



OGIS Issue Assessment: Agency Freedom of Information Act (FOIA) Website Communications on COVID-19

On March 17, 2020, the Office of Personnel Management (OPM) ordered maximum telework flexibilities across the federal government in response to the COVID-19 pandemic. The move to a full-time work-from-home environment affected Freedom of Information Act (FOIA) processing governmentwide. The Office of Government Information Services (OGIS) is in a unique position to observe FOIA administration across the government and takes this opportunity to provide a snapshot review of agency FOIA websites regarding how they communicate the pandemic's effect on FOIA.

Nearly 40 percent of federal Freedom of Information Act (FOIA) websites alert requesters to changes in their FOIA processing due to the COVID-19 pandemic, setting expectations that delays are likely to occur, according to a review of federal FOIA websites by the Office of Government Information Services (OGIS).

The review, conducted between May 15, 2020, and June 9, 2020, showed that a majority of agency FOIA websites – 62.6 percent – did not provide updates on how COVID-19 is affecting FOIA processing.

It is important to note that our review of FOIA websites for 305 Cabinet-level departments and their components as well as independent agencies is a snapshot in time, and FOIA programs may have updated their FOIA websites since our three-week review. The 191 websites that did not provide information regarding processing in the pandemic ranged from components of Cabinet-level departments to small independent agencies that receive a few dozen requests a year.

The move to full-time telework in mid-March challenged FOIA programs that were not telework-ready or that work with classified records and systems for processing records responsive to FOIA requests. Agencies with largely paper-based records also faced challenges in the shift to working from home.

OGIS [urged agencies](#) early in the pandemic to provide – and update – information on their FOIA websites regarding the status of processing requests amid the pandemic. During our review of agency FOIA websites, the U.S. Department of Justice’s Office of Information Policy (OIP) issued [guidance](#) for agencies administering FOIA amid the pandemic. The guidance encourages agencies to post notices on their websites to inform requesters about delays related to COVID-19 and provide information about the most efficient way to make a request. We recognize that in the two weeks since OIP’s guidance and since we completed our review on June 9, 2020, some agencies may have updated their FOIA websites.

Does the agency's FOIA website mention COVID-19's impact on FOIA operations?

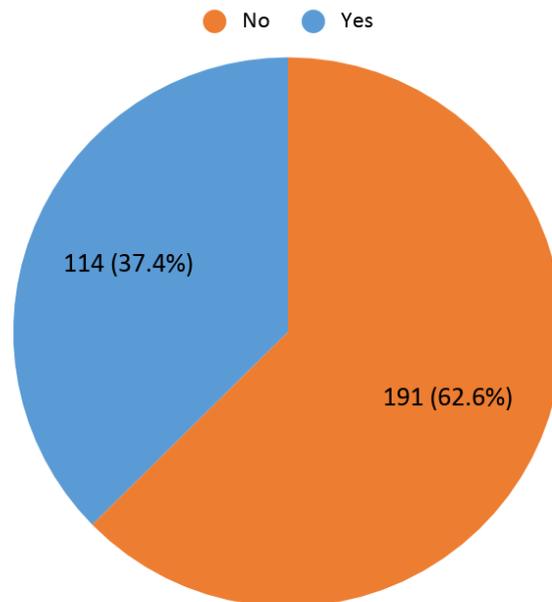


Figure 1: Results of OGIS review of agency FOIA websites conducted between May 15, 2020, and June 9, 2020.

Our review shows that out of the 114 agencies that do provide a variety of messages to FOIA requesters, most frequently urge requesters to submit requests electronically rather than by mail or fax. Some messages set expectations for requesters, while others provide suggestions for narrowing the scope of their requests. For a listing of our review of agency FOIA pandemic messages, please see our [spreadsheet](#).

The following are highlights:

- [U.S. Citizenship and Immigration Services](#) (USCIS): “Avoid Delays! Make Your FOIA Request Online.” The message goes on to alert requesters to the types of records they can request (their own or another person’s immigration records or records regarding policies, data or communications). Finally, it lets requesters know what to expect: “We will post

our response to your request in your USCIS online account and notify you.” (Reviewed May 18, 2020)

- [Council of Inspectors General for Integrity and Efficiency](#) (CIGIE): “Please note that any requests sent to CIGIE through U.S. mail or facsimile will be subjected to significant processing delays.” (Reviewed May 18, 2020)
- [U.S. Department of Agriculture](#) (USDA): “For more efficient processing, please consider scoping your records requests to those items that can be retrieved electronically. For questions regarding status and/or assistance with scoping your request, please feel free to contact the FOIA professional assigned to your records requests. If no FOIA professional has been assigned, please contact USDAFOIA@usda.gov or the designated email address where you submitted your request.” (Reviewed May 18, 2020)
- [U.S. Agency for International Development](#) (USAID): “Please note that USAID is unable to conduct a search for physical records while teleworking. As a result, all search requests will be limited to electronic records, unless you notify us that you want your request to remain open until USAID employees have physical access to their workspaces.” (Reviewed June 3, 2020)
- [Consumer Financial Protection Bureau](#) (CFPB): “The FOIA team currently has no access to U.S. mail, overnight mail services, or fax. As a result, our responses to mail and fax inquiries will be significantly delayed. The Bureau is working to restore the FOIA team’s access to these services. While the Bureau is closely monitoring this situation, this change affects how we communicate with our customers. To ensure a more timely response, please contact the Bureau’s FOIA team by email. If you have recently submitted a FOIA request or FOIA appeal to the Bureau by U.S. mail, overnight mail services, or fax, please resend any documents by email so that we may assist you further.” (Reviewed May 18, 2020)
- [U.S. Department of Labor](#) (DOL): “Please also note that the processing of some FOIA requests may be delayed due to the inability of FOIA staff to access responsive paper files maintained in unattended offices or those held at any of the National Archives and Records Administration’s Federal Records Centers, which are closed for records retrieval services at this time.” (Reviewed May 18, 2020)