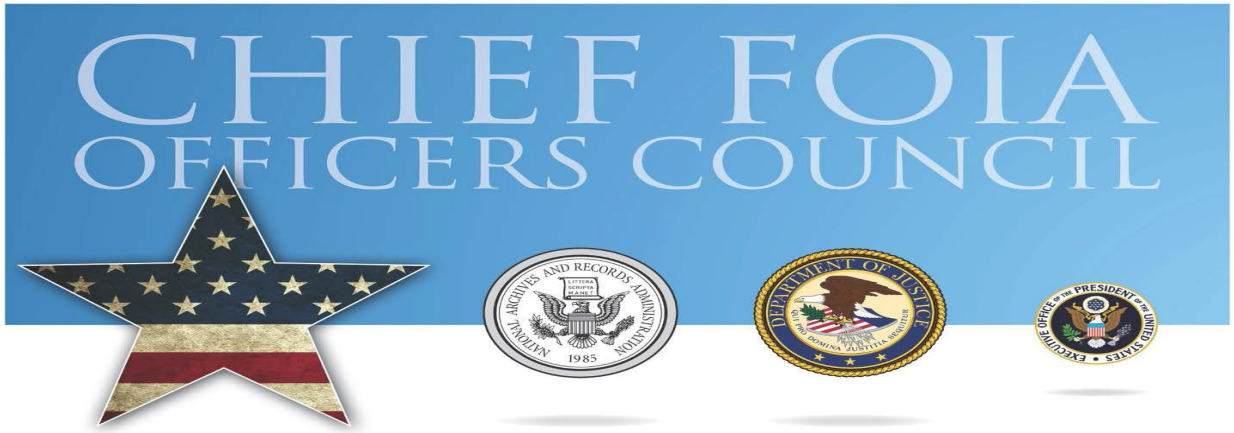
Vanita Gupta,
Associate Attorney General of the United States

David S. Ferriero,
Archivist of the United States



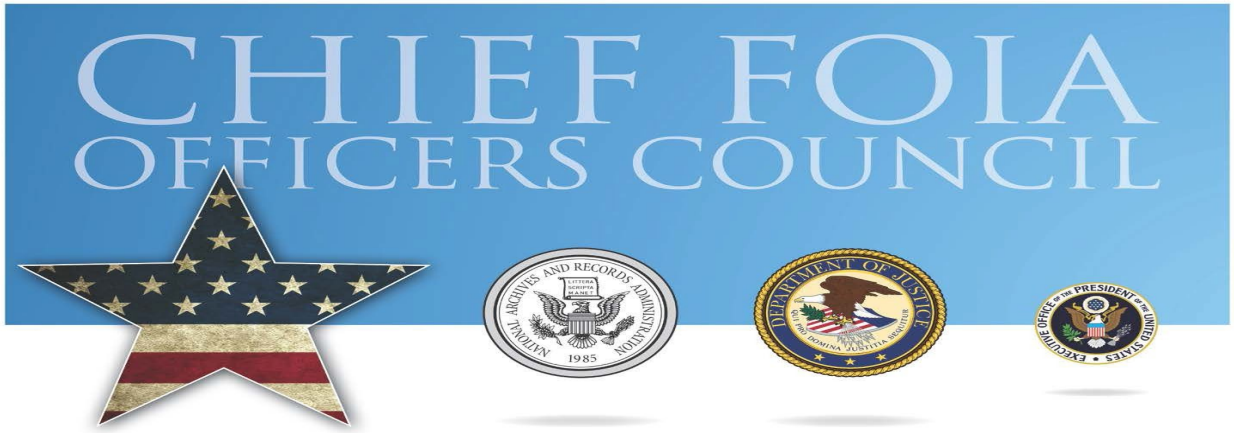
UPDATES FROM
OFFICE OF INFORMATION POLICY
(OIP)
U.S. DEPARTMENT OF JUSTICE

Bobby Talebian, Director



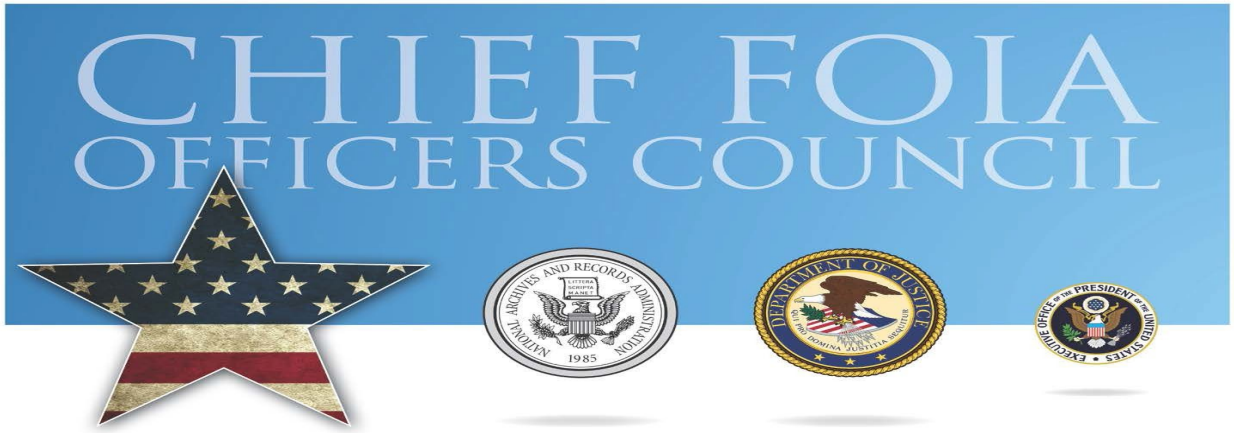
OIP Updates

- New Attorney General FOIA Guidelines
- FOIA Reporting and Data
- E-Learning Training Modules
- Training and Events
- FOIA.gov
- Government Accountability Office Reports



Attorney General FOIA Guidelines

- Attorney General Garland announced new FOIA Guidelines on March 17, 2022.
- OIP will be issuing guidance to aid agency implementation.
- OIP will also be reviewing and updating FOIA reporting guidelines, particularly for agency Chief FOIA Officer Reports.



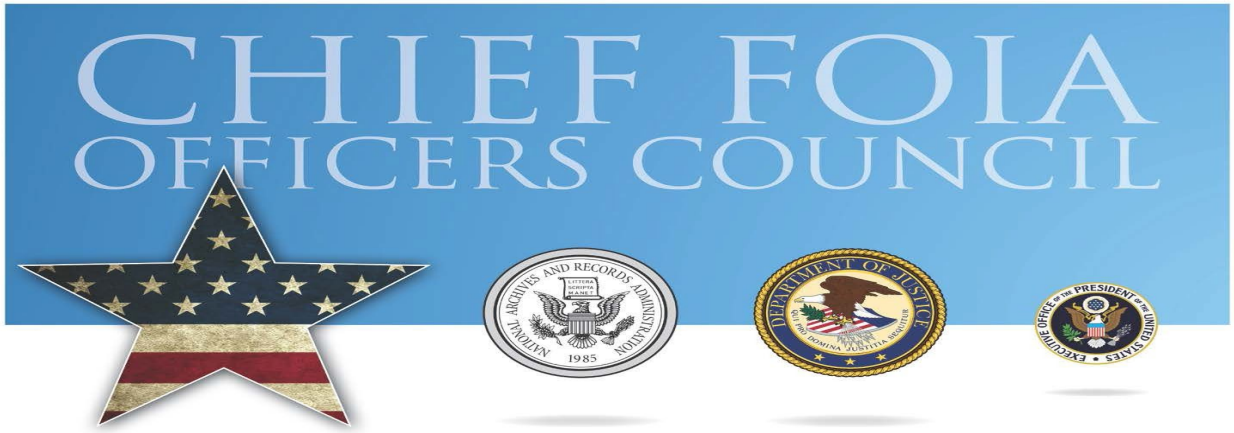
Attorney General FOIA Guidelines

Applying a Presumption of Openness

- Agencies should confirm the application of the foreseeable harm standard in their response letters.
- Agencies may consult with DOJ when there are close cases.

Proactive Disclosures

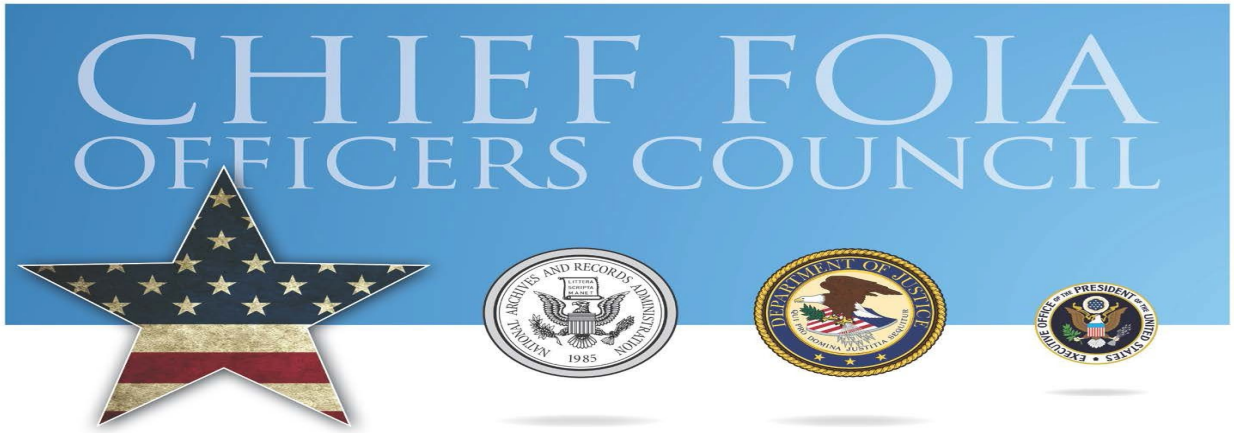
- Agencies should post frequently requested records as soon as feasible.



Attorney General FOIA Guidelines

Removing Barriers to Access

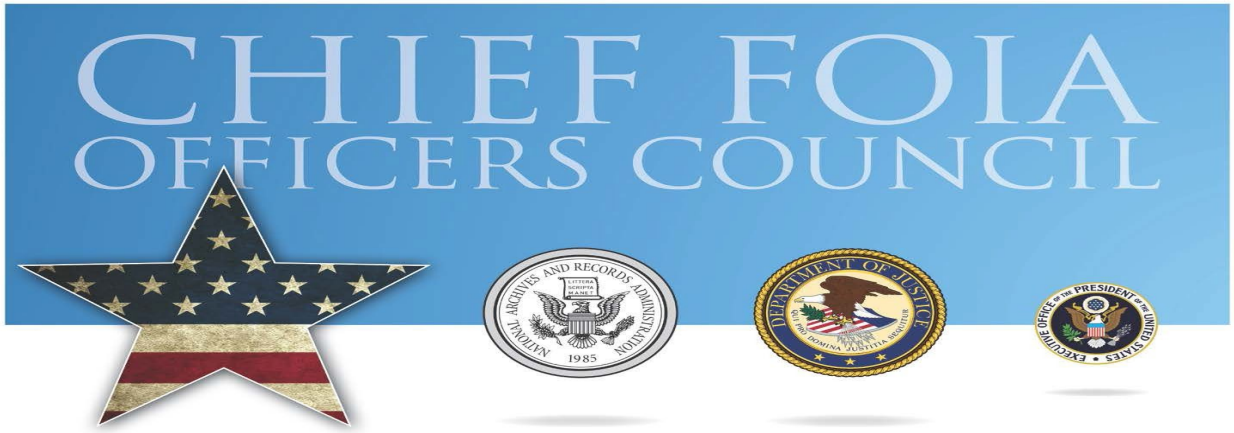
- Examining alternative means of access
- Ensuring FOIA websites are navigable and records are easy to find
- Timely disclosure of records
- Good communication with the requester (see OIP Guidance)



Attorney General FOIA Guidelines

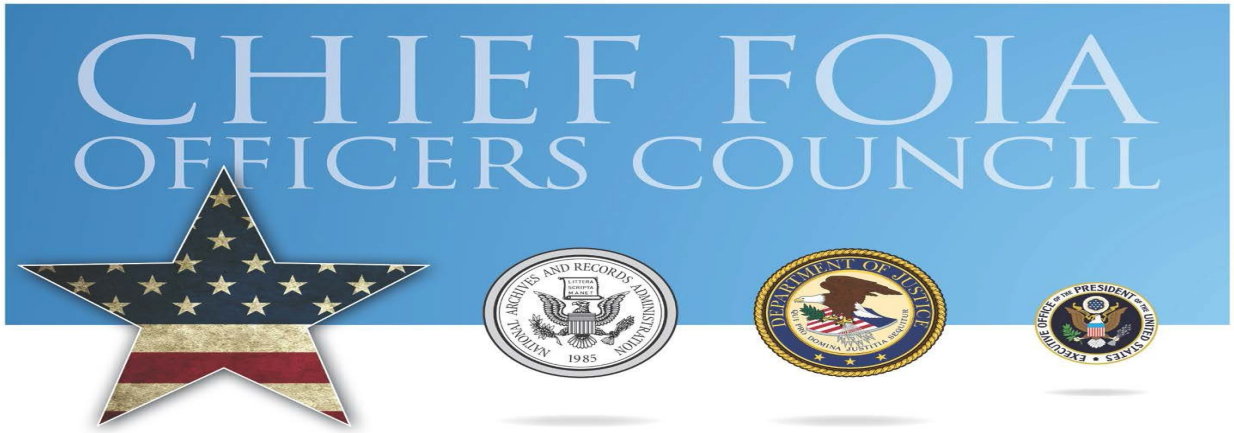
Ensuring Fair and Effective FOIA Administration

- Emphasized role of Chief FOIA Officers
- Comprehensive Reviews & New Chief FOIA Officer Report Guidelines
- Regular FOIA training for the entire workforce



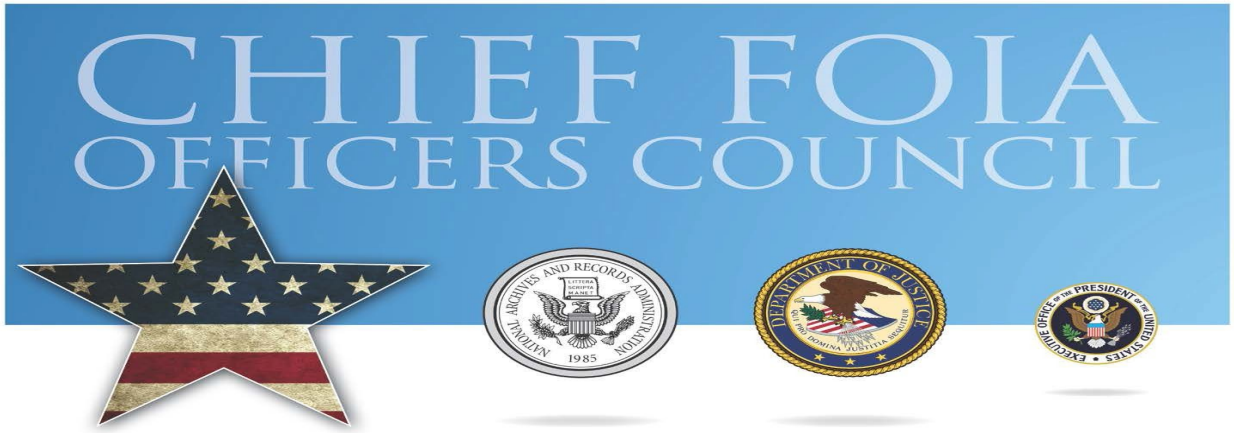
FOIA Reporting and Data

- Thank you for your agencies' efforts this past reporting cycle.
- Demand for FOIA remained high in Fiscal Year 2021:
  - 838,164 requests received
  - 838,688 requests processed
- Agencies continued to proactively post millions of records pursuant to subsection (a)(2) of the FOIA.
- OIP's Annual FOIA Report Summary is forthcoming, along with our Summary and Assessment of Agency Chief FOIA Officer Reports.



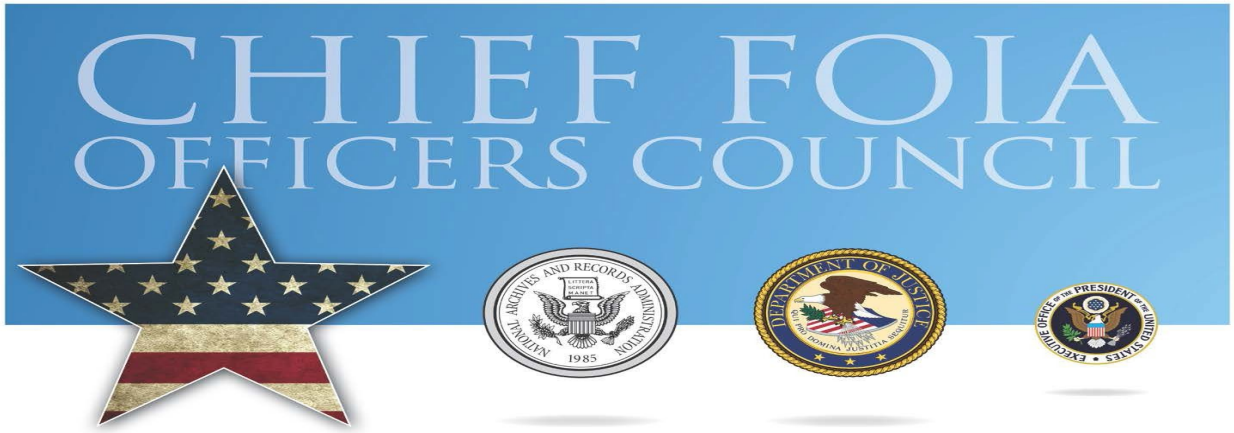
FOIA E-Learning Training Modules

- OIP is updating three e-learning FOIA Training modules:
  - Executive Briefing Course (available next month)
  - FOIA for Federal Employees (available next month)
  - FOIA for FOIA Professionals (available early summer)
- Courses will be available to load into agency learning management systems (LMS) and available online for agencies that do not have an LMS.
- Stay tuned to FOIA Post for updates!



Upcoming Training and Events

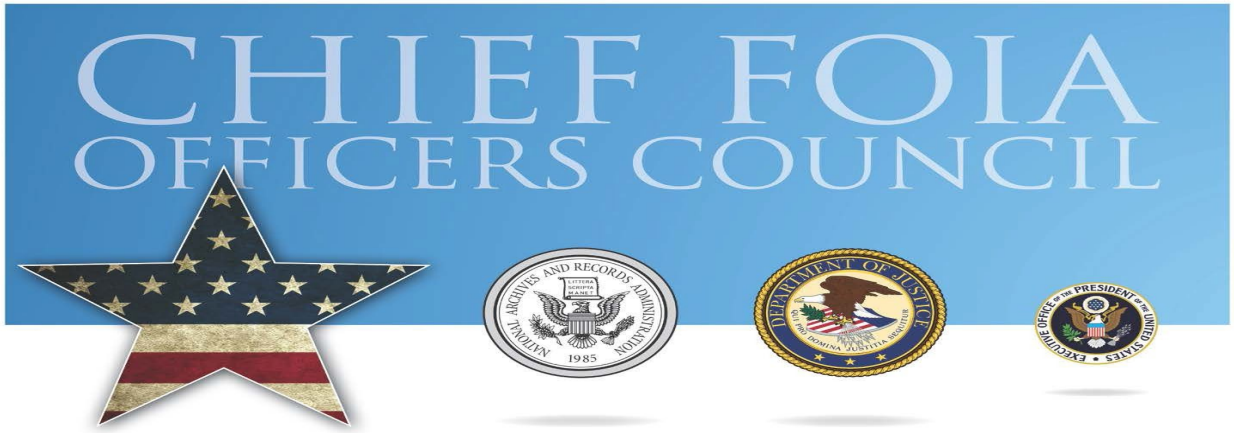
- FOIA Summit for Agency FOIA Professionals – May 4, 2022. Series of panels on topics including:
  - How agencies are modifying their FOIA plans and process in light of COVID-19
  - Best practices for leveraging FOIA data to strengthen FOIA programs
  - Recent Government Accountability Office FOIA reports and recommendations
  - FOIA litigation trends
- Multiple virtual FOIA training sessions hosted by OIP this summer, registration opens one month in advance of the course.
- Registration for all events in required on Eventbrite.



FOIA.gov – Interoperability Reminders

- Agency contact information: Agencies should maintain current contact information throughout the year for all agency components on FOIA.gov.
- Interoperability: Contact OIP if you are changing case management systems or need to otherwise update your integration to ensure your agency continues to successfully receive requests from FOIA.gov.
- Agency Managers: Every agency has one or more "Agency Managers" who are responsible for maintaining all information on FOIA.gov. Contact OIP if updates are needed.

For all FOIA.gov matters, contact National.FOIAPortal@usdoj.gov.



FOIA.gov – CFO Council Page Coming Soon!

- **Will make all CFO Council information available in a centralized location.**
- **Main page will contain information about upcoming and past meetings.**
- **Committee-specific pages will include dropdowns for working groups.**

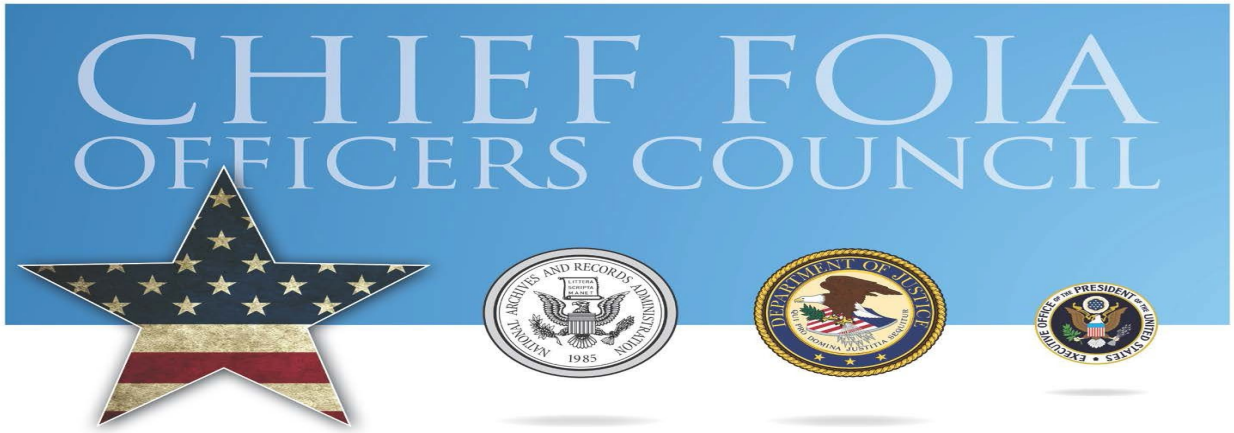
Government Accountability Office Engagements

GAO Report on Ex. 3 Statutes (Jan. 12, 2021)

- OIP Resources on Ex. 3

GAO Report on FOIA Proactive Disclosures (March 10, 2021)

- Documenting procedures to ensure implementation of the FOIA's proactive disclosure requirements
- Accurately tracking proactive disclosure for the Annual FOIA Report
- See updated DOJ Annual FOIA Report Handbook



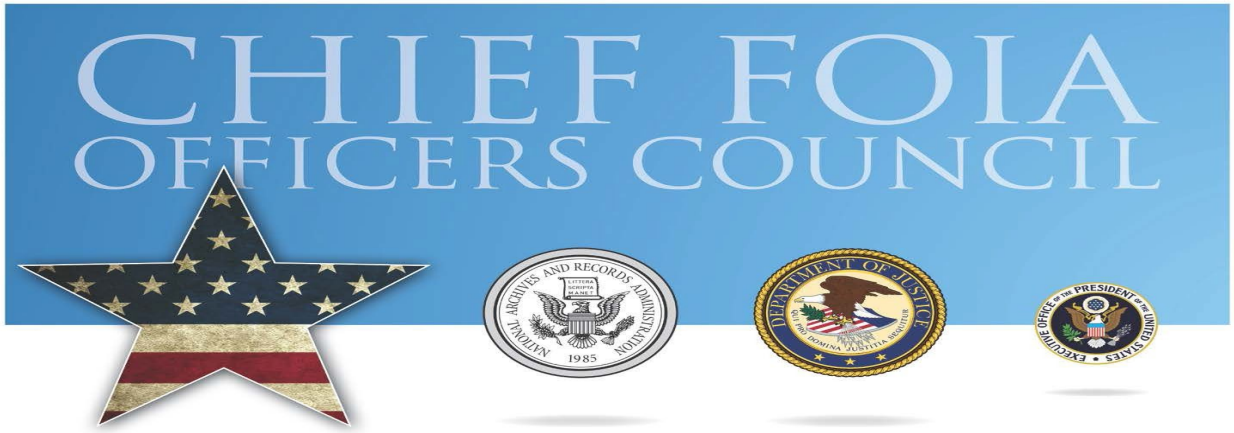
Government Accountability Office Engagements

GAO Report on Agency FOIA Administration During Pandemic (Jan. 26, 2022)

- Agencies adapted to the pandemic in several ways, including implementing OIP's guidance.
- GAO's recommendations largely focused on backlog reduction plans, particularly plans that defined performance goals, performance measures, planned actions, milestones, and responsible offices/officials.
- OIP is implementing one recommendation regarding reporting metrics.

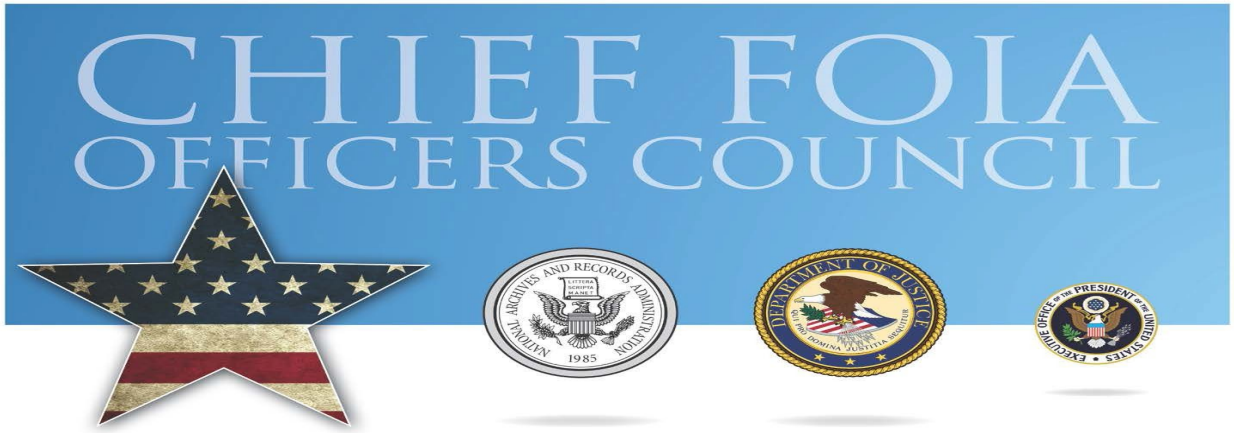
CHIEF FOIA OFFICERS COUNCIL

QUESTIONS?



UPDATES FROM THE OFFICE OF GOVERNMENT INFORMATION SERVICES (OGIS)

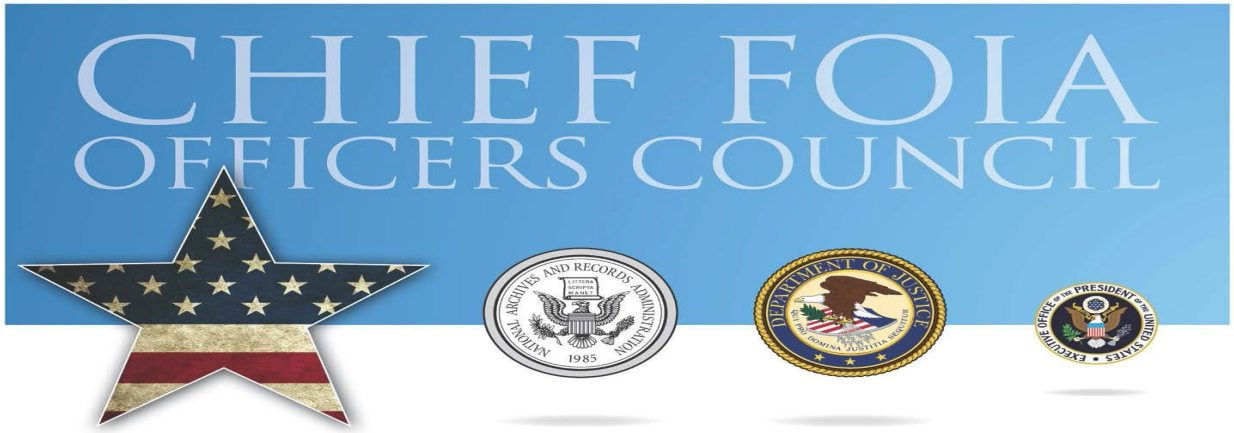
Alina M. Semo, Director



Estimated Dates of Completion (EDCs)

OGIS Issue Assessment: Agency Compliance with the Estimated Date of Completion Requirement of the Freedom of Information Act

https://www.archives.gov/files/ogis/assets/edc-assessment-31-march-2020.pdf



What OGIS Found	What OGIS Recommends
1. Agency responses to requests for estimated dates of completion (EDCs) as mandated by the Freedom of Information Act (FOIA) are mixed. (*Recommendation 1*)	**1. Agencies must provide EDCs to requesters upon request to comply with the FOIA statute.**
2. Agency use of online tools to provide requesters with EDCs and status information is mixed. (*Recommendation 2*)	**2. Agencies should ensure that online tools that provide EDCs function properly, provide the most up-to-date information possible, and provide contact information for the FOIA program.**
3. Agencies are challenged by EDCs and some use data to provide status information but not EDCs. (*Recommendations 3 & 4*)	**3. Agencies should use average processing times for simple and complex requests to help determine EDCs.**
	4. Agency Chief FOIA Officers should ensure that FOIA professionals have the necessary resources to provide EDCs to FOIA requesters.

CHIEF FOIA OFFICERS COUNCIL

NATIONAL ARCHIVES | OGIS OFFICE of GOVERNMENT INFORMATION SERVICES

OGIS ADVISORY OPINION NO. 2020-01
ISSUED: MARCH 31, 2020

AGENCIES MUST PROVIDE ESTIMATED DATES OF COMPLETION UPON REQUEST

https://www.archives.gov/files/ogis/assets/ogis-advis-op-2020-01.pdf

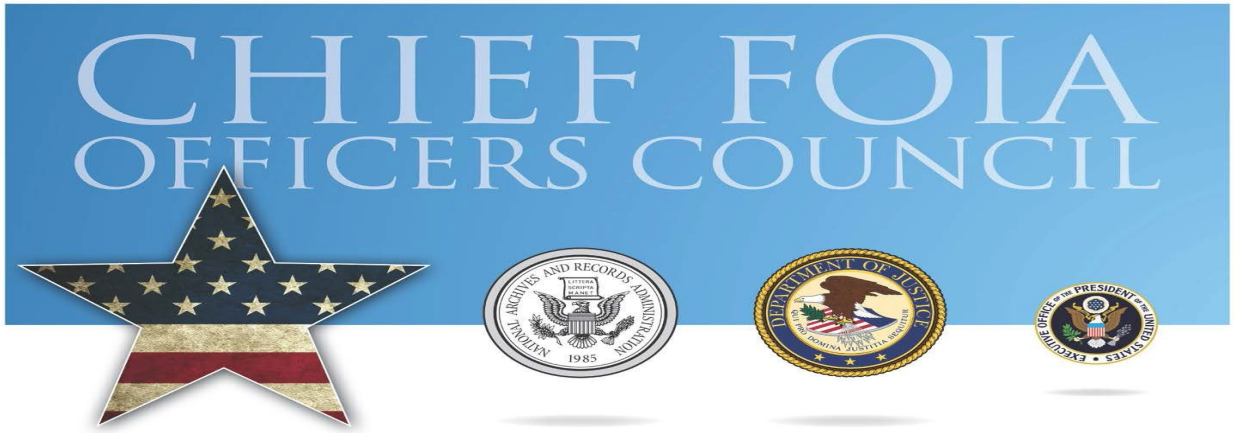
FOIA Ombuds Observer, No. 2020-01

Estimated Dates of Completion: Best Practices for Requesters

March 31, 2020

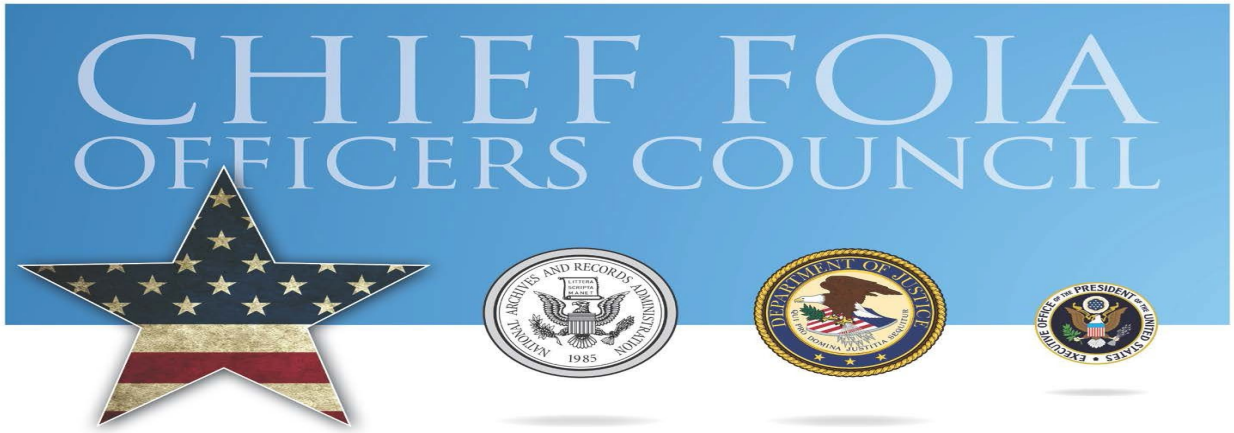
https://www.archives.gov/ogis/resources/foia-ombuds-observer/2020-01

CHIEF FOIA OFFICERS COUNCIL



FOIA ADVISORY COMMITTEE RECOMMENDATIONS DASHBOARD

https://www.archives.gov/ogis/foia-advisory-committee/dashboard



Mark Your Calendars!

Next two meetings of FOIA Advisory Committee:

- **Thursday, May 5, 2022**
- **Thursday, June 9, 2022**–final meeting of the 2020-2022 term!

****

OGIS Annual Public Meeting:

- **Wednesday, May 18, 2022**

CHIEF FOIA OFFICERS COUNCIL

Be on the lookout for a call for nominations for the 5th term of the FOIA Advisory Committee (2022-2024)

CHIEF FOIA OFFICERS COUNCIL

QUESTIONS?

Website: www.archives.gov/ogis

E-mail Address: OGIS@nara.gov

(202) 741-5770

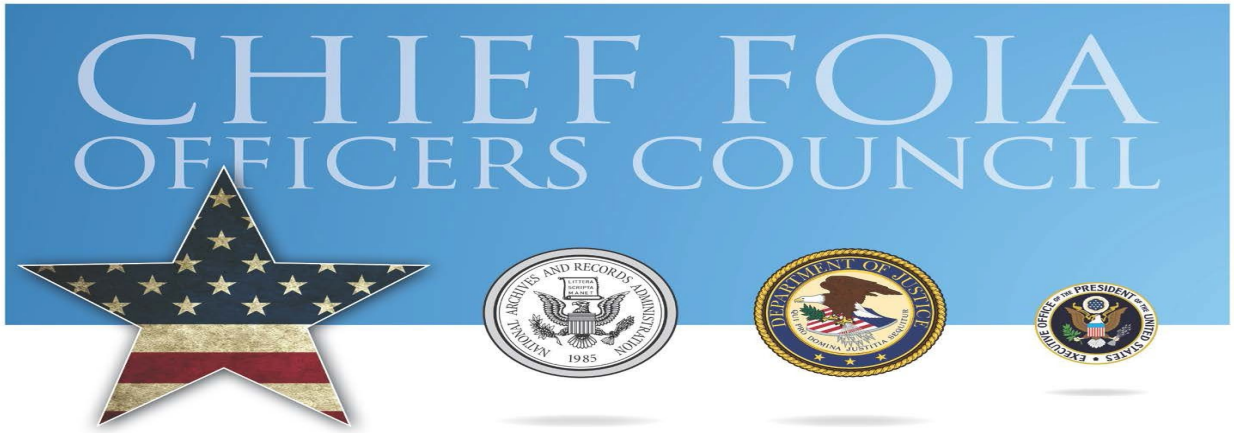
(877) 684-6448

Read/follow us on our blog:

foia.blogs.archives.gov

Follow Us on Twitter:

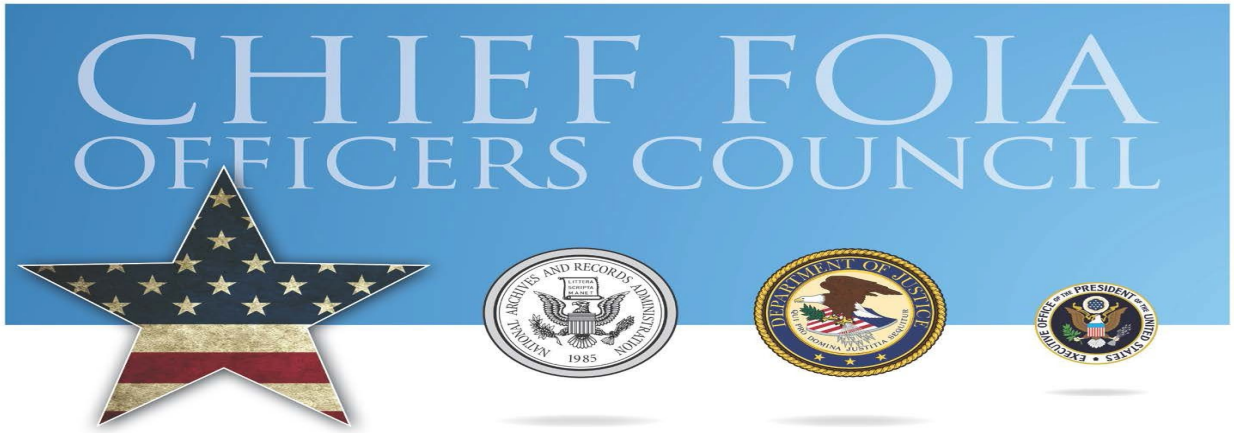
@FOIA_Ombuds



UPDATES FROM THE TECHNOLOGY COMMITTEE

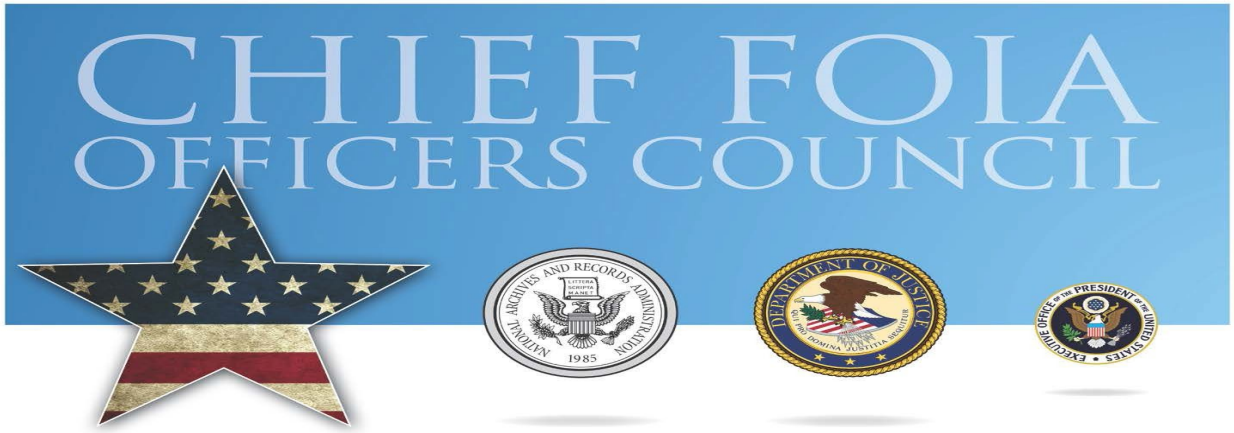
Co-Chairs:

- Eric F. Stein, U.S. Department of State
- Michael Sarich, Veterans Health Administration



About the Technology Committee

- In response to a recommendation of the 2016-2018 term of the Freedom of Information Act (FOIA) Advisory Committee, the Archivist of the United States proposed that the Chief FOIA Officers (CFO) Council seek to establish a technology subcommittee, in partnership with the Chief Information Officer (CIO) Council, to study the utilization and deployment of technology in FOIA programs across agencies, and identify best practices and recommendations that can be implemented across agencies.
- Membership:
  - We have 40+ members from at least 20 departments/agencies
- Public Websites:
  - https://www.archives.gov/ogis/about-ogis/chief-foia-officers-council/technology-committee
  - https://www.justice.gov/oip/chief-foia-officers-council



Recent Highlights: NexGen FOIA Showcase

- NexGen FOIA Showcase Event in February 2022 - https://www.justice.gov/oip/nexgen-foia-tech-showcase

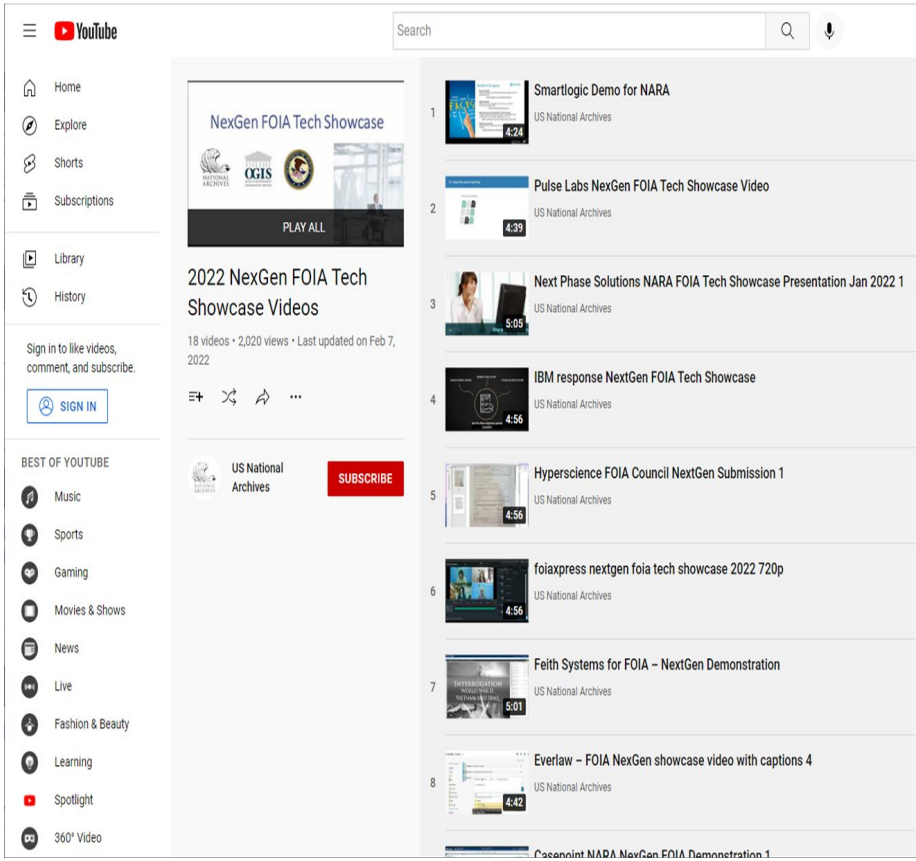
  - Objective: Identify FOIA capabilities from the private sector for federal FOIA programs using technology – online platforms for the event, videos about products, chat and discussion at the event. Multi-month initiative.

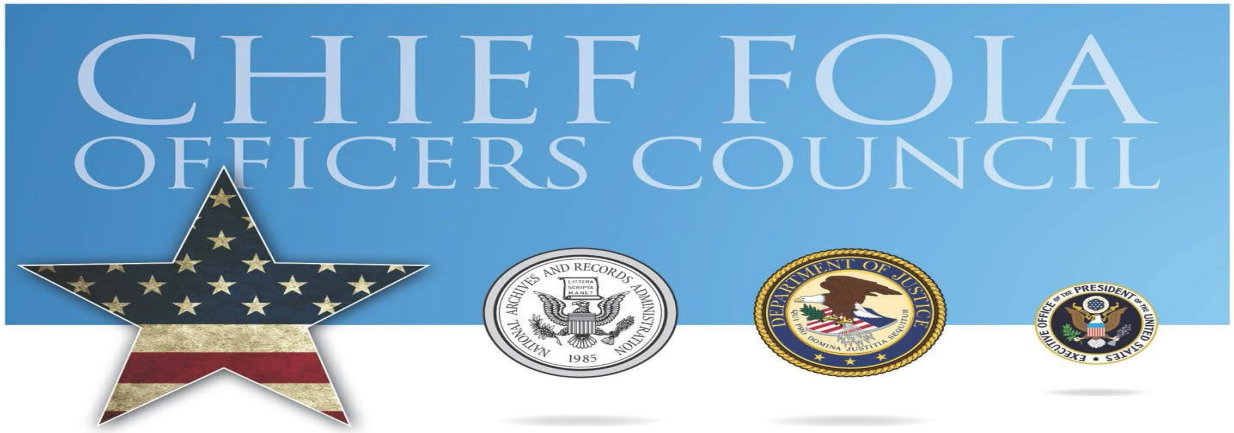
  - Request for Information (RFI) Soliciting Papers for the NexGen FOIA Showcase – November 2021
    - https://foia.blogs.archives.gov/2021/11/12/foia-technology-showcase-request-for-information-published-on-sam-gov/
    - Responses to RFI found at https://www.archives.gov/ogis/about-ogis/chief-foia-officers-council/nexgen-foia-showcase

CHIEF FOIA OFFICERS COUNCIL

NexGen FOIA Showcase

- Held in February 2022 - https://www.justice.gov/oip/nexgen-foia-tech-showcase
  - 18 Vendors Created Five Minute Videos for the Event: https://www.youtube.com/playlist?list=PLugwVCjzrJsWw0q-NEFgx40PJAX0_Jn9t
  - Over two days, the 18 vendors each had 30 minutes to show their five minute video and take questions for the next 25 minutes
  - The event had at least 400 government employees signed up, and each session had about 150-250 participants.
  - OIP had a follow up event in March with a panel of FOIA professionals - https://www.justice.gov/oip/blog/foia-tech-showcase-follow-workshop-agencies





Current Efforts

FOIA Advisory Committee – Technology Subcommittee Coverage

Seven Previous Working Groups:

- 508 Compliance and Collaborative Tools | **Charter**
- Artificial Intelligence | **Charter**
- FOIA and Classified Information | **Charter**
- FOIA Searches | **Charter**
- FOIAonline | **Charter**
- FOIAXpress | **Charter**
- Video Review and Redactions | **Charter**

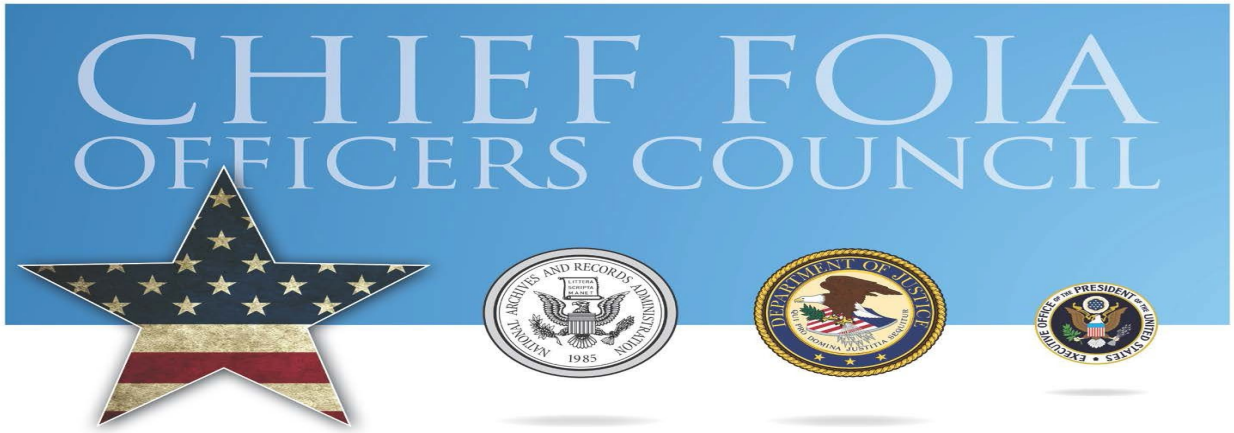
Next Steps: Enhanced Working Groups

Create New Working Group Charters

- Search/AI
- FOIA IT Platforms
- Data Working Group
- IT Integration
- 508 Compliance
- FOIA and Classified Working Group
- Technology Best Practices (for Teams, Tools (i.e., Excel), etc.)
- FOIA Reference Model Working Group

Next Steps

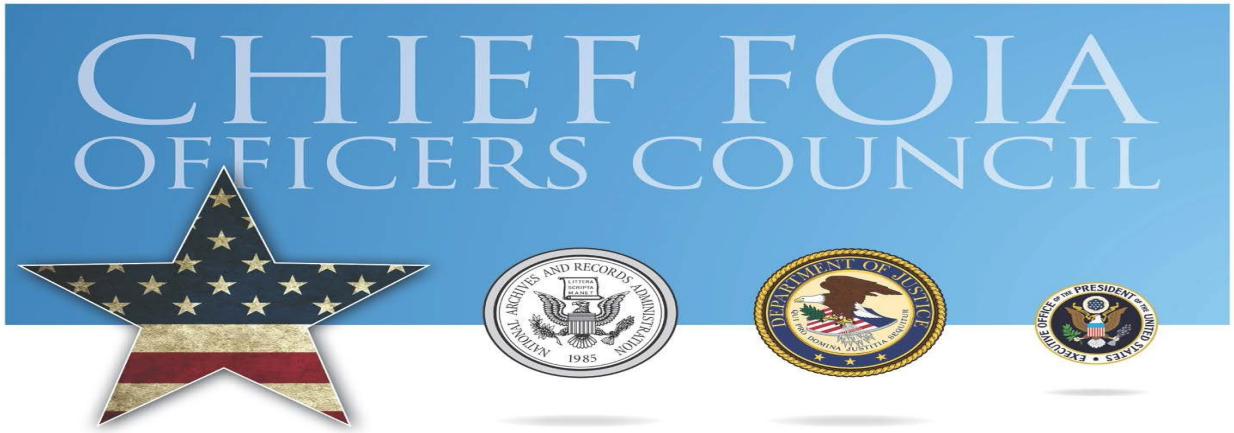
- Plan Future Tech Committee Events
  - Interested in topics/sessions helpful to agency FOIA programs
- Update the Public Website with the New Charters
- Solicit Feedback from FOIA Advisory Committee, Chief FOIA Officer Council, federal agencies, and the public on topics of interest or shared best practices.
  - Recommendations sent to OIP and OGIS are forwarded to the Technology Committee for review and possible discussion
- Add new members to the Technology Committee



Questions and Contact Information

ERIC F. STEIN,
STEINEF@STATE.GOV

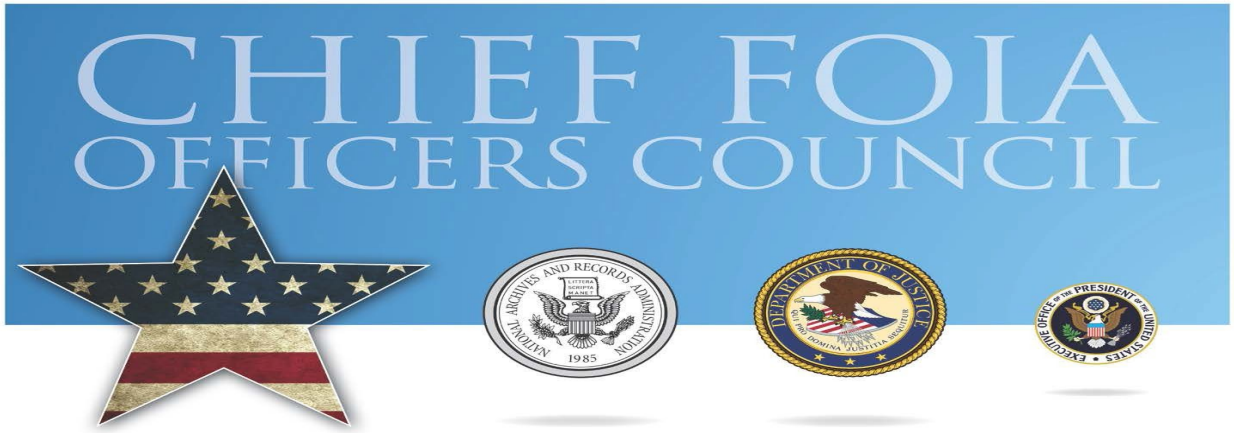
MICHAEL SARICH,
MICHAEL.SARICH@VA.GOV



UPDATES FROM THE COMMITTEE ON CROSS-AGENCY COLLABORATION AND INNOVATION (COCACI)

Co-Chairs:

- Michael Bell, U.S. Department of Transportation
- Abi Mosheim, U.S. Consumer Product Safety Commission



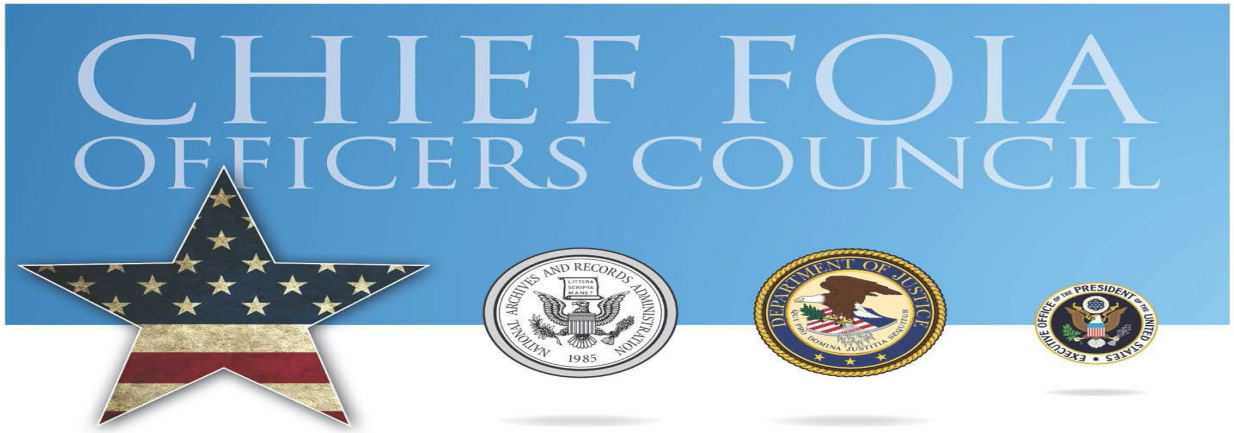
COCACI Overview

Leadership

- Mike Bell – COCACI Co-Chair
- Abi Mosheim – COCACI Co-Chair
- Nicole Rementer and Madeline Van Nostrand, GIS Subcommittee Co-Chairs
- Chantay Stanley, Pandemic/Virtual FOIA Offices Subcommittee Chair
- Brandon Gaylord, Resources Subcommittee Chair

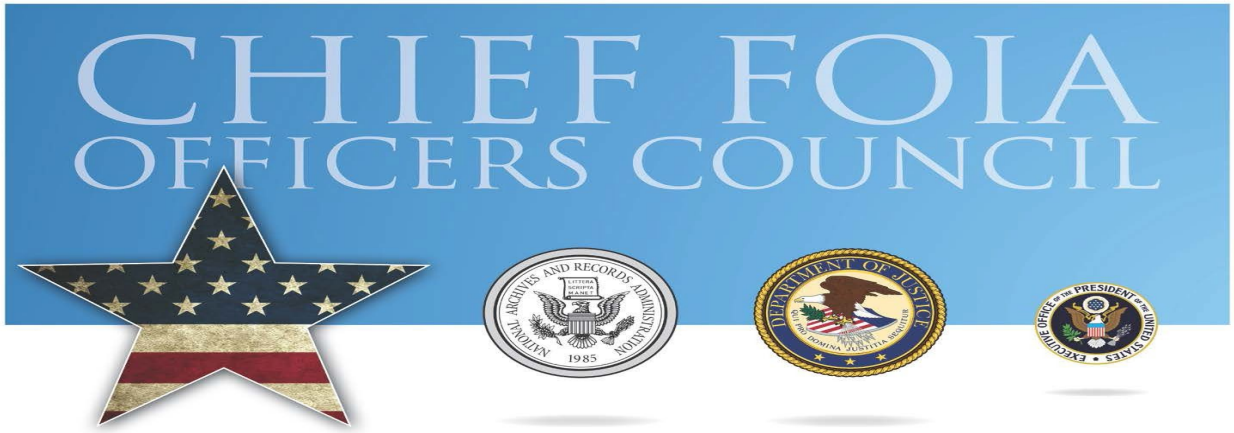
COCACI: 3 Subcommittees

- **Government Information Specialist (GIS) Professionalism Subcommittee**
  - Review and promote initiatives for clear career trajectories for FOIA professionals, building on the Government Information Specialist job series and in coordination with existing agency efforts.
- **Pandemic/Virtual FOIA Office Subcommittee**
  - Review lessons learned from the pandemic to transform FOIA offices to thrive in fully virtual and hybrid environments.
- **FOIA Resources Subcommittee**
  - Provide information on accessing revenue streams and resources that would particularly benefit smaller agencies.



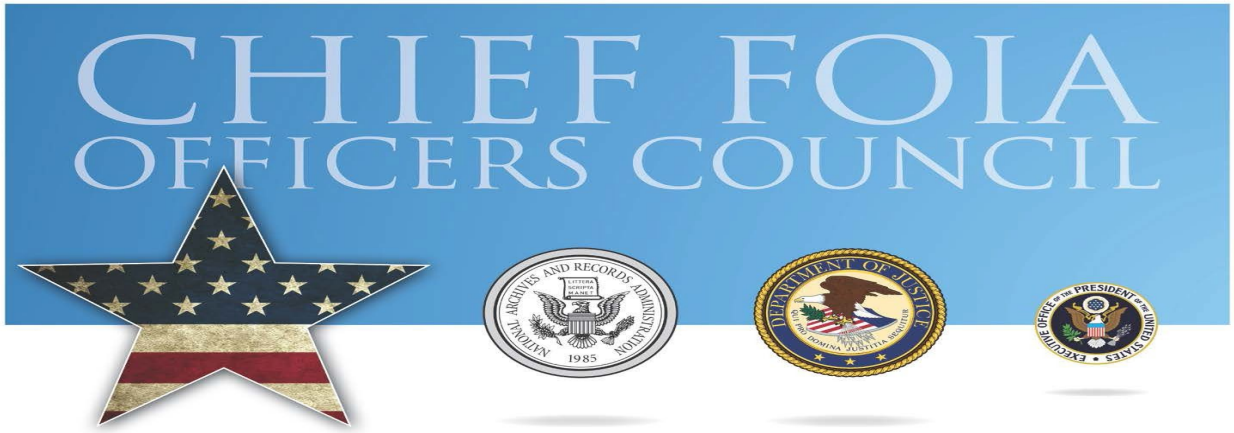
COCACI: Work

- Charters
- Mission Statements
- Surveys
- Organizing



COCACI: GIS Professionalization Subcommittee

Nicole Rementer & Madeline Van Nostrand, Co-Chairs

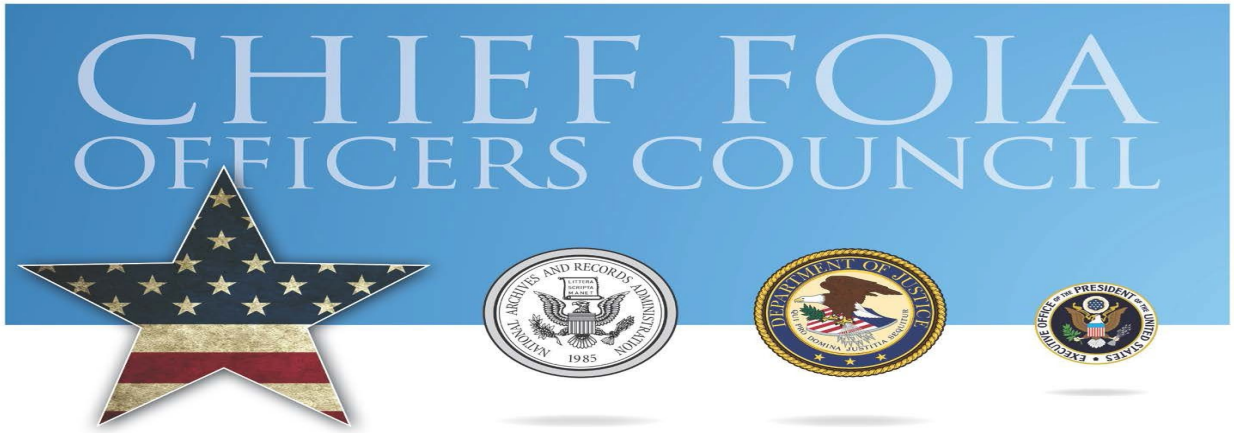


COCACI: GIS Professionalization Subcommittee

- FOIA Advisory Committee Rec. No. 2020-16
- Mission Statement: To advocate for the advancement of the Government Information Specialist (GIS) profession though transparency and standardization across the Federal Government.

COCACI: GIS Professionalization Subcommittee

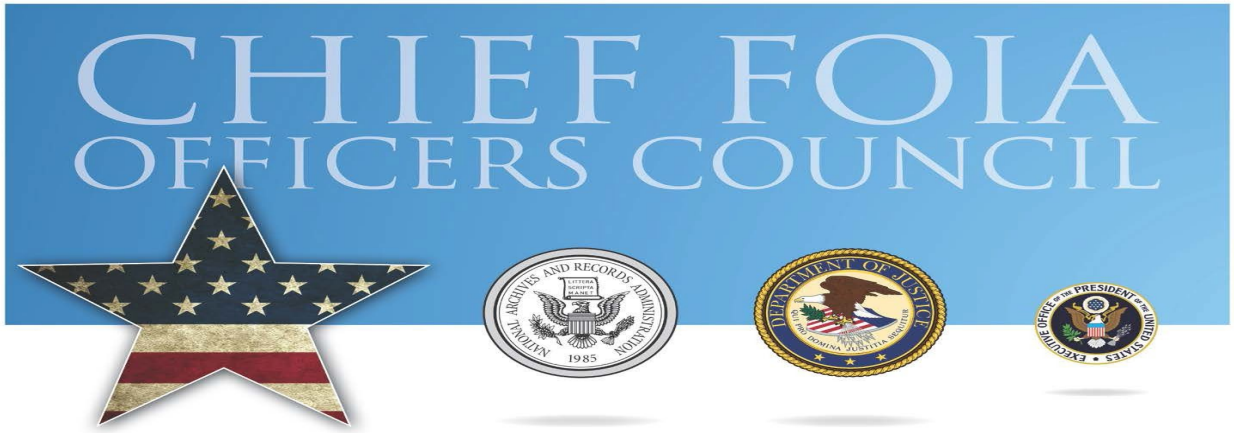
- Objective: Review and promote initiatives for clear career trajectories for FOIA professionals, build on the GIS job series, and identify areas to coordinate with existing agency efforts.
  - To this end, the Subcommittee is examining and developing data-backed recommendations targeting:
    1. Recruitment strategies;
    2. Hiring and retention strategies;
    3. Uniform pay scale assignments;
    4. Key competencies for FOIA professionals; and
    5. FOIA professional certification testing.



COCACI: GIS Professionalization Subcommittee

Subcommittee's Progress:

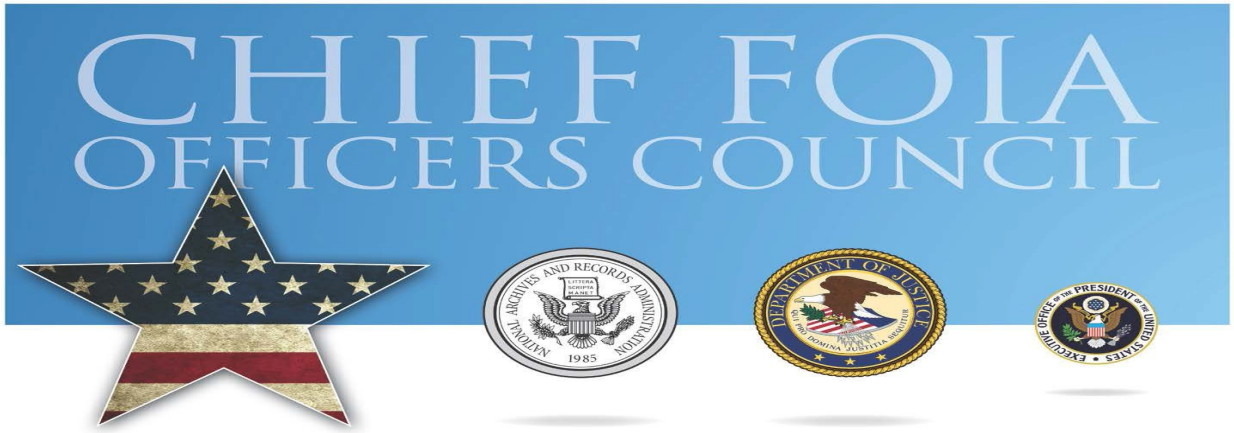
- Finalized our charter with deliverables.
- Held regular meetings to brainstorm and develop survey questions targeted at FOIA professionals (federal employees).
  - Goal of the survey is to gather baseline data on the typical GIS professional, including the supports and obstacles to GIS career development across the federal government.
- Consulted multiple specialists regarding best practices and pitfalls to avoid when conducting surveys.



COCACI: GIS Professionalization Subcommittee

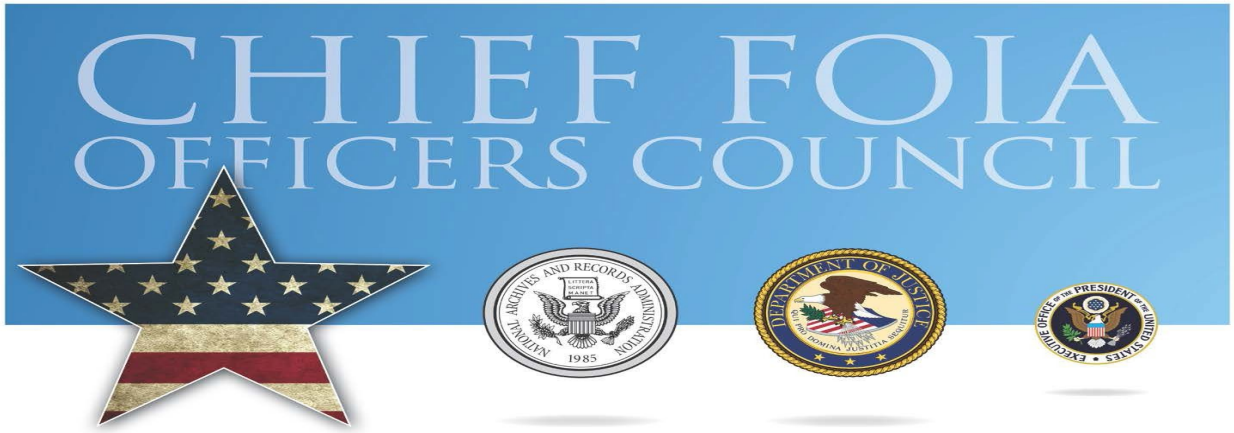
Next Steps (Short-term):

- Wrap up survey development and disseminate survey to FOIA professionals government-wide (Target: Summer 2022).
- Examine survey responses (Target: December 2022).
- Interviews with leaders and experts (ongoing); and
- Information gathering (ongoing).



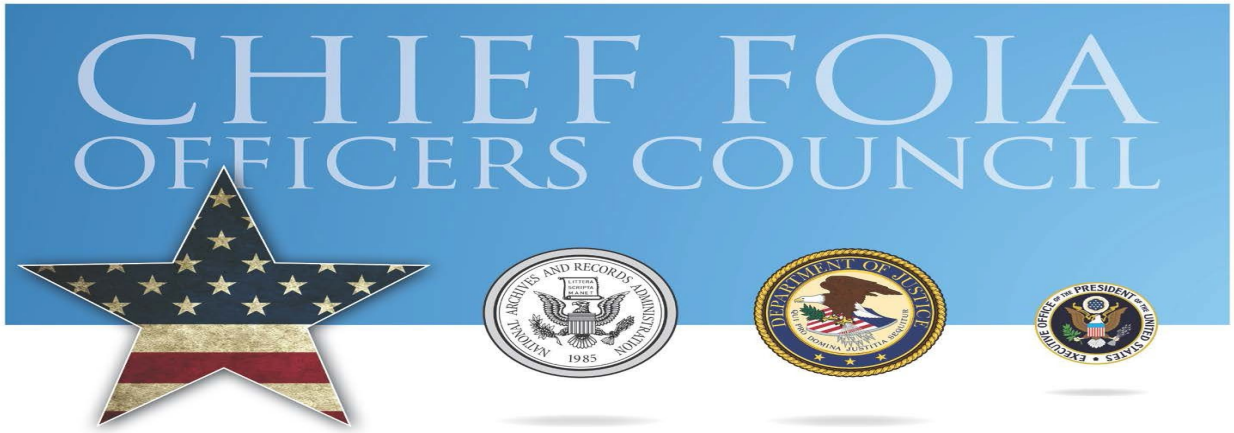
COCACI: Pandemic/Virtual FOIA Offices Subcommittee

Chantay Stanley, Chair



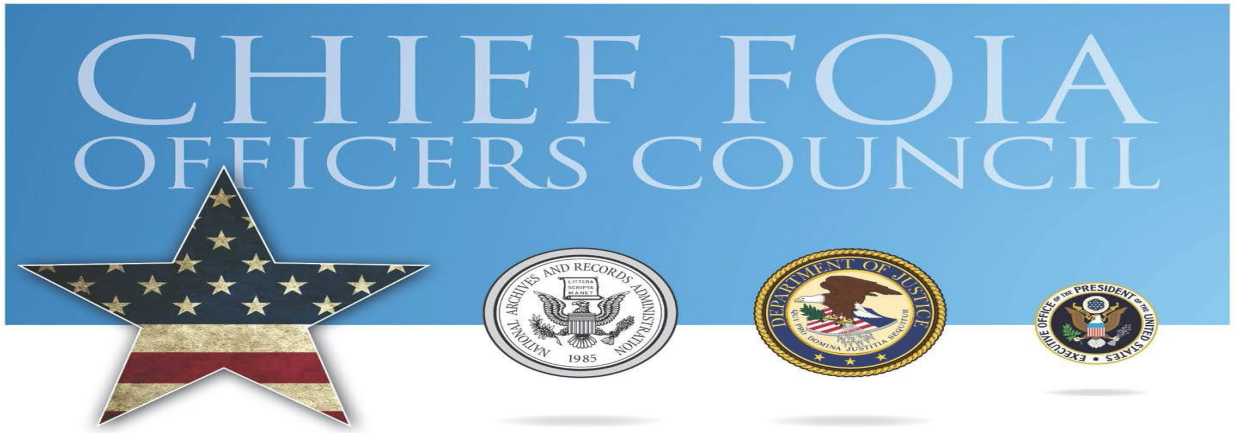
COCACI: Pandemic/Virtual FOIA Offices Subcommittee – Mission

The Pandemic/Virtual FOIA Offices Subcommittee is focused on taking lessons learned from the remote work environment experienced during the COVID-19 pandemic to transform FOIA Offices to thrive in a virtual environment.



COCACI: Pandemic/Virtual FOIA Offices Subcommittee – Mission

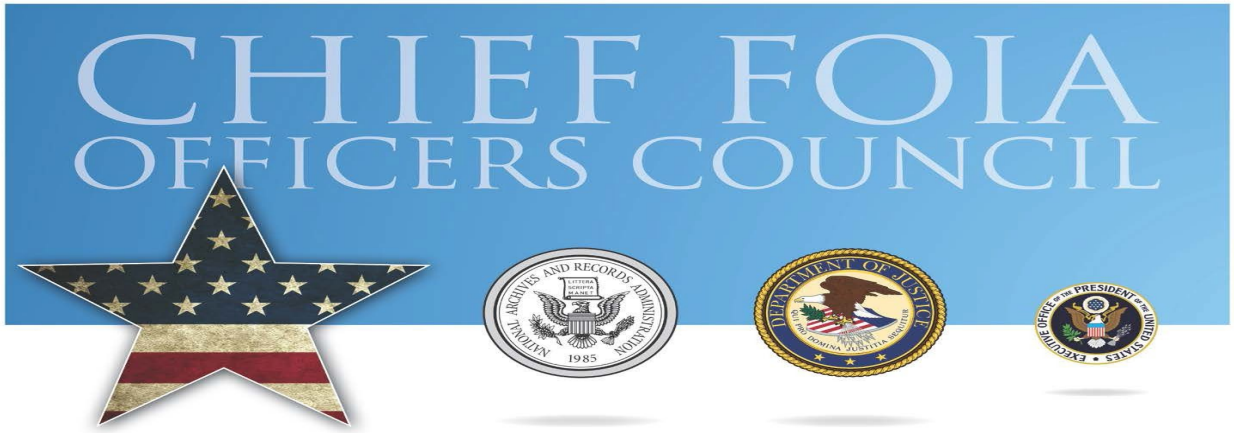
<u>Long Term</u>: Compile and make available lessons learned from teleworking and make recommendations to federal agencies pertaining to best practices for teleworking as a FOIA professional building upon the best practices that have already been examined and applying the best practices post COVID.



COCACI: Pandemic/Virtual FOIA Offices Subcommittee – Mission

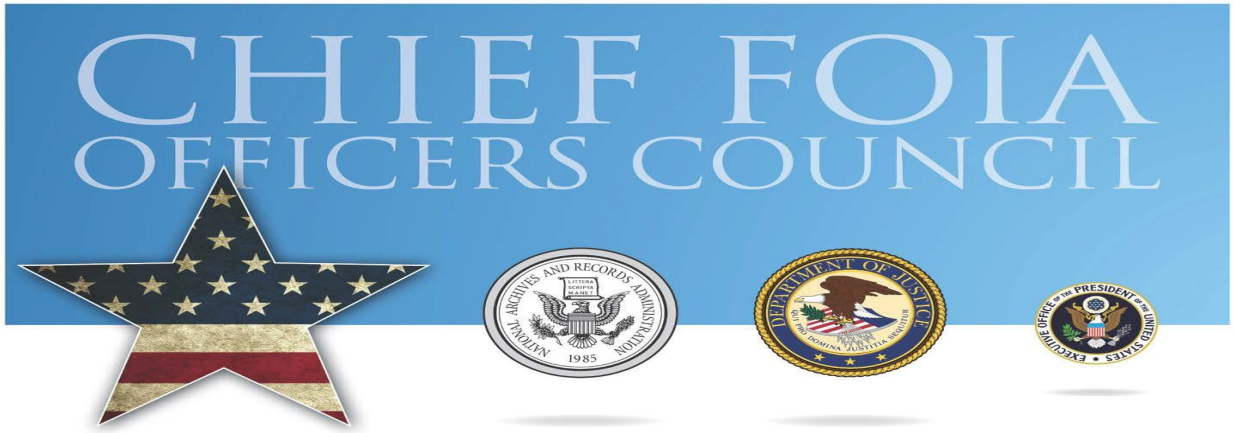
Progress Made: Researching relevant data in order to continue to develop timely, useful and substantive survey questions. Target Date: July 1, 2022.

Next Step: Compose survey questions comprised of categories including best practices and lessons learned to create an effective teleworking environment for processing FOIA cases. Target Date: August 1, 2022.



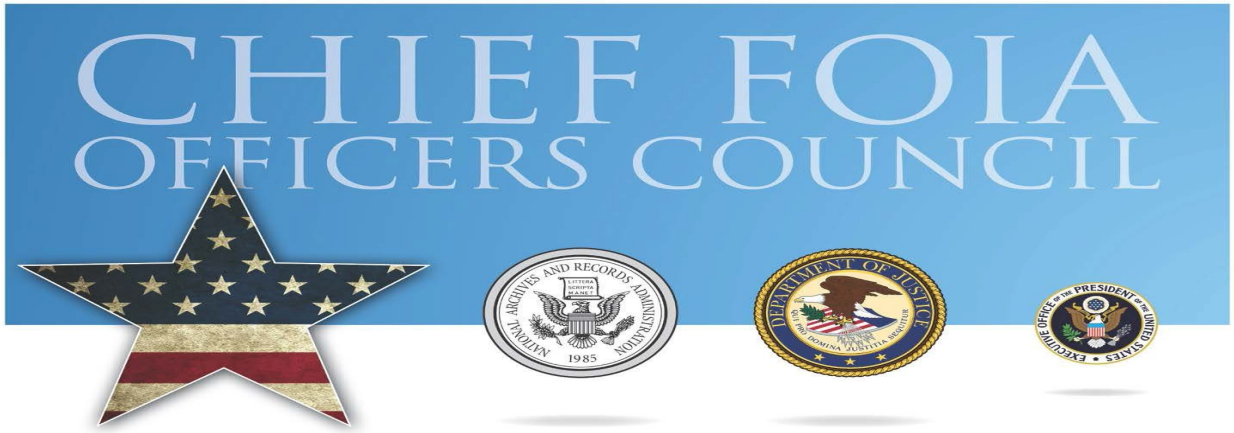
COCACI Resources Subcommittee

Brandon Gaylord, Chair



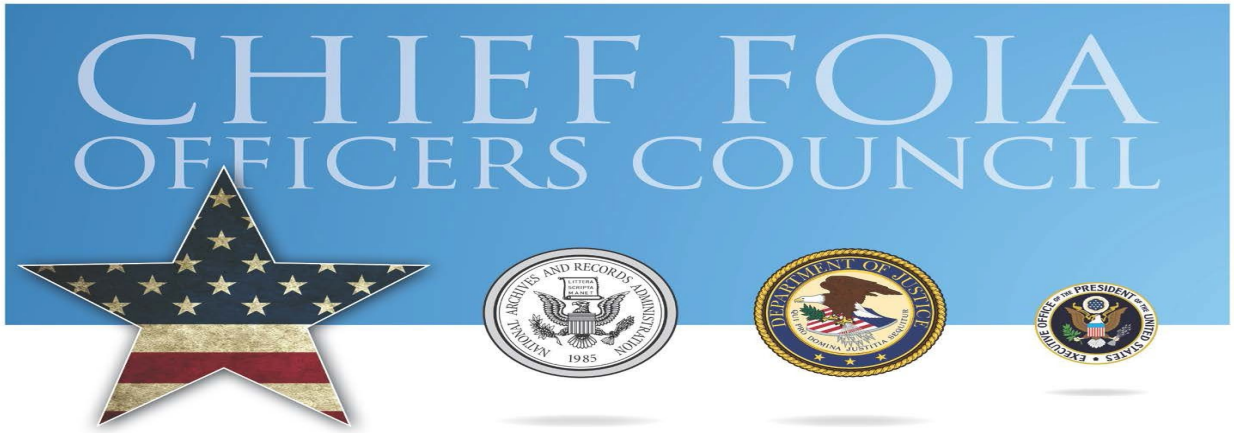
COCACI: Resources Subcommittee – Purpose and Objectives

- Purpose – Identify opportunities for standardization of a variety of resources (including procurement vehicles and technology) that should be made available to FOIA offices to increase efficiency and ease of use across government agencies, especially smaller FOIA Requester Service Centers.



COCACI: Resources Subcommittee – Purpose and Objectives

- Objectives:
  1. Identify and highlight resources that are already standardized.
  2. Compile reference materials and training sessions to help agencies explore new and existing resources.
  3. Identify opportunities for resources (including procurement vehicles and technology) to be standardized to increase efficiency and ease of use across government agencies.



COCACI: Resources Subcommittee – Deliverable and Participation

- Conduct a Best Practices Workshop to inform the FOIA professional community on best practices and innovative methods for using and sharing resources. The session will cover multiple types of resources and be conducted by December 31, 2022.
- If you have successfully implemented scalable/sharable resources-we'd love to hear your success stories at CFO-Council@nara.gov !

COCACI Conclusion

- The three COCACI subcommittees are each moving forward with clear a direction
- The subcommittees are laying the groundwork to reach out to the FOIA community
- Both FOIA professionals in the Requester Service Centers and those in FOIA leadership will hear from COCACI prior to the next CFOC Meeting

CHIEF FOIA OFFICERS COUNCIL

PUBLIC COMMENTS

Please limit your comments to 3 minutes

NARA Identifier 17342827 *American Library Assn. Campaigns 1917-1918*

CHIEF FOIA OFFICERS COUNCIL

We hope to see you this fall!