FOIAXpress®

FOIA Technology Showcase

Day 2, Section 1: The Future of FOIA

Request for Information (RFI) Response

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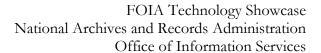8601 Adelphi Road, Room 3340
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Table of Contents

1   Outline for Day 2, Section 1 (The Future of FOIA)

AINS expects the Future of FOIA to look a lot like the current state of FOIA, but "turned up to 11."

1.1   Increasing Number of Requests

We expect the number of FOIA requests to continue to increase each year from our recent record highs. This is mostly due to an increasing awareness of FOIA and the relative ease of obtaining records, and the institutionalization of FOIA as part of commercial intelligence gathering, political investigation and government oversight, journalistic and media endeavors, litigation and dispute resolution, and other increasingly common usages. With the increase in number of requests, we will also see an increase in the number of duplicate and overlapping requests.

1.2   Greater diversity of Requesters

The increase in request volume will include an increase in the types of requesters across the requester spectrum, from savvy institutional and professional requesters to novice individual requesters with little to no bureaucratic experience, and widely varying capabilities and competencies, each of which present their own customer-service and FOIA challenges.

1.3   Increasingly Complex Requests

We will continue to see the spectrum of complexity of FOIA requests widening, including simple and direct requests for discrete easily identifiable information; broad and general requests for "everything" or "any and all" of any number of topics; highly detailed and lengthy requests for complicated records; requests for records managed by other agencies or across many other offices; and requests for a wider variety of types of records than ever before.

1.4   More Agency Records

At the same time the number of requesters are increasing, so is the number of potentially responsive records for each request. The Federal Government is as large and busy as ever, and, like the general public, every agency is involved in the process of digital transformation, moving their manual processes to cloud-based software solutions and upgrading outdated systems to benefit from new and improved technologies. By their nature, these solutions create, and allow for the creation of, far more data than manual processes. This digital transformation will result in exponentially increasing volume of potentially responsive documents that must be identified, collected, and reviewed for FOIA purposes.

1.5   More Complex Records

The broad and ongoing digital transformation will continue to generate a wider variety of types of data and records, that each present their own challenges to their identification, collection, and review. Far beyond simple text-based documents that can be easily read and processed, the Federal Government is currently awash in email, videos, audio recordings, text messages, electronic calendar invites, social media posts and messages, proprietary data types, and unique or custom data types, to name just a few of the more troublesome types of potentially responsive records currently kept by the Federal Government that may be subject to FOIA, or at least caught in its review net.

1.6   More Lawsuits

As case numbers increase, requesters become more savvy and expectant, data types multiply, and record volumes spike, lawsuits, and the threat of lawsuits, for noncompliance with FOIA and its tight

deadlines will unfortunately continue to rise. Already, the number of FOIA lawsuits has doubled in recent years, and will only increase.

1.7 More Complex FOIA Administration

To help avoid and mitigate the disputes and lawsuits that are on their way, agencies will require more complex and adaptive FOIA program administration. Virtually every agency that is subject to FOIA has been touched in some way by one or more of these issues, and has had to implement one or more changes to meet these challenges. These include: changes to SOP's and reorganization or overhaul of the FOIA program; increasing numbers of individuals involved in FOIA processing or records gathering; increasing reliance on a wide variety of SMEs for substantive expertise for requests or technological expertise for data types; the adoption of new technologies; and, as COVID-19 has starkly demonstrated, an increasing reliance and need for a remote and dynamic (and occasionally transient) workforce. We expect this pattern to continue: every agency will have to continue to, and continuously, modify and improve their FOIA programs to adapt to future challenges, and this will result in more complex FOIA administration.

1.8 How to Future-Proof Your FOIA Program: Prescription for the Future

The future of FOIA presents substantial challenges for every agency. These challenges are largely created by increased adoption of technological products within the Federal Government and society as a whole. To future-proof their FOIA programs, agencies need to fight fire with fire. FOIAXpress, and AINS' suite of Open Government solutions, provide all the tools and features necessary for success, now and into the future:

- Dynamic and flexible case management tools to track and manage their FOIA program that can adapt to new policy and processing changes while being highly configurable and tailored to each agency's particular needs.
- Analytics tools, audit functions, dashboards, and deep reporting capabilities to increase transparency and provide critical insights into administration.
- Cloud-based, secure software solutions to enable remote work and increase resiliency.
- AI and automation leveraged within individual cases and across entire organizations, and the ability to integrate with an agency's other systems and tools of choice to stay afloat in the vast oceans of digital content.
- Portals, templates, reading rooms, workflows, and other easy and efficient ways to interact and communicate with other stakeholders, including SMEs, records custodians, and FOIA requesters.

AINS has decades of experience anticipating the future of FOIA and delivering cutting edge features to meet tomorrow's challenges, today. AINS specifically developed FOIAXpress to be the most finely configurable, full-featured, FOIA case management solution available, because agencies need tools that will enable them to adapt to inevitable change. With FOIAXpress and AINS, agency FOIA programs will be able to succeed in their missions, no matter what the future holds.