



OFFICE *of* GOVERNMENT
INFORMATION SERVICES

Freedom of Information Act Advisory Committee

NOVEMBER 29, 2018



Inspectors General, Records Management & FOIA

- Ken Chason, National Science Foundation Office of Inspector General
- Marta Erceg, National Credit Union Administration Office of Inspector General
- Jeffrey McDermott, State Department Office of Inspector General
- Janet O'Connell, Office of the Inspector General of the Intelligence Community

Moderated by FOIA Advisory Committee Chairperson Alina M. Semo



OFFICE *of* GOVERNMENT
INFORMATION SERVICES

Freedom of Information Act Advisory Committee

NOVEMBER 29, 2018



Records Management Update

Laurence Brewer

Chief Records Officer for the U.S. Government



Records Management Update

- Regulations & standards for digitization of hard copy records
- Status of high profile draft records schedules
- Proactive posting of draft records schedules
- Creating adequate and proper documentation



OFFICE *of* GOVERNMENT
INFORMATION SERVICES

Freedom of Information Act Advisory Committee

NOVEMBER 29, 2018



Vision Subcommittee Mission

To provide a strategic plan to achieve a shared vision of the Freedom of Information Act (FOIA) over the next 10 years. The Vision Subcommittee recognizes the benefits & value of freedom of information & FOIA's role as an essential part of a functioning democracy. This strategic plan includes raising the priority of FOIA within the Executive Branch, reconsidering the model of the Office of Government Information Services (OGIS) within the FOIA community, increasing accountability for FOIA & transparency, managing expectations between agencies & the requester community, & stressing the need for increased & continued financial support for agency FOIA programs.



Past FOIA Advisory Committee Recommendations Update

Martha W. Murphy

Deputy Director

Office of Government Information Services



Best Practices Recommendations

Direct OGIS to promote identified best practices:

- FOIA & Accessibility
- FOIA Process Management
- Bringing in Talent
- Using Technology to Improve the Process
- Proactive Disclosure

Hosted Panel at 2018 OGIS Annual Open Meeting

Presented at ASAP brown-bag lunch & at the 2018 National Training Conference

Presented at October 2018 CFO meeting

NARA included FOIA-related best practices questions in the Records Management Self-Assessment

Incorporated into OGIS Dispute Resolution Training



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

CFO Technology Subcommittee has been established.

Goals:

- **Study utilization & deployment of technology, create a catalog of who is doing what**
- **Highlight best practices**
- **Make Recommendations – Working with CIO Council**



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 will 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.”



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



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

Raise for discussion in a future FOIA Advisory Committee meeting



Recommendation #5

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

Will be addressed by OGIS Compliance Team 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.

OGIS will include this information in its 2019 Annual Report on FY 2018

Goal: Publish in 2nd Quarter FY 2019



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).

Will be addressed by OGIS Compliance Team once we have staff available

Goal: Launch effort in FY 2020



OFFICE *of* GOVERNMENT
INFORMATION SERVICES

Freedom of Information Act Advisory Committee

NOVEMBER 29, 2018