



OFFICE of GOVERNMENT INFORMATION SERVICES

August 28, 2017 – sent via email

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Angelique M. Crumbly
USAID Chief FOIA Officer
Acting Assistant Administrator for the Bureau for Management

Dear Ms. Crumbly:

I write to bring to your attention the use of “still interested” letters to administratively close Freedom of Information Act (FOIA) requests by the FOIA program of the U.S. Agency for International Development (USAID).

As you may know, in the course of processing FOIA requests, some Federal agencies ask requesters if they are still interested in the requested records. This correspondence is typically generated by an agency after a delay in responding to the request, and the agency sets a deadline for the requester’s affirmative response; not hearing back from the requester, the agency then closes the request. As you may recall, on July 2, 2015, the Office of Information Policy (OIP) at the U.S. Department of Justice issued guidance on limiting the use of still interested letters.¹ Among the guidance’s provisions, OIP clarified that absent good cause, agencies should not inquire more than once whether a requester is still interested in the request.

The Office of Government Information Services (OGIS) recently learned that a requester reported receiving multiple “still interested” letters from the USAID FOIA program over the course of the last few years concerning a particular request. According to the correspondence OGIS reviewed, USAID FOIA personnel referred to the practice as an “annual...exercise.”

As the end of Fiscal Year (FY) 2017 approaches, we understand that agencies face increased pressure to close old requests and reduce their backlogs. While the use of “still interested” letters can help ensure agencies do not waste scarce resources processing requests that are no longer of use to requesters, it is critical that these letters be used in accordance with current guidance and we ask that you remind USAID’s FOIA professionals about the importance of OIP’s guidance on still interested letters.



¹ “Limitations on Use of ‘Still-Interested’ Inquiries,” last modified July 20, 2015, <https://www.justice.gov/oip/oip-guidance-8>.

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During FY 2016, OGIS reviewed the use of still interested letters. Our review involved a historical assessment on the volume of requests closed using “still interested” correspondence by the agencies that receive a majority of FOIA requests government-wide and interviews with FOIA offices that reported a relatively large number of administrative closures. As part of our report, we made several recommendations for how FOIA programs can ensure that these letters comply with OIP guidance.

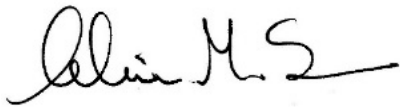
We draw your attention to our report and encourage you to implement the steps included in our recommendations.² In particular, we recommend that you:

- incorporate OIP’s guidance on the proper use of any still interested correspondence in any existing or future Standard Operating Procedures; and
- ensure that the USAID’s FOIA managers are aware of how FOIA processors are using still interested letters.

One suggestion for improving compliance with regard to still interested letters is for the FOIA manager to sign these letters rather than the FOIA processor.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me at 202-741-5771 or at alina.semo@nara.gov.

Sincerely,



ALINA M. SEMO
Director

cc: Lynn Winston, FOIA Public Liaison, USAID
Alecia S. Sillah, Team Lead, USAID FOIA Team

² “Recommendations to Improve the Transparency of the Use of Still Interested Letters,” accessed May 24, 2016, <https://ogis.archives.gov/Assets/Still-interested-part-3-final.pdf?method=1>