

March 5, 2020

To: 2018-2020 FOIA Advisory Committee

From: Time/Volume Subcommittee of the 2018-2020 FOIA Advisory Committee

Re: Time/Volume Subcommittee Recommendations to the FOIA Advisory Committee

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.

Goal: To ensure that agencies are able to reduce or eliminate their current FOIA backlogs, while keeping up with expected increases in the volume of FOIA requests to decrease the likelihood of developing backlogs in the future.

Rationale: The Time/Volume Subcommittee, in conjunction with the Vision Subcommittee, surveyed agency FOIA personnel as well as the requester community to identify areas of concern. When requesters were asked to identify areas agencies could improve, 17.5% referenced improving efficiency. Agency FOIA professionals were even more specific. When asked about the greatest impediment to processing FOIA request in a timely manner, over 50% referenced resources in their responses. Another 5% referenced technology. In response to a question about their greatest frustrations with FOIA processing, nearly 24% of respondents referenced resources, and another 11% referenced technology.

Similarly, discussions with committee members who are Federal employees identified those areas as sources of frustration and areas for improvement. The survey questions were focused on the current challenges and frustrations faced by agency FOIA offices, and while it is imperative that agencies take steps to identify and address their current needs or shortfalls, if agency efforts only focus on current problems, agencies will not be prepared to handle increases in FOIA requests or in FOIA litigation.

A data-driven comprehensive review would gather information on the number of FOIA requests received and processed over previous years, track increases between each of the reviewed years (with particular attention paid to any increases identified as a result of predictable or periodic events like Presidential elections), and identify the average number of FOIA requests or pages the agency's FOIA analysts are able to process. Using that information, the agency should be able to predict with some accuracy the rate the volume of FOIA requests is likely to increase in

