FOIA ADVISORY COMMITTEE FINAL REPORT AND RECOMMENDATIONS

OUTLINE
APRIL 30, 2020

I. Executive Summary
II. At-a-glance recommendations for Chief FOIA Officers [who may not have time to read the full report]
III. Introduction
IV. Recommendations to the Archivist of the United States

A. Background, authority, scope of work, etc.

B. RECOMMENDATIONS DIRECTED TO NARA-OGIS/DOJ-OIP:
   Guidance and Training
   2. Records Management 2: Archivist directs NARA and requests OIP to offer Records Management (RM) training to FOIA officers/Public Liaisons. Also include a FOIA module in RM training courses for all federal employees. Passed 3/5/2020.
   3. Time/Volume 2: Archivist requests that OIP collect information in Chief FOIA Officer reports regarding standard operating procedures (SOPs) for processing FOIA requests and the FOIA webpage. Passed in Spirit 3/5/2020.
   4. Time/Volume 3: Archivist requests that OIP issue guidance requesting agencies provide annual mandatory FOIA training; directs OGIS and requests OIP to study agency FOIA training and content; and requests that OGIS ask Congress to provide line-item appropriation for agency FOIA training costs. Passed in Spirit 3/5/2020.
   7. Vision 2C: Archivist directs OGIS and requests that OIP examine the FOIA performance measures used in their agency performance plans/reports (not individual performance plans). Further, that OGIS submit results of its assessment and any recommendations to Congress and the President. Under consideration.
Technology


9. **Records Management 6**: Archivist directs NARA and requests OIP to each establish a liaison with the Chief Data Officer Council to ensure FOIA has a voice. Passed 3/5/2020.


11. **Records Management 8**: Archivist requests that OGIS/OIP together encourage agencies to give access to FOIA-released records in central repository/ies and in standardized ways in addition to on agency websites. Passed 3/5/2020.


C. **TO AGENCIES:**

**Disclosure**

1. **Time/Volume 6**: Archivist requests that agencies provide information on their websites to facilitate FOIA request filing (explanation of process, expected simple and complex wait times, contact info.) Passed 3/5/2020.

2. **Time/Volume 5**: Archivist requests that agencies should ensure that existing non-FOIA statutory provisions for information dissemination are robust and that commonly requested documents can be accessed securely online. Passed in Spirit 3/5/2020.

**Process**

3. **Time/Volume 4**: Archivist requests that agencies should identify common categories of frequently requested “first-party” records and seek to establish alternate processes for accessing records that are more efficient than FOIA. Passed in Spirit 3/5/2020 (transcript unclear as to whether Committee members believed they voted for the recommendation in spirit).

4. **Time/Volume 1**: Archivist requests that agencies review their technology and staffing needs to identify resources needed to respond to current FOIA needs and anticipated FOIA demands. Apply results to agency strategic plans. Passed as Best Practice 3/5/2020.
D. TO CHIEF FOIA OFFICERS COUNCIL:

1. **Vision 1:** Archivist requests that the Chief FOIA Officers Council (CFO) create a Committee to look into a cross-agency collaboration and innovation, including researching and proposing a grant program and other revenue resources for FOIA programs; to review and promote clear career trajectories for FOIA professionals; and explore models to align agency resources with transparency commitment. **Under consideration.**

2. **Vision 2A:** Archivist requests that the CFO Council recommend that agency leadership annually issue a memo reminding the workforce of its responsibilities and obligations under FOIA. **Under consideration.**

E. TO CIGIE:

1. **Records Management 5:** Archivist asks the chair of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) that it consider a cross-cutting priority area of how agencies are doing in providing FOIA access to agency records in electronic/digital form. **Passed 3/5/2020.**

F. TO CONGRESS:

1. **Vision 3A:** That Congress engage in more regular and robust oversight of FOIA and provide clearer authority and expanded resources to OGIS. **Under consideration.**

2. **Vision 3B:** That Congress fund FOIA to allow agencies to meet legal obligations. **Under consideration.**

3. **Vision 3C:** That Congress expand FOIA to the legislative and judicial branches. **Under consideration.**

G. A LOOK TO THE FUTURE:

1. **Vision 4:** Archivist should take a leadership role in aligning evolving federal data strategy policies with existing FOIA and Federal Records Act statutory frameworks. **Under consideration.**

V. Subcommittee/Committee Methodology

VI. Appendices [including Records Management Subcommittee Appendix A “E-discovery Best Practices Checklist for Use in Responding to FOIA Requests”]

VII. List of Committee Members

A. Current members
B. Past members (2018-2020 term)
VIII. Acknowledgements, to include speakers at meetings during the 2018-2020 term
IX. Glossary
X. Charter