



OFFICE *of* GOVERNMENT
INFORMATION SERVICES

Freedom of Information Act Advisory Committee

June 6, 2019



First-Person FOIA

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Vision Subcommittee Report

Joan Kaminer and Chris Knox
Subcommittee Co-Chairpersons



Records Management Subcommittee Report

Jason R. Baron and Ryan Law
Subcommittee Co-Chairpersons



Time/Volume Subcommittee Report

Emily Creighton and Bradley White
Subcommittee Co-Chairpersons



Past FOIA Advisory Committee Recommendations Update

Martha W. Murphy

Deputy Director

Office of Government Information Services



Recommendation #1

Propose that the Chief FOIA Officers (CFO) Council seek to establish a technology subcommittee, in partnership with the CIO Council, to study the utilization & deployment of FOIA technology across agencies & identify best practices & recommendations that can be implemented across agencies.

Complete - CFO Technology Subcommittee has been established.

- **Using the Chief FOIA Officer Reports, the Subcommittee is assessing the FOIA IT landscape to identify best practices. The Subcommittee will make recommendations for agencies based on their IT capabilities.**
- **We are helping to arrange for the subcommittee to present before the CIO Council in July.**



Recommendation #2

Request that OIP collect detailed information, as part of each agency's CFO Report, regarding the specific methods & technologies agencies are using to search their electronic records, including email. Potential topics to be covered include agencies' procurement of technology, ability to search email, acquisition of e-discovery tools, & availability of information on agencies' websites that helps requesters understand the agencies' record keeping systems & be better able to submit targeted requests.

Complete – 2019 CFO Reports include the answer to the following question:

“Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used. If not, please explain why and please describe the typical search process used instead.”

We are currently compiling information regarding the responses to this question for the Records Management Subcommittee.



Recommendation #3

Suggest a modification to the Federal Acquisition Regulation (FAR) to require all agencies, when acquiring electronic records management software, electronic mail software, & other records-related information technology, to consider features that will help facilitate the agencies' responsibilities under FOIA to provide access to Federal agency records.

OGIS is working with NARA's FAR Council Representative & NARA's General Counsel staff to draft a business case to submit to the FAR

Goal: Spring 2019 – On schedule



Recommendation #4

Launch an interagency effort to develop standard requirements for FOIA processing tools, to ensure that both the tools & their outputs are Section 508-compliant.

OGIS anticipates that the work of the Technology Subcommittee of the CFO Council as well as our work on another recommendation writing a business case for including FOIA requirements in the Federal Acquisition Regulation (FAR) will cover some of the goals of this recommendation. In addition, OGIS will continue to work with the current FOIA Advisory Committee for additional input on how to proceed.



Recommendation #5

Request that OGIS conduct an assessment of the methods undertaken by agencies to prepare documents for posting on agency FOIA reading rooms.

OGIS Compliance Team will address once we have staff available.

Goal: Launch in 4th quarter FY 2019



Recommendation #6

Encourage OGIS to highlight the issues with proactive disclosure and Section 508 compliance in its report to Congress by recommending that legislation be enacted to clarify agency requirements under the Rehabilitation Act, especially as they relate to proactive posting of large numbers of records.

Complete - Recommendation published in the OGIS Annual Report:

“OGIS recommends that Congress pass legislation to provide agencies with sufficient resources to comply with the requirements of both FOIA and Section 508 of the Rehabilitation Act of 1973, as amended, especially as they relate to proactive posting of large numbers of records.”



Recommendation #7

Direct OGIS to examine the use of appropriate performance standards in federal employee appraisal records and work plans to ensure compliance with the requirements of FOIA. The Committee further recommends that OGIS submit the results of its assessment and any recommendations to Congress and the President in accordance with 5 U.S.C. § 552 (h)(5).

OGIS Compliance Team will address once we have staff available.

Goal: Launch effort in FY 2020



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