



## OGIS: Who We Are & What We Do

The Office of Government Information Services (OGIS) opened in September 2009, with one staff member, a stack of cases awaiting resolution, and a large mandate from the U.S. Congress – to provide mediation services to resolve disputes between Freedom of Information Act (FOIA) requesters and government agencies, and to review agency compliance with FOIA.

From that mandate grew OGIS's guiding principles:

- ★ OGIS advocates for a fair FOIA process and for improving FOIA;
- ★ OGIS's work must complement agency practice without burdening the process;
- ★ OGIS is a resource for requesters and agencies to help them with FOIA; and
- ★ Agency FOIA Public Liaisons are essential to improving FOIA administration and OGIS must support them. The liaisons have a role expressly authorized in the OPEN Government Act of 2007, the law which established OGIS, to provide an agency point of contact for FOIA requesters.

OGIS cannot:

- ★ Order agencies to release documents; or
- ★ Order requesters or agencies to participate in mediation.

Much has changed for OGIS since it opened. Here are a few highlights from the nearly two years the office has been open.

### Role

OGIS plays a unique role within the Federal FOIA landscape, complementing other offices and agency professionals. OGIS works across all 97 Federal departments and agencies to provide an alternative to litigation in resolving FOIA disputes. OGIS works alongside the Department of Justice's Office of Information Policy, which provides policy guidance on FOIA matters on behalf of the U.S. Attorney General. These roles and functions work to underpin the President's Open Government initiative.

### Staff

Director Miriam Nisbet, an expert in information policy law with a distinguished career both within and outside of the Federal government, assembled a diverse staff. OGIS's seven staff members come from both inside and outside the government and have expertise in FOIA, open government, information science, journalism and database analysis.

## Resources

Later this summer, OGIS will launch an online case management system. This tool, which will allow an OGIS customer to obtain information about the status of his or her case and communicate directly with the office, will be part of a revamped and expanded OGIS web site.

## Process

OGIS defines its Congressional mandate to provide mediation services as having three distinct functions:

- ★ *Ombuds services* is an informal role that focuses on administrative process (such as a delayed request) rather than the substance of a request;
- ★ *Facilitation* involves an OGIS staffer gathering information about a dispute and attempting to resolve it by facilitating communications between the requester and the agency; and
- ★ *Mediation* is a formal approach using established Alternative Dispute Resolution (ADR) techniques and an outside neutral mediator to define mutual interests, and encourage requesters and agencies to resolve the dispute.

The majority of OGIS's cases so far have been resolved through facilitation, with fewer requiring ombuds services. Though OGIS stands ready to offer formal mediation, an OGIS case has not yet reached that point.

## Cases

As of June 2011, OGIS received nearly 700 cases and closed more than 600. OGIS also has received more than 400 quick, informal requests by phone and e-mail since June 2010. Most of the disputes OGIS handles have to do with an agency denying access to records (or parts of records), a delay in the processing of a request, or issues related to fees assessed.

## Training

Although most Federal agencies have active and effective Alternative Dispute Resolution (ADR) programs, applying mediation principles and techniques to FOIA disputes is new. OGIS is committed to connecting agency FOIA Public Liaisons to agency ADR staff to help resolve FOIA disputes at the earliest possible point.

OGIS regularly provides dispute resolution skills training for FOIA professionals across the government. OGIS developed a daylong class that includes foundational ADR skills and approaches for applying them to FOIA disputes. The demand for this training has been heavy; we plan to increase its offering in the next year.