



OFFICE *of* GOVERNMENT
INFORMATION SERVICES

Freedom of Information Act Advisory Committee

MAY 1, 2020



FOIA Advisory Committee meeting materials available at

**[https://www.archives.gov/ogis/foia-advisory-
committee/2018-2020-term/meetings](https://www.archives.gov/ogis/foia-advisory-committee/2018-2020-term/meetings)**



Vision Recommendation 1

Stressing the Need for Increased and Continued Financial Support for Agency FOIA Programs

“The Archivist of United States requests that the Chief FOIA Officers (CFO) Council create a committee for cross-agency collaboration and innovation to:

- **Research and propose a cross-agency grant program and other revenue resources for FOIA programs;**
- **Review and promote initiatives for clear career trajectories for FOIA professionals, building on the Government Information Specialist (GIS) job series and in coordination with existing agency efforts; and**
- **Explore and recommend models to align agency resources with transparency commitment.”**



Vision Recommendation 2A

Raising the Priority of FOIA: Support from Leadership

“The Archivist of the United States proposes that the Chief FOIA Officers (CFO) Council recommend that agency leadership annually issue a memo reminding the workforce of its responsibilities and obligations under the FOIA and encouraging the workforce to contact the agency’s FOIA Officer for assistance with the FOIA process.”



Vision Recommendation 2B

Raising the Priority of FOIA: FOIA and Administrative Transition

“The Archivist of the United States directs OGIS and requests that DOJ/OIP assist agencies in establishing briefings for senior leaders during transition to a new administration or any change in senior leadership, which provide a thorough understanding of FOIA obligations/expectations, agency FOIA process, agency FOIA resources, and records management. OGIS and DOJ/OIP may provide a senior leadership FOIA training module, provide a FOIA training template with basic information on the FOIA, including important topics to cover and/or host a FOIA roundtable for senior leadership with speakers from the top performing agencies and the requester community.”



Vision Recommendation 2C

Raising the Priority of FOIA: Inclusion in Agency Performance Plans

“The Archivist of the United States directs NARA/OGIS and requests that DOJ/OIP examine the FOIA performance measures used in their Agency Performance Plans and Reports. The Subcommittee further recommends 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).”



Vision Recommendation 3A

FOIA Legislative Action: Strengthen Independent Oversight

“We recommend Congress engage in more regular and robust oversight of FOIA and the long-standing problems with its implementation. We encourage Congress to hold more hearings, establish a more regular stream of communication and inquiries to agencies around FOIA issues, and strengthen the Office of Government Information Services with clearer authority and expanded resources.”



Vision Recommendation 3B

FOIA Legislative Action: Ensuring that Agencies are Provided Sufficient Resources

“We recommend Congress directly address the issue of funding for FOIA offices and ensure that agencies receive and commit sufficient dedicated resources to meet their legal obligations to respond to FOIA requests in a timely manner both today and in the future.”



Vision Recommendation 3C

FOIA Legislative Action: Expanding the Scope of FOIA to Include to Legislative and Judicial Branches

“We recommend Congress expand the Freedom of Information Act law to include new statutory requirements for the federal legislative and judicial branches to establish processes through which individuals can officially request records. The new provisions should mirror those in place for the executive branch establishing clear proactive disclosure requirements, clear categories of covered and excluded records, exemptions for withholding, an appeals process, and the right to judicial review.”



Vision Recommendation 4

A Look to the Future

“The Archivist of the United States should continue to take a leadership role in ensuring that ongoing and future federal data strategies incorporate existing FOIA access and federal recordkeeping policies.”



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Time/Volume Recommendation 1

“That the Archivist request that agencies conduct a comprehensive review of their technological and staffing capabilities and requirements within two years to identify the resources needed to respond to their current FOIA needs and the anticipated FOIA demands of the future. Further recommend that the Archivist request that agencies apply the results of their comprehensive reviews to create agency-specific strategic plans that address expected increases in the number of FOIA requests received, as well as high-volume e-discovery style document reviews.”

[Committee agreed on March 5, 2020 that this a Best Practice]



Time/Volume Recommendation 2

“That the Archivist requests that DOJ/OIP collect information as part of each agency’s Chief FOIA Officer (CFO) Report regarding 1) the Standard Operating Procedures (SOPs) for the processing of FOIA requests; and 2) the FOIA webpage. Potential topics to be covered include the frequency of updates to the SOP and FOIA webpage, types of agency resources available on the FOIA webpage, such as the SOP and FOIA manual, and information available on the FOIA webpage to assist requesters in understanding the FOIA process.”



Time/Volume Recommendation 3

“Request that OIP issue guidance requesting agencies to provide annual mandatory FOIA training to all agency employees, as well as provide FOIA training to all new agency employees and contractors onboarding with an agency, including program-specific training if applicable. Further, direct OGIS and request OIP to undertake a study of agencies’ current FOIA training requirements and content. [The study may include an evaluation of current agency requirements for mandatory training, onboarding and supplemental training, first-line supervisor training, and program-specific training for subject matter experts and technology professionals.] Further request that OGIS ask Congress to support this recommendation by providing [a line-item] appropriation for agency FOIA training costs.”



Time/Volume Recommendation 4

“Recommend that the Archivist request that OGIS and OIP request that agencies identify common categories of documents requested frequently under the FOIA and/or Privacy Act by or on behalf of individuals seeking records about themselves, and seek to establish alternative processes for providing access to these documents to requesters in a more efficient manner than the FOIA.”



Time/Volume Recommendation 5

“A. Recommend that the Archivist address agencies’ need to provide for the dissemination of information outside of the FOIA and ensure that the programs that provide such information dissemination are robust.

B. In support of the National Archives and Records Administration’s M-19-21 Memorandum which directs agencies to ensure that all Federal records are created, retained and managed in electronic formats, with appropriate metadata, by December 31, 2022, recommend that the Archivist address agencies’ need to provide these records electronically, developing online databases where members of the public may access commonly requested types of documents that go to the heart of the agency’s mission, and providing secure online databases where that information contains personally identifiable information or other sensitive information.”



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Where do we go from here?

- ❑ **Outline of Working Group**
- ❑ **Soliciting comments from Committee Members & public on draft report**
- ❑ **Next/final meeting: Thursday, June 4, 2020 [remote]**



Public Comments

- ❑ Phone comments
- ❑ Chat comments
- ❑ Email public comments, suggestions and feedback to: foia-advisory-committee@nara.gov