

FOIA Advisory Committee Meeting

GRAMIAN: Good morning, everyone. I'm Nikki Gramian, acting Chair of this committee and Acting Director of the National Archives and Records Administration's Office of Government Information Services, also known as OGIS. In our inaugural meeting of the first FOIA Advisory Committee, our Chief Operating Officer, Mr. Jay Bosanko, stated the following:

"The FOIA has provided the public with the right to access government records for nearly 50 years, and like anything that has been around for decades, FOIA continues to benefit from regular improvements, such as the type of legislative, executive, or policy improvements that this [00:05:00] committee might suggest. It is important to know that FOIA administration and its process is not something that is, or should be, entirely government-run. It is a partnership between government agencies that implement the law and policies, and the requesters who use the law and policies, and can inform government where we can make improvements."

Mr. Bosanko's statement rings true, as we witness this partnership in our last committee's term. We were very happy to see that members of our last committee were able to work together to issue a unanimous recommendation to the Archivist, and we are excited to see what will be

accomplished during the committee's second term. With that said, it is my pleasure this morning to welcome you to National Archives, and introduce the tenth Archivist of the United States, Mr. David Ferriero, who will kick [00:06:00] off this meeting with his introductory remarks.

(applause)

FERRIERO: Thanks, Nikki, and good morning, and welcome to my house. It's nice to have you here. So, I'd like to welcome -- a special welcome to those who are joining us online also for this first meeting the FOIA Advisory Committee's second term. I'd like also to thank our special guests who are joining us this morning: Megan Smith, Chief Technology Officer of the United States, and soon to join us, Shaun Donovan, Director of the Office of Management and Budget. Megan was a student at MIT while I was in the libraries at MIT, so we have reconnected here in Washington. The National Archive has a unique role among federal agencies, which we describe as preserving the past to protect the future. If you have a few minutes after today's meeting, I encourage you to explore the records [00:07:00] we have on exhibit, including the original FOIA, which is currently on exhibit upstairs in the David Rubenstein Gallery. As the nation's record-keeper, NARA's role goes beyond preserving and displaying historical

records. We also provide leadership on managing and organizing our records -- the records that are created by the government every day -- making them retrievable through mechanisms like FOIA and the National Archives Catalog. FOIA has provided the public with the right to access government records for 50 years, and like anything that's been around for decades and decades, FOIA continues to benefit from regular improvements, such as the types of legislative, executive, or policy improvements that this committee might suggest. We worked hard to convene a committee that is reflective of the broad array of audiences that FOIA must serve, and your diverse backgrounds and interests will be essential to crafting a new and better future for FOIA. [00:08:00] While the creation of this committee in May of 2014 was the result of a commitment included in the second United States Open Government National Action Plan, its establishment for a second term signals the commitment of this agency, and the entire administration, to chart a path towards the day when FOIA works better for the public and agencies. The FOIA Improvement Act, which President Obama signed just a few weeks ago, signals the commitment of both Congress and the White House to make FOIA work better. The act recognizes and expands the unique role of OGIS and the FOIA process by

ensuring that agencies inform requestors about OGIS's services at several points along the FOIA process, and reinforcing OGIS's role in improving compliance with the law. The act also weaves some of this administration's key initiatives into the fabric of the law. This will help us move towards a future where the government's [00:09:00] default setting is open. By joining this committee, you've also joined a powerful partnership. The FOIA Improvement Act established the Chief FOIA Officer's Council, which is chaired by the directors of OGIS and the Department of Justice Office of Information Policy. The Chief FOIA Officer's Council meets for the first time tomorrow, and OGIS will act as liaison between these bodies. If you're getting the feeling that many people will be paying attention to the work of this committee over the next two years, you're absolutely correct. We are counting on each of you to make the most of this opportunity to improve the administration of FOIA, and we look forward to hearing your ideas, and National Archives will support your work however we can. And, you may ask, have I acted upon the recommendations the committee made in its 2014-2016 final report? [00:10:00] The answer is, I continue to review the work of the first term of the FOIA Advisory Committee, and to explore a range of possible actions we can take on the

recommendations. We're very happy that agency FOIA professionals and requestors were able to work together to issue a unanimous recommendation, and are excited to see what will be accomplished during this committee's second term. Now, to give you some background on -- I know you're curious about the OGIS Director situation. Just to remind you, James Holzer departed the agency on May 3rd. Nikki has done a wonderful job as Acting Director once again, and all sources -- vacancy announcement was open from June 2nd to the 23rd, and a significant number of applicants applied. Initial interviews have already started, and a short-list will be submitted to me. We expect to conclude second interviews in August, and the onboard date [00:11:00] of the selected applicant is, of course, impacted by SES rules. So, soon, we will have a new OGIS Director. We're looking forward -- we are looking for a leader with technical FOIA experience to manage FOIA mediation and oversight activities. The OGIS Director will also play a vital role in NARA's goal of making access happen and connecting with customers. Let me just also touch on -- we have another important opening with John Fitzpatrick's departure as the Director of ISOO, (inaudible) on January 8th and Bill Cira, a veteran ISOO leader, was named Acting Director. Another government-wide announcement was open

from March 4th to March 28th, and a significant number of applicants applied. Initial interviews were conducted May 20th to June 1st, and a short-list was submitted to me, and we have concluded second interviews in early July.

[00:12:00] We forwarded our selection to the Executive Office of the President for concurrence, and the onboard date of selected applicant is, of course, impacted by SES rules, as I mentioned before with the OGIS hiring. In that search, we are looking for a leader with technical experience for a multifaceted organization that manages classified and controlled unclassified information through policy and training. The ISOO Director also plays a vital role in NARA's goals of making access happen, and connecting with customers, and we expect to have an announcement in August. Finally, I want to thank the OGIS staff for their leadership of this committee and their administrative support of your work, and of course, I want to thank you all for agreeing to serve on this committee. We know how valuable your time is, whether you've traveled across town or across the country to join us. Thank you in advance for your service. [00:13:00]

GRAMIAN: Thank you very much. We also have two guests from the White House who have graciously agreed to attend our kickoff meeting today. It is my pleasure to introduce

Megan Smith, United States Chief Technology Officer and assistant to the President, and Mr. Shaun Donovan, the Director of Office of Management and Budget, who will also provide remarks. (applause)

SMITH: Thank you, Nikki. It is great to be in the archives with our incredible Archivist. You know, as Chief Technology Officer in the U.S., I very much am looking in the forward direction, but there's a wonderful Churchill quote, "The further back you can look, the farther forward you will see," and FOIA is such a wonderful tool for informing that work, because if our work has been transparent [00:14:00], then we can see the patterns by which we have come to do many of the things that we are up to, kind of looking into history. So, our team in the office of Science, Technology, Policy, and CTO's office, gets deeply involved in this work together with Director Donovan's team in Office of Management and Budget, together with great colleagues -- Archives, DOJ, and many others. It's such a great history to stand on. We celebrate Sunshine Week because of President James Madison and his early leadership, and so -- and we need a musical for him too, about open government. But, it's really in the capacity building that Shaun's team and our team are trying to do across government, and bring those capabilities, and

President Obama's leadership here has -- I'm newer to government, it's really been extraordinary to see from the outside, and then come and be a part of opening up things. We've opened 180,000 data sets since the beginning of the administration, in the [00:15:00] catalogs on data.gov and all the use of that, whether it's sort of in mapping, and weather, but now into opportunity and their places... the work with FOIA, the work with Open Government Partnership. So, and early on, the President founded with seven other countries the Open Government Partnership -- a committee so much like yours, from all different countries, are coming together. We were just in South Africa, in Cape Town, at the steering committee meeting, and the Africa regional, and it's so incredible to see the work that civil society members, journalists, those who are pushing on their government, those who are in the government, collaborating, and now 70 countries -- Nigeria just joined... it's really breathtaking work, and we look forward to meeting in the next summit, which is -- the French team is taking over from Mexico, and will be hosting this December in Paris. We've added a digital government track to that, so in addition to the open government team, it's those kind of coder, digital gov, [00:16:00] and civic tech folks who will be joining in, too, to accelerate this open work,

which is exciting. For us in the United States, of course, like each of the OGP members, we have our national action plans, and so we're now coming on -- we've got our third one published, every two years we do that, and it's really the FOIA expertise -- and those colleagues in Open Government have been major players. Every time we've been putting together the national action plans, both in driving us to really reach far from each of those commitments that people are making, and then working together to hold us accountable for that. It's amazing to be in the building where 50 years ago, you know, these documents were made, and having the chance to go look at them. They're so important for our country. It's an important history, and it's a proud history, and the United States is really a big part of leading the world in this area, and so to our committee, I really thank you for stepping up in this moment. [00:17:00] It's a really interesting time to be doing this, because the world is moving so fast in how we're collaborating digitally, and how we're thinking in new ways, and how people are coming together. I was actually just in Phoenix, Arizona yesterday, with a new innovation they have, with 200 kids who are Chief Science Officers at their school. And, so, they're sort of my colleagues, only they happen to be fifteen, or eleven, and so they are part of

changing STEM, and tech, and digital within their schools, so this opportunity to kind of thing really broadly about all hands on deck, and how we might work together to really make a more perfect union, and build the kind of opportunities and transparency and clarity that we need, and you guys really -- I was talking to Cori Zarek, who's on my team, who couldn't be here today, but she's been -- she's in the FOIA Hall of Fame, and she is -- we were talking about, "Look at the cross-functionality of this committee," I'm like, "They're like the [00:18:00] Navy Seals of FOIA." So, that's you guys. You represent those who are inside government, outside government. Some people have worked for almost the whole time of this 50 years driving this work forward. Some people are coming from more the journalist side, some are coming from academia, some are coming from government, some are coming from new methodologies, and really, thank you for your service. This takes a lot of time, and you are volunteers, and it's a really important thing, that we will be what we make of our government, and so I thank you for your service and stepping up, and I thank you for all my agency colleagues and government colleagues, and Director Donovan and our Archives teams, and others who are really stepping up here. We really stand by to help and assist any way we can from

our site, and I know the OMB team and all the other teams are ready to do that -- especially, perhaps, in this shift in digital tech, and how we might be able to support in [00:19:00] any way that we can be helpful. So, again, thank you so much for your work. Now, it's my good pleasure to turn it over to Director Shawn Donovan, who's an amazing colleague leading Office of Management and Budget, not only bringing new practices in the management area and driving budgets, and using the resources of the American people in much stronger, better ways across the board, and supporting our colleagues really coming up underneath all of our agency partners who live underneath the American people, but really a deep collaboration in tech, and modernization, and where the United States Digital Service lives, and the federal CIO and the CIO counselor within Shaun's team. So, without further ado, Shaun Donovan.

DONOVAN: So, first, let me start by thanking Megan for the kind introduction, [00:20:00] and right back at you for all the great partnership, and your great leadership. I want to say thank you, as well, as Megan did, to all of you for your service. It couldn't be more important, and I think it's enormously fitting that we gather here at the Archives with some of the foundational documents of our democracy,

on the 50th anniversary of FOIA. And, being here, I think it's critically important that we take stock of where we have come from, after Churchill, but also, look forward, and ask ourselves what it is we need to do to keep improving FOIA, keep progressing in the tradition of FOIA and what it has done for the country. I think there's no question that FOIA reflects the deeply held value our society places on transparency, and [00:21:00] public accountability, and in fact has become one of the most important ways that citizens are able to find out exactly what is going on in our government, and in fact, really going back to what Megan said, it has served as a model for other governments, and countries around the world. So, I really want to, building on Megan's broader remarks about openness and technology, I want to focus my remarks specifically on the importance of FOIA, what it has done, and its future. And, I was thinking on the way over here, too often, there are traditions, values, and institutions that we take for granted in this country. We're in the middle of an election year, and my team has been working hard on the transition process, and it's -- I always remind them that we need to step back and think about the fact that we almost take for granted a peaceful [00:22:00] transition of power. But, if you look around the world,

it's a reminder that we shouldn't take that for granted, and FOIA is a similar institution. It's foundational to our democracy, it is a model for the world, and yet, we don't often enough step back and remind ourselves how fundamental it is to our democracy, and how important it is. Somebody who doesn't need a reminder of that is President Obama, and Megan said she was relatively new to government. I'm one of the two grizzled veterans that served in the cabinet since the very beginning of the administration, and part of that perspective for me is that from literally his very first day in office, this has been -- this issue of transparency, and particularly, of FOIA, has been enormously important to the President. Literally, on his first full day in office, the President issued a FOIA memorandum [00:23:00] that directed agencies to apply a presumption of disclosure to all FOIA decisions. In the Attorney General guidelines that followed, agencies were instructed to release information under FOIA, unless they identified a specific, foreseeable harm in release. Following that, since 2009, agencies have processed -- think about this -- more than 4.6 million requests, processing more than 750,000 requests last year alone, while maintaining a disclosure rate of 91%. At the same time, the administration's also proactively published an

unprecedented amount of government information online, which over time should alleviate the need for more people to submit a FOIA request in the first place -- and this goes to the open data that Megan talked about. Something that my team works on and that I'm quite proud of is also the accountability [00:24:00] that we try to create for agencies to the public, to all of you, through dashboards, metrics, that we hold agencies accountable to, whether that's in the regulatory review dashboard, the IT dashboard, performance.gov, data.gov, usaspending.gov, and many other ways that we're trying to use technology and better management practices to hold ourselves accountable to the highest standards of transparency. But we also know that in this era of exploding information and information availability, that we are getting more FOIA requests than ever before, and so we increasingly, as you know, need to figure out ways that we can reform this process, to make it easier, faster, and cheaper for the American people to get the information that they want. To this end, on June 30th, [00:25:00] President Obama signed the FOIA Improvement Act, and committed to a number of actions the administration will take, underscoring our administration's strong belief in open government principles and in FOIA. Implementation of this Act, and the other actions that go beyond what was

in the Act that the President announced, codify a lot of the work that this administration started, and advances even more transformational reform. I know most of you are familiar with many of these actions, but let me just highlight a few of the reforms where I expect OMB, in particular, to play a role. First, by January 1st, we have committed to work with the Chief FOIA Officers Council, and in particular, DOJ, to develop new guidance regarding "a release to one is a release to all" presumptive standard when releasing records under FOIA. Second, we will keep working with DOJ and others to launch a consolidated request portal. This [00:26:00] portal will initially provide for a centralized submission of requests, and will continue to be enhanced with other features to improve the public's ability to submit a request, locate already posted information, and track their requests online. Finally, one of the actions in the announcement with which many of you were probably less familiar was the commitment to adopt a cross-agency priority goal, or in OMB-speak, a "cap goal," for FOIA. The cap goals were established by Congress in 2010 to help drive progress on some of the highest-priority challenges facing the federal government, which cross agency boundaries -- issues that can't be solved, in other words, by a single agency alone. There are now sixteen cap

goals covering priorities such as open data, cyber-security, STEM education, improving veterans' mental health, and infrastructure permitting. And, I just want to say on a personal note, having led [00:27:00] the Department of Housing and Urban Development, having begun my career working in homelessness, one of the most powerful examples of the way these shared cross-agency goals can be affected, is on veterans' homelessness. The President committed early on in the administration to try to do everything he could to end veterans' homelessness, and in five years, we have made remarkable progress. In fact, the number of veterans sleeping on our streets is down by almost 50% since the President came into office, and I will tell you that would never have been possible without HUD, Veterans' Affairs, and numerous other agencies coming together, and committing jointly to a clear, specific goal of ending veterans' homelessness. And so, I know the power -- these veterans across the country know the power of these goals, and now we have one for FOIA. To ensure the effective leadership and accountability of the goal across [00:28:00] federal government, each of them has a goal leader or goal leaders from the Executive Office of the President, and / or from key agencies, and specifically for the FOIA CAPgoal, there will be co-goal leaders from OMB,

DOJ, and NARA. Each of the CAP goals has a four-year timeframe, and includes a detailed action plan with the specific metrics and milestones that will be used to gauge progress, both near and long-term. To maintain the focus on implementation, each quarter, OMB reviews progress on these goals, and updates the public on results by posting reports to performance.gov. The CAP goal will provide an overall governance structure for FOIA reform efforts, going forward, and in the near term, we'll start with using the process to drive completion of the commitments that I've talked about today -- and others -- that we've made, and the requirements of the FOIA Improvement Act. But we will also use this process to help develop an action plan [00:29:00] that focuses attention and develops solutions to some of the underlying challenges with current FOIA policies and processes. And that is exactly why I wanted to be here today. As we look to all of you to be part of that process, as some of the most accomplished FOIA experts in the United States, the Navy Seals -- I guess we knew call you -- of FOIA. So, first, let me say congratulations on your selection to the Advisory Committee. It is a real honor, and does tribute to the work that each of you has done in this area. But let me also say that with that honor comes serious responsibilities, and critically

important duties, over to next two years, to work together to address FOIA's most pressing challenges. As I've said, we've made great strides over the past seven and a half years, to build on the 50 years of FOIA administration in the United States. But there as much more work to be done. As experts in FOIA, [00:30:00] both inside and outside of government, you know these challenges well. That's why this committee is best suited to address the biggest, and hardest problems in FOIA. You're charged with making recommendations to improve FOIA administration, FOIA policy, and the FOIA law itself. The CAP goal team we are assembling will be ready, and at your disposal, to help push these reforms forward, but we will need to leverage your expertise and your creativity. I encourage you to spend your time on the hardest problems, as I said, and come back to us with concrete recommendations, so that together, we can keep improving FOIA administration. I'd encourage you to think big, work hard, and know that we stand ready as your partners. To go back to where I started, FOIA is one of the foundational building blocks of our democracy. No pressure on all of you, but it is enormous responsibility you take on, [00:31:00] to chart the future of this critical institution to our democracy. Thank you for your service, thank you for the work that you

are embarking on today. Thank you.

GRAMIAN: Thank you Ms. Smith, and Mr. Donovan, for your kind remarks. Let us now go through some of the administrative matters. We'll have Kate Gastner, the designated federal officer of this committee, who will give members a brief introduction to the committee, and review members' responsibilities and the standard meeting procedures. I will now turn the podium to Kate.

GASTNER: Thank you very much and welcome. It's happening, we're finally here! I'm so excited. I'm Kate Gastner, as Nikki said. I am the designated federal officer for this committee, and this morning, I'm going to give you a brief overview of the [00:32:00] committee. I'm sure you're all pretty familiar with it, since you applied for it, but maybe some people on the live stream aren't as familiar, so we'll go through that. The responsibilities of the committee members, and the operating and voting procedures -- I promise to go through this pretty quickly, because we want to donate a lot of time to brainstorming today. Members have a copy of this presentation in your folder, so you can glance at it now. If I go through something a little too quickly, we can talk about it at the next meeting. So, welcome, thank you. The committee was established on December 5th, 2015, in the second Open

Government National Action Plan, as Megan mentioned the NAP earlier. The committee is governed by the Federal Advisory Committee Act. The first meeting of the 2014-2016 term was on June 24th, 2014. During the first term, the committee met eight times, and produced a final report, which can be found on the committee's website which is within the OGIS website. The Archivist of the [00:33:00] United States, David Ferriero, who gave his opening remarks, signed this committee's term, the 2016-2018 term charter on May 20th, 2016. You can see the requirements for membership on the side, so I'm just going to keep moving on pretty quickly. So, as to the committee's structure, Nikki Gramian, who's been speaking throughout the morning, she will serve as the committee's Chair. A vice-chair will be selected from the existing non-government members for the committee, and that will occur at a later date. The committee's administration. Patrice Little-Murray is the committee management officer, and I serve as the DFO. Patrice also works in the National Archive, so if you ever need to reach out to her, we can provide her contact information. All committee communication must include me, the DFO, at the email address that's listed on this slide, and the email address that I email all of you at all the time. (laughter) So, down to the responsibilities -- kind of the nitty-

gritty of what to expect. The Chair's responsibility is to [00:34:00] lead the committee, to adhere to the committee's rules and charter, and to make sure that the committee stays current with Robert's rules, and following that structure. The Chair calls the meetings to orders, she sets the agenda, determines a quorum -- and just so everyone's aware on the live stream, that we actually have every single committee member here today, or on the phone, which is awesome. She will open and preside over the meetings and certify the meeting minutes. The Vice Chair will perform all these duties in the event that the Chair is either absent or unavailable. Committee members will attend meetings of both the Committees and Subcommittees, if the Committees choose to establish Subcommittees. Members can submit items to the Committee's agenda. They deliberate and offer advice to the Archivist of the United States on FOIA related matters, and federal members must submit a financial disclosure form annually for an ethics review, and as of this morning, we have every single federal member's financial disclosure. Thank you to all of you for getting those in. [00:35:00] My responsibilities. So, this is what you can expect from me. So, it's to appoint the new federal employee members and make sure that they have the financial disclosures, which [they?] do. I

schedule all the meetings. I approve the meeting agendas and compose the meeting minutes. I attend all the meetings of both the Committees and the Subcommittees, hence why you have to always CC me on the communication. And, I adjourn the meetings of the Committees and the Subcommittees. The Subcommittees -- the Chair of the Committee with input from the full Committee can establish subcommittees which support the full Committee, and this will be something that we will discuss more in-depth in the October meeting. If subcommittees are established, they will have two chairs -- one who's a government member, and one who is not a government member -- that will act as co-chairs. The subcommittees will report all their works and findings to the Committee at large for deliberation. In the past, in the last term, the 2014-2016 [00:36:00] term, three committees were established: they were the Fees, Oversight and Accountability, and Proactive Disclosure Committees. Reports from these subcommittees from the first term can be found on the Committee's website, which is hosted with the OGIS website. Subcommittee Co-chairs -- so, the co-chairs are responsible for working with the DFO to reschedule all meetings -- oops, there we go. They will set the meeting agenda, open and preside over meetings, and copy the DFO on all committee communication, and adjourn the subcommittee -

- so, if you're thinking you want to lead a subcommittee, know that those are your responsibilities. The by-laws for this committee were established under the 2014-2016 Committee. The committee must meet at a minimum of four times a year. Meetings are only held when there is a quorum present. When a meeting is open, the minutes and the proceedings are open to the public, and will be hosted on the committee's website. When a meeting is closed, it can only be closed under limited circumstances in accordance with [00:37:00] the FACA and the Government in the Sunshine Act. Closed meeting minutes and proceedings are not open to the public. Notice of all meetings, open or closed, will be published in the Federal Register at least fifteen days prior to a meeting taking place.

Meeting Deliverables -- so, what you can expect: agendas are created by me and approved by the Chair. Committee members and members of the public are welcome to submit items to a meeting agenda at any time, through the committee's email address. The DFO -- me -- prepares the meeting minutes after each meeting, and they're also posted on the committee's website. The public may comment in open meetings, or submit written statements prior to or after a committee meeting, and you can see on the slide where OGIS posts meeting information on our website, and the link's up

there, but if you just go to OGIS.gov, it's pretty easy to find -- we have a pretty awesome website. Meeting Conduct -- the Chairperson will call the meeting to order, committee members will state their presence, and when we have people on the line, the Chair will call them by name, [00:38:00] and they will respond. The Chair will read or reference any minutes from previous meetings, and certify them. The Chair will make any announcements, and ask for the subcommittees to report to the larger committee. The committee will discuss any unfinished business and introduce new business, and finally, ask for members' comments. The Chair will invite the public to make oral comments, generally at the end of the meeting, but today, we'll actually have two sections where the public can make comments, and then the Chair will adjourn the meeting. As for procedures, in the case the committee is going to debate an issue, members may raise their hands to obtain the floor and make a motion. Motions don't need to be seconded, however, for those of you who served on the first committee, it was kind of a standard practice that we had them seconded, but it's not a requirement. The committee follows these operating procedures when taking a vote. A vote can be taken without a motion if everyone is perfectly clear, so sometimes motions just help [00:39:00] to make

sure everyone's on the same page. Unless there is unanimous consent, all actions must be approved by a vote. The Chair will restate a motion before voting, and in the event of a tie, there are different structures to the voting, which we can get into at a later date. So, voting is in accordance with Article 5 of the FOIA Advisory Committee By-laws. Again, those by-laws are posted on OGIS's website. When there is a motion to vote, any committee member may move to vote, no second is needed, and only the Chair and members may vote on an issue. We have two types of voting procedures. You can do a voice vote, or a show of hands. In the past, we've done a voice vote, because we had members on the phone, because this committee has had some members from different geographic locations, and there are three types of decisions that the committee can have: a unanimous decision, which I'm happy to say is how the committee passed -- the first committee passed the final recommendations. There can be general [00:40:00] consensus, where at least two-thirds of the votes are cast in favor of the motion, and there's general majority, where the majority of the total pass the vote. So, that's it. I tried to do it as quickly as I could. If anyone has questions, we will open the floor to public comments at the end of the meeting, and if any committee members have

questions, we can also discuss it at our next meeting. And now, I'll turn it back over to Nikki.

GRAMIAN: Thank you, Kate.

GASTNER: And, here's our contact information.

GRAMIAN: Thank you, Kate. Next, Meredith Stewart from the NARA's Office of Innovation will lead a brainstorming session for us. I will give you a brief overview of how we have organized this session, which will consider the question, "What would you like FOIA to look like in ten years?" To start, Meredith will ask you to introduce yourselves. She will then facilitate a discussion that will help us begin to define the major topics you would like the committee to examine for the next two years.

[00:41:00] After identifying the big themes, Meredith will ask each of you to define what you think are the hardest problems in FOIA, and we will ask the public's input on any problems that have not yet been identified. Once we have named all of the issues, we will have a brief discussion about where this committee can make the greatest contribution. We will also ask you to vote for the topics you would most like to address. Your homework over the next three months is to think about the topics we identified today, and the kind of leadership you want to provide to the committee. At our next meeting, we will

continue our discussion, by organizing subcommittees, and ask for volunteers to serve as co-chairs on those subcommittees. If members of the public wish to submit written comments and suggestions for the FOIA Advisory Committee, you can do so by mail, email, or fax. The committee's [00:42:00] contact information is available on our website at www.ogis.archives.gov. While you can expect to hear from Kate frequently, you can also stay up to date on the latest OGIS and FOIA Advisory Committee news, activities, and events, by visiting our website or our blog at foia.blogs.archives.gov, and on Twitter at FOIA_Ombuds. All right, it is now my pleasure to introduce Meredith Stewart.

MEREDITH STEWART: Hello. We are going to have -- for introductions, you're going to go into your packets, and those of you who are joining by phone, you should have gotten this via email. We really thought about how we could efficiently do introductions, because with nineteen people, that could take a really long time. So, what we're doing is, we're asking you to take a minute, [00:43:00] and fill out the introductory slip here, where we're asking you your name, your title, your position in the organization or agency that you come from, and answer the question, "I joined the FOIA Advisory Committee because..." So, we're

going to take just a few minutes -- it looks like, actually, people have started to do it. I hope that those who are on the phone have taken a look at this, and I'm wondering if we could actually go to the phones first. So, I'm wondering, if we have on the phone Logan? (pause)

LOGAN PEREL: Can you hear me?

STEWART: (pause) Go ahead. Go ahead, Logan. [00:44:00] (pause) We're having technical difficulties here. Who else do we have on the call? (pause) It's not working. (pause)

GRAMIAN: I'm Nikki Gramian, Acting Director of OGIS. I joined the FOIA Advisory Committee because I have to. (inaudible) (laughter) (inaudible)

MELANIE PUSTAY: [00:45:00] (inaudible) I'm Melanie Pustay, the Director of the Office of Information Policy at DOJ, and I joined the Advisory Committee because our office is in charge of the responsibility of encouraging compliance within FOIA, and we take those responsibilities very seriously.

STEWART: OK.

THOMAS SUSMAN: Tom Susman, Director of Governmental Affairs at the American Bar Association, and in terms of FOIA, (inaudible) working to increase government transparency and access to information under the FOIA, and my work is still far from finished, and I thought this would be a good way

to continue.

STEWART: Jill.

JILL EGGLESTON: Hi, I'm Jill Eggleston, I'm the Freedom of Information Act Officer for U.S. Citizenship and Immigration Services, and I joined the FOIA Advisory Committee because I wanted an opportunity to help shape the discussion about where FOIA's going. [00:46:00]

STEWART: And as you're answering -- I know we're sharing microphones, but if you could just make sure to speak into the mics, so that those who are watching on the live stream... go ahead.

CHRIS KNOX: Good morning, my name Chris Knox, I'm managing director at Deloitte Advisory Services in our Federal Discovery practice. I joined the FOIA Advisory Committee because I'd like to see the implementation of more prescriptive technologies and analytics, to streamline the proactive disclosure, to begin eliminating the backlogs.

STEPHANIE CARR: Good morning, my name is Stephanie Carr, and I'm the Chief Freedom of Information Officer at the Office of Secretary Defense Joint Staff. I joined the committee because I wanted to use my almost 30 years of FOIA experience to work collaboratively with my colleagues here to FOIA better, not only for agencies, but also for the American people. [00:47:00]

HELEN FOSTER: I'm Helen Foster. I am the Executive Secretary and the Deputy CIO at HUD... for about a week and a half. Prior to this, I was at Treasury in a similar role. I joined the FOIA Advisory Committee, actually, because I believe in FOIA and transparency as a citizen, and not -- it's part of my job, and that's fun, but I actually believe that transparency of the government is the foundation of our government. I tell my FOIA folks that if Thomas Jefferson and George Washington could be here today, they would recognize their job more than they would recognize President Obama's as being a direct link to what they fought for in the revolution. It's why I work for the government, it's why I do what I do -- I believe in good government, and I don't think FOIA works very well in that respect, as a citizen. So, that's why I'm here.

DAVID PRITZKER: My name is David Pritzker. I'm the Deputy General Counsel and [00:48:00] also FOIA Public Liaison at the Administrative Conference of the United States. This is a small federal agency whose mission is to develop recommendations for improved procedures for federal agencies and federal programs. I joined this committee because I wanted to devote my efforts and my long experience working on improved procedures to this important area.

MICHAEL BEKESHA: My name's Michael Bekesha, I'm an attorney at Judicial Watch, and I joined the FOIA Advisory Committee because I want to see where the government and the FOIA community can come together to improve FOIA.

STEWART: Great! Other side?

RAYNELL LAZIER: Hi, I'm Raynell Lazier, and I am the Director of FOIA at Consumer Financial Protection Bureau, and I joined the FOIA Advisory Committee because I'm also very passionate about my role as a public servant for FOIA and transparency, and I'm interested really in improving the [00:49:00] collaboration between requestors and government agencies.

JAMES VALVO: Hi, my name is James Valvo, I'm the Counsel and Senior Policy Advisor at Cause of Action Institute, and much like the last two speakers, I want to find ways that government officials and requestors can work together to improve FOIA.

GINGER MCCALL: Hi, I'm Ginger McCall, I'm an attorney at the Department of Labor. I joined the FOIA Advisory Committee because I used to be a requestor and litigator on the other side, and I believe that the accountability and transparency that are embodied in the FOIA are necessary parts of democracy, and I'd like a chance to improve that.

WILLIAM HOLZERLAND: Good morning. I'm William Holzerland. I'm

currently the Director of the Division of Information Disclosure at the Food and Drug Administration's Center for Devices and Radiological Health. That was exhausting. But, I joined the FOIA Advisory Committee because [00:50:00] I believe there are few things that are more fundamentally American than making access to government records possible, and I believe that through the work of this committee, with my colleagues in civil society and my federal colleagues, that we can perhaps move the ball forward towards making the process work better for everybody.

NATE JONES: Nate Jones. I'm the Director of the FOIA Project at the National Security Archive, which is a non-government organization. I joined the FOIA Advisory Committee because I want to help fight to get more documents to more people more quickly.

SEAN MOULTON: Sean Moulton, Open Government Program Manager at the Project on Government Oversight. I joined the committee because, as many others, I firmly believe in transparency and the FOIA process. I also believe that agencies try really hard -- they want to get information out, there's a lot of people on the other side that are working hard on this, there are requestors [00:51:00] who want this to work well, and yet we still are struggling,

and I know we can do better, and this is a great process to get that started.

STEWART: Great. Four of your colleagues are joining us via the phone, so we're going to try again and see if we can get Logan to do his introduction? (inaudible) We're working on it.

MITRA EBADOLAH: For what it's worth, Logan, can you hear me?

STEWART: Yes.

PEREL: I can hear you.

EBADOLAH: OK, I can hear you too. This is Mitra Ebadolahi.

I don't know if our colleagues in DC are able to hear us.

STEWART: We can hear you.

EBADOLAH: Mary? It sounds like they're not. I'm going to -

-

STEWART: No, no, no, we can hear you. Can you hear me? We can hear you, so, if you're watching the live stream, we're giving you a thumbs up, that we can hear you. Is that Mitra?

PEREL: All right, I think there's a delay, so we'll just go. So, my name is Logan Perel, and [00:52:00] I'm an attorney at the Department of Homeland Security, and the reason that I joined the committee is, echoing the sentiments of the colleagues on the committee, I think that the relationship today between requestors and the government is overly

adversarial, and we can work together to maybe make recommendations and improve upon that process, and additionally, I'm hoping, even on the government side, that we can work together to make things better for the government so that overall, things work better for requestors, so I think there's improvements we can make, both working with the requestor community, and even working together to help the government kind of maybe get their act together, and get things a little bit better.

STEWART: OK, can either -- one of the other three that are on the line? Lynn, maybe?

EBADOLAH: I'll go ahead. This is Mitra Ebadolahi, I'm the Staff Attorney with the American Civil Liberties Union. I'm based in San Diego, California. I joined the FOIA Advisory Committee for [00:53:00] many of the same reasons that have already been stated. In particular, I believe that timely access to government information is critical for an informed citizenry and functioning democracy, where the government can be held accountable to the governed. I really love the idea of FOIA, but a great deal needs to be done to optimize the statute's practical application, and make sure that requestors get the information that they seek in a manner that is sensible in terms of timeline.

STEWART: Great. Lynn or Margaret?

LYNN WALSH: Hi, yes, this is Lynn. I'll go ahead. I am the President-Elect at the Society of Professional Journalists, also known as SPJ. It's the most broad-based organization for journalists in the US. Primarily, our focus is on FOIA, open government issues, and also journalism ethics. I joined the FOIA Advisory Committee for a lot of the reasons everyone else has stated, but primarily, as a working journalist myself, trying to make FOIA as easy and efficient [00:54:00] as possible for requestors, journalists, and the public.

STEWART: Margaret?

MARGARET KWOKA: Hi, my name is Margaret Kwoka, and I'm on the faculty at the University of Denver's Strum College of Law, and I joined the FOIA Advisory Committee because I'm actually a former FOIA litigator, and my current research focuses on open government and FOIA, and I'm really motivated by the idea that we can use research and data to find opportunities for improving FOIA, both for requestors and for government.

STEWART: Great, thank you, everyone -- we did introductions very fast, so that was great. We are going to move into two quick rounds of brainstorming, so for those who are on the phone, when we ask the question, you're going to go ahead and email in your responses, and you've been in contact

with Kate. So, we're going to have you -- everyone take a look at this question: "I want a FOIA policy process law that -- " [00:55:00] And, we're asking you to put two to three Post-its, which are in your folders -- and you have black Sharpies, and what we're going to do is, as you fill those out, we're going to have you actually come up and put them on the board, and we're going to do this really fast. (pause) One of the things that we were thinking about is that this is really answering the question of what your interests are in improving FOIA. We're going to have a second brainstorming that we're going to talk about the hardest problems, but right now, it's to get your interests, really, up so everyone can see that. [00:56:00] (pause) When you're ready, you can come up. Yeah, I know, but we actually wanted some interaction, so if you could walk it up to the board, that would be great. (laughter) [00:57:00] (pause) Anywhere's good. If you are finding things that are similar, we're going to try to group them, so you can look on the board to see, and kind of combine with similar themes, so I'm going to try to put these into themes so we can read them out. [00:58:00] (pause) We're not quite grouped yet, so if you find one that's similar, you can go ahead and put it... wherever you want, David. There you go. (inaudible) responses. [00:59:00] (pause) You

can organize, too, if you're not seeing... there you go.

(laughter) And keep them coming, if you have a few more...

if you only put like one up, or two up, and you have some more ideas, we can get those up on those Stickies.

[01:00:00] (inaudible) Some of this is (inaudible). I'm just going to (inaudible). (pause) Like the (inaudible).

(pause) Yeah. Here. I like that you're on a different angle, too -- provide [01:01:00] some variety here. Yeah.

No, this is good. Good. (pause) Proactive disclosure.

(pause) We are going to actually read these out, but if you have any last thoughts, we can... (inaudible) technology.

(inaudible) (pause) [01:02:00] Oh, great. OK, great,

great. (pause) [01:03:00] (pause) Any more from the folks who are joining remotely?

__: (inaudible)

STEWART: Oh, great.

__: (inaudible)

STEWART: Yeah, so that's under resources. [01:04:00] OK. We're just going to do a readout of what we're kind of seeing from the committee members. So we have a lot in timeliness -- so we have a lot of overlap in timeliness. Ginger, did you want to add one more?

MCCALL: Sure.

STEWART: Awesome. So, for timeliness, I'm just going to read

the ones that we have up here: "provides records in a timely and effective manner," "no request takes longer than a year to process," "addresses the statutory response time," "that is capable of providing timely responses to requests to the maximum extent consistent with security and privacy concerns, but which provides an efficient dispute resolution process when the request is problematic." So, I would say, we're seeing a lot of timeliness, [01:05:00] but the other kind of themes are efficient, and effective. "Access to records quickly and efficiently that works for the public," so the person's answering the question of the FOIA process that works for the public; "increases efficiency in order to facilitate maximum disclosure with minimum delay;" "requires agencies to respond to referrals and consultations within a set timeframe;" "is clear and understandable to the average citizen," might not be in timeliness, might be down here in our next category, customer service partnerships. And so, in this area, we're seeing "reduce the often adversarial nature of the FOIA process;" "improves customer service and makes the process less adversarial;" "makes managing the proliferation of electronic records work better." I think this might be over here in technology. "Encourages good faith on the part of the agency [01:06:00] officials and the requestors;"

"allows a FOIA requestor to fully understand how the process is working for her, transparency in the process;" "creates or fosters closer public-private partnership and a more amiable environment;" and, yeah, we have "is clear and understandable to the average citizen." So, in the proactive disclosure area, we have a few: "creates a centralized government database to track... search requestors and their requests." I don't know if that's proactive, but that could be more on the technology side. I'll move that up to technology. "Gets more info to public faster without requiring FOIA requests;" "gets information to requestors [01:07:00] faster and consistency;" "that addresses other processes that may allow -- " Sorry. " -- That may allow access, but reduce the number of requests under FOIA;" "requires publication of agency FOIA logs." So, that's in the proactive area. I think I'm going to go to technology last, since there's a lot there. Law changes: "Perhaps cap the number of requests a requestor submits, so that one single requestor doesn't flood the system, submitting 50 requests a month -- unfair to other requestors;" "realistically reflects the time needed for an agency to respond to a FOIA request." Resources -- there's a bunch of resources kind of within the ideas that you guys have put up here, but we wanted to kind of mark that:

"costs less and simpler to administer." In the compliance side, we have: "ensures adequate resources -- " [01:08:00] Actually, this is resources: "Ensures adequate resources for each agency, and then imposes sanctions on agencies that do not search or produce in a timely fashion." And then, for compliance, we have "mandate FOIA training for all senior executives in the federal government," so that will make it a priority; "requires, rather than encourages, agency compliance;" "manages the process, resources, performance-tracking goals to become more effective over time;" "holds agencies and officials more responsible for efficient FOIA administration;" "where FOIA shops and attorneys don't knee-jerk withhold;" and, "give agencies adequate funding, staffing, and technological resources to succeed." This kind of crosses a couple of the categories. So, any initial thoughts on these topics?

Pustay: [01:09:00] You didn't read the tech ones yet.

STEWART: Sorry, you're right. OK, technology -- this is the big one. "That the vast majority of FOIA releases are posted online;" "allows for e-payment for FOIA fees." Those kind of cross the other categories. "Creates centralized government resources to support FOIA offices;" "reduce the need to make individual requests, because so much of what is of interest is available proactively." That probably

goes more in the proactive. A lot of these are crossing. "FOIA offices can search for documents efficiently and universally;" "is equipped for the future by using technology;" "uses technology in many ways to facilitate the process, from finding requested records to processing them;" "does a better job with fundamental issues -- records management, search capacity, and authority to make finding and disclosing records easier and faster;" "creates [01:10:00] a centralized government database to track and search requestors and their requests;" "provides proactive records." We're seeing a lot of crossover with the proactive. "Seeks to proactively disclose information rather than waiting for requests. "Produces more info as a matter of course, less nuanced." I'm not sure what the less nuanced was, but... "Requires affirmative, proactive disclosures of frequent requested records rather than for individual records." So, that was to really quickly get out what people are coming here today thinking about, and in the next phase, what we want you to do is take out those Stickies again, and we want you to really think, for this committee, working on the hardest [01:11:00] problems in FOIA, what are the hardest problems in FOIA? So, if you need more Post-Its, let me know, and I can come around, if you used all your Post-Its. All right, you can do two to

three again, and we're going to try to group these, and then we'll have a little bit of a discussion. (pause) And for this question, "The hardest problem in FOIA is... " We're actually going to turn to the public and the audience, and after we've put the ideas up on the board, the topics, we're going to ask for your ideas, and see if there's anything that we're missing, so if you have ideas, start thinking about those. [01:12:00] (pause) [01:14:00] Apologies, sorry about that.

[pause]

STEWART: OK, thank you for being patient. We're going to have a bit of a discussion, as soon as I do the read-out. So, what we're seeing for the hardest problem -- and what we really wanted is this kind of two-step process, where, here's what everyone is interested -- you know, these are the things that you bring, the things that you're interested in, but in terms of what the committee to decide to actually work on over the next two years of this term, [01:20:00] what are the hardest problems and where you should be thinking about devoting your energy and your resources to try to fix? So, here's what we're seeing from that brainstorming session, is we're seeing, delays, tech, volume, funding, communications, awareness, and commitment. So for delays, we have "delay," "meeting deadlines, 20-

30-day deadlines," "it takes too long to get records with requestor," "unclear about why delays are occurring." For the technology section, "poor records management makes records hard to find, demand, review," and hand redaction, paper disclosure;" "how to manage technology to manage ever-increasing volumes of records and requests for access to those records;" "How to identify the most valuable records to proactively disclose at each agency." "Lack of resources" could also go into funding, [01:21:00] but this person spelled out technology: "staff and technology to keep up with the demand. Also kind of applies to the volume problem. "Addressing record retention policies and maintenance, and the electronic environment;" "Inadequate systems technology, making receiving data and docs more difficult than it has to be;" "Maximizing proactive disclosure in the face of 508;" "Keeping pace with technology to ensure responsive records are located by government and when publicly released, made accessible;" "technology, technology, technology -- to assist with searches, to assist with databases, management, and tracking, to assist with programming, processing records electronically;" "managing copious amounts of electronic records in context of FOIA searches for responsive records;" [01:22:00] "Inability to effectively search on

agency records;" "Political agency leadership: wrong expectations regarding their role in the process." This might be more so awareness. "Why dispersion of records throughout agencies, voluminous email messages all making it difficult to capture what is responsive." So, in this awareness, commitment section down here -- we did that one: "Redactions and withholdings that are unsupported but take too long to get a court to review;" kind of seemed to fit with awareness, but that might be its own thing. "Getting high-level political commitment to improve administration above FOIA Officer, below the White House;" "No high-level entity that agencies listen to advocating for quicker release of much more info;" "convincing program officers that part of their core [01:23:00] mission is responding to requests for records;" "For many agencies, FOIA is the lowest priority, which means no resources, it's low-action by program staff;" "Getting back to requestors quickly enough." That was delays. "Lack of buy-in from agency management, lack of compliance and for enforcement mechanism," "lack of strong leadership and authority to oversee agencies and demand changes;" "keeping leadership from reducing the staff;" "DOJ, civil defendant defending bad agency positions in court;" "Ensuring all federal employees understand the law and their FOIA obligations;"

"Excessive use of some of the exemptions in agency or staff preference for withholding even with minimal justification;" "Getting docs from document holders in a timely manner;" "FOIA requestors [01:24:00] understanding the FOIA process;" "the fact that the majority of the people working within agencies do not think of FOIA as the primary function of their job, and FOIA officers often must rely on others for record production." And, in communication: "ability to talk to someone directly about FOIA, and about info, or info, and how it may be kept prior to submitting a request." In the volume area, we have: "Sufficient searches of email, electronic records;" "Explosion of records;" "Managing requestor expectations," "requestors that bury agencies in frequent broad requests;" "case processing with a declining budget," also in the funding section; "Funding, resources, lack of resources." This is in the funding category. "Ever-increasing number of requests being [01:25:00] handled by shrinking FOIA offices;" "persuading Congress and agencies to allocate adequate resources;" "For some agencies with an overwhelming number of requests with limited staff and funding, too few resources relative to volume of requests;" "Government lawyers trying to justify their pay grade;" "No funding priority by anyone -- Congress, OMB, agency

leadership." So, what we want to do right now is just open this up, especially on the hardest problem FOIA and have the committee discuss for a few minutes any thoughts that you have as you look at this, in terms of your work and thinking about what could be the hardest areas. Anyone? And, we'll go to those who are on the phone as well.

PUSTAY: Well, I can start. [01:26:00] The -- I mean, obviously there are a lot of challenges to FOIA administration, but I think probably the greatest, or one of the greatest, is the explosion in the volume of records. When you think back to 50 years ago when there wasn't email, and FOIA was about looking for formal memos that were written, we all could just dream of requests that were just asking for a memo, and nowadays, with just the unbelievable amount of records that are responsive to a request, managing them, finding them, producing them, is just far more challenging than ever before, and I think it ties in really nicely with the idea that we really need technology to help us manage that, and make that -- take advantage of the fact that things are electronic by using technology tools to make it better.

MCCALL: I think most of these problems [01:27:00] can be solved with money, and money is the hardest problem to solve here, getting money out of Congress, right? More money buys more

technology. More money hires more staff, which deals with delays in volume. More money creates more training for high-up people in the agency, for everyone in the agency, to understand that FOIA is part of their job. Money. You know, every time we see these bills come out from Congress, the bill mandates a bunch of new reporting, it creates a whole bunch of new penalties for agencies... there are a whole lot of sticks and not a whole lot of carrots, and then at the end of the bill, it says, "No more funding for this." Money is the answer.

FOSTER: Can I -- I agree with you, but I also think that we have the Congress problem as well, which is that... so, we don't get money to do a lot of ridiculous things that actually don't produce any transparency. I literally spend 50% of my time trying to account for how I spent the other half of my time. The taxpayers are not well served by that. But, in addition -- so... but, the whole system [01:28:00] is way too complex, so we need more money because the system is too expensive as it's designed. Now, I understand, I'm putting a problem on the table that we can't hope to solve, but there have to be ways to make this simpler. I spend all of my time in FOIA arguing with lawyers, arguing with politicals, who are well-meaning -- I really think they're well-meaning, but they want to find

the bleeding edge of this provision of this statute. More guidance, more generalization across -- this is what's expected of you... make it easier. And I actually don't even care as a citizen where you draw the line, I'd just like to know where it is, and every agency draws it someplace different, because everyone has their own government lawyers, trying to justify their pay grade, and... and so then you can't have a universal technology portal -- that's where that breaks down, because everybody has to do it their own way, according to their own lawyers, and we can't even as a community, make a sensible request about what we need, because everybody needs something a little bit different, because we're all managing our records a little bit differently, and of course the requestor community is frustrated and confused, because we're all being wonderful [01:29:00] examples of how bureaucracy doesn't work. So, we need more money, but we need to figure out a way to spend less money.

GRAMIAN: I think one of the issues is that the majority of the agencies, you know, they get funding and they invest in technology, but over time, that technology is obsolete, and then they have to spend more money in order to keep that technology, to make it compliant with what's new. So, technology is a huge issue, and I think that's one of the

things that at least we see as the most important, or hardest problem to solve.

MOULTON: Well, and I think -- sorry, after you. One of the things I just wanted to say about technology -- I think we focus too much on, if you will, end-of-the-pipe technology, technology that's going to make things [01:30:00] easier to find, and easier to search, and things like that. Those are useful things, but we need to start looking at how we create these records, and make sure that they're born electronically, that they're born with the metadata. We already know that this information's going to be requested at some point. The idea that we leave it until the very end for someone to go through page by page and figure out whether or not it can be released is kind of ridiculous. The person creating it should be able to make a justification or an initial decision on whether or not this information can be made publicly available, and eventually, it should just be made publicly available without a request, but we have to start moving further upstream to make a better use of technology in creating records.

HOLZERLAND: I sort of follow on that point, but first, as a lawyer, I question where Helen has met all these well-meaning lawyers. I feel entitled to ask.

FOSTER: I'm one, too, so I'm allowed.

HOLZERLAND: Fair enough. But, with that said, I think the biggest [01:31:00] -- I think Shawn's point was sort of, where can we create efficiencies? Which I think is really the core issue here, because given the reality of the resource challenges we all have, it's fairly oversimplifying things to say if we throw money at it, it'll fix it, if we throw technology at it, it'll fix it. None of these perfect solutions are likely to be available to us, so how can we do more with the little that we have, you know? That's the biggest question. For me, managing the proliferation of electronic records is by far my biggest challenge, particularly when you're -- in the context of the FDA records, when I'm dealing with an application to market a medical device that in and of itself is thousands of pages, and incredibly complex, when you add potentially dozens or more versions of those records flying around in email, or other repositories, it makes [01:32:00] finding the needles in the stacks of needles extremely hard.

GRAMIAN: I think we're ready for a break, Nikki.

STEWART: OK. Oh, sorry. We're going to take just a few moments and go to the phone. For those who are joining us remotely, did you have anything to add to this part of the discussion?

PEREL: So, this is Logan Perel. I think part of the issue that my colleagues on the government side will echo is, the government inherently is not good at technology. I have a hard time finding a crowning, shining example of something that the government has created that costed -- it was cheap, it was delivered efficiently, it was delivered on time, and it works great. I think those issues underline the resource issue -- the technology issue, whether its processing records, gathering records, releasing records -- all of this has to do with big data and technology, and I think the government is just -- we're very far behind. We don't have a good track record of doing this successfully, [01:33:00] and that is something that I think needs to be looked at and explored on how this can be done. I take Helen's point -- you know, every agency tries to do it differently -- you know, I think this is something that they have to do it together, because everyone can pool their resources, and then maybe we can actually get something out of it worthwhile.

PUSTAY: Well, I just feel like I have to say, I think that Megan Smith, the Chief Technology Officer for the United States who just spoke to us would disagree respectfully with the idea that the government can't do anything good with tech. I mean, there were incredible examples of good

use of tech in the United States, but it doesn't mean that there's not room for improvement in tech in the FOIA context, and I think we've all collectively realized the importance of that.

WALSH: This is one -- I agree with all of comments [01:34:00] about the technology. I do think that is a major issue. I think also, though, before it even gets to the point where a member of the public or a journalist or anyone else is submitting public records request -- a FOIA request -- it would be great if it would be easier to get a hold of people to talk about maybe what they're asking for, and I think this would maybe eliminate a lot of the work on both sides -- the requestor, but also on the government... I can't tell you how many times I've seen requests, FOIA requests go through, and they know what they're asking for, but they're not saying it in the right way, and there's this back and forth that goes on for months, sometimes years, because they're not using the right language, and the systems aren't talking to one another. So, if there would be any way to kind of create more communication about what documents exist, what documents there are to help requestors, which then I think would also help cut down on some of the time that some of the government agencies are spending. [01:35:00]

EBADOLAH: This is Mitra. I would just add that some of the issues that have been flagged, which I think are very real, in terms of resources, and the overly litigious sort of morass that people get stuck in -- some of that might be resolved with more proactive disclosures, and as someone who's not on the government side, I don't know what resources are required for that kind of processing, but arguably, if certain types of information were routinely made publicly available without the need for a request at all, we would be in a different set of circumstances. Whether they would overall be better or worse is a different question.

STEWART: And, I think -- Margaret, did you want to say anything? I think it was Margaret who hadn't said anything.

KWOKA: Let me just jump in on that last point and add that I think [01:36:00] for records that are frequently requested, whole categories of records that are frequently requested at agencies, particular types of forms, particular types of reports, particular types of, you know, materials and particular files, one part of proactive disclosure that's important is for agencies to be considering how to design those records for eventual release on the front end, so that not every one has to be reviewed at the end, but rather they're created with disclosure in mind, and I think

that can really aid efficiency, both on the government side and on the requestor side.

GRAMIAN: If I can just make one comment, I think that proactive disclosure is something that pretty much everyone wants, and I think the impediment [01:37:00] to that is the 508 compliance, as we all had this issue in our last committee, so that's something that we all need to also consider.

MCCALL: On the topic of building things in at the front end -- and this is something that's on the hardest problem board in several places, the buy-in from agency management, from people high up in the agency believing that this is a real priority, and giving it the necessary funding and necessary technology and necessary staffing to build, to bake transparency into technology and into frequently requested documents -- I think that that's a big part of the problem, and maybe something that we could work on.

STEWART: Great. So, when we come back from our break we're going to take, Nikki's going to say a few words. We are going to ask the public, and we'll see if there's things that we're missing. Nikki?

GRAMIAN: Yes, so we will now [01:38:00] take a short break, and resume the meeting at 11:45. The restrooms are outside the theater, and I should also mention that food and drinks are not allowed in the theater, but feel free to visit the

[Charter's?] Cafe, which is on the ground floor. Thank you.

Ferriero: For those of you who are interested there are four pokestops inside the building.

STEWART: Outside... of the building.

Ferriero: And inside.

STEWART: And inside, sorry. (pause)

[break]

GRAMIAN: We will resume the meeting and take public comments at this time. I request that those of you with questions or comments approach the microphone, and for the record, please state your name and affiliation if appropriate. Here we go, we have one right now.

HOWARD: Good morning, can you hear me? Great. Alex Howard, from the Sunlight Foundation. It's great [01:54:00] to be here at the National Archives. It's great to hear all of your commitment to the public's right to know, and to improve it. Many of the points that I'd thought to bring up had been raised already, so I want to double down on a couple of them. I would say that it's worth noting that 47 years ago yesterday, the United States landed men on the moon. Our country's pretty good at technology when we decide to do something, so the idea that we're not good at it is ludicrous. The issue is that there's not national

will around doing this better. We spend close to half a billion dollars a year complying with the Freedom of Information act across the federal government. The issue is not the amount of money, it is how well it is being spent. It's been part of our National Action Plan to build a better FOIA portal [01:55:00] for anyone to request a record for years now, and yet the money wasn't spent to build something like that. Oakland, California built better software than the US government with a budget of less than 1% of what's spent annually. The issue is not money or available technology, it's political will and consequences for following through. I hope that this council is willing to be frank and blunt with the failures in political will, and to be focused also on the issue of consequences for not following through. Today, ProPublica's reporters posted FOIA horror stories. I encourage you all to go and read them on their website. They talked about requests that took years to be denied -- years. This is not a matter of them not doing it right, not using the right language. [01:56:00] It's not a matter of it not being in the public interest. This is a news organization that I think the world understands is focused upon good journalism. It's a matter of there being no consequences for the process being drawn out, and it's not

clear -- speaking of problems -- what consequences there are for denying FOIA. We're actively monitoring a case in which we're looking at the former Secretary of State removing her records from the purview of FOIA. Is there a consequence for doing so? That's a big question. If it's not clear that there's a consequence -- even minimally, being embarrassed by the Justice Department, or the FOIA Ombudsman, what should people think, in the public? What should people think in the media community? What should FOIA officers think if there's no obvious consequence for not following through? So I'd bring that up.

STEWART: (inaudible) the six that we have up there. [01:57:00]

HOWARD: I mean, look, if we're going to talk about proposed laws or policies, we just went through a legislative reform. The House bill had consequences. The US statute is somewhere between number 47 and number 51 in the world, in terms of how strong it is. We can look -- go look at the research of David Cuillier, at University of Arizona, and see how strong our bills are compared to elsewhere, can look at public record laws around the different states and see how strong it is. If you want to go back to the legislative process, we could do that, but my understanding is that this committee is not here to make recommendations to Congress, but to improve how well the federal branches

are actually working on this -- and specifically,
(laughter) the executive... and on that particular count --
this issue of proactive disclosure, I want to raise
something else that came up before the Senate Judiciary
Committee. As a researcher for the University of Colorado,
who has been looking at where FOIA requests come from, at
some agencies, they are the majority or the vast majority -
- they being the commercial requestors. [01:58:00] The law
was not designed for businesses to benefit from government
disclosing information to them, and yet that is exactly
what is occurring. This immense volume, this increase that
you're talking about -- it's coming from industry. So,
where's the discussion about the use of FOIA laws to
prioritize categories of information to be disclosed?
Where is the connection to data.gov and open data programs,
in the administration's efforts in this regard? It's
missing from this conversation, and it's not clear why.
Where's the connection to enterprise data inventories,
something the President ordered every single agency to put
together in 2013, to categorize where everything is, and
make that available to the public, and make the entire
thing available internally, so that when people are doing
FOIA searches, it's not siloed across agencies, it's not
siloed across departments -- people can at least find these

things. If you have agencies where the majority or vast majority of requests [01:59:00] are coming from commercial requestors, maybe that's the stuff you should be putting online, so that everyone can benefit and there isn't a differentiation between individual business entities who know where to ask for things, and are putting this load, which then takes away from the capacity of all of you, if you are working on this issue, to respond. I'd say that's missing from the conversation. There's a lot of other things, too, but I'm hoping to hear more about what you have to say.

NOAH SMITH: Good morning. My name's Noah Smith, and I just wanted to briefly touch on something that I think has been mentioned tangentially, but I wanted to just pull it out to the forefront. Because, the committee was talking about efficiencies, and using the resources we already have to make FOIA more effective, and I think that one area where we're probably seeing an efficiency loss is request for records that have already been disclosed, or have been proactively disclosed. Certainly, the requestor [02:00:00] making that request doesn't know that the records are out there, but I can also foresee a situation where the agency responding to their request doesn't know the records are out there. So then, we're using the time and resources to

process the request, when that was really not necessary to begin with. So, just maybe something that the committee could discuss, using technology to bridge this gap somehow -- it's not really an area that I would know exactly how to address the problem, but I can see that over time, when this happens again and again, we're actually losing a lot of efficiencies there. Thank you.

HANNAH BERGMAN: Hi. My name is Hannah Bergman, and just -- (inaudible) speaking only in my individual capacity, I would say that one of the things that I think is missing from everything that we've talked about here today is the idea of people. So, we've talked about resources, and technology; [02:01:00] we've sort of bandied about the word "technology" as a solution to many of these problems, and that's great, except that you have to the right people who actually understand what they're talking about, right? Technology is just not one large bucket. And, I really would encourage people to make sure that you're having conversations with software developers and data scientists about how to use technology effectively, because it certainly can solve, I think, the vast majority of these problems, but when we think about something like 508 as a barrier to accessibility, because we don't understand how you can just make documents actually accessible in 508-

compliant way, that's, I think, a place where we have a failing in making sure that we've got the right people in the room, right? It's not an overwhelming problem, it's not a problem without a solution, it's just a problem that we need to have the right people in the conversation, and so making sure [02:02:00] we're using the right words to talk about what we need when it comes to technology and we've got it -- just, software engineers and data scientists, and developers here to help us through those problems.

AMY BENNETT: So, my name's Amy Bennett. I'm also speaking in my individual capacity. I think that when everybody was introducing themselves, and kind of saying about what kind of FOIA they wanted, the word accountability came up a lot, and people definitely think of FOIA as this thing that helps us understand what the government's doing better, but there are other ways that FOIA is used -- particularly people who are trying to file immigration papers, people who are trying to file for veterans' benefits, and I think that FOIA oftentimes -- because of the delay, because of the highly legalistic [02:03:00] structure of it -- doesn't serve those people very well, so it creates a system where both, we're trying to serve multiple masters with the one law, so we might -- the committee might want to think about

how, maybe, suggesting other disclosure statutes that could move -- better serve the people who need records for a particular reason, and then allow FOIA processors to focus back on the kind of the original intent of the law, which is helping the public better understand the government's activities.

STEWART: OK, anyone else from the public? Now, we are going to turn to -- in your packets, you have some red Stickies. We're going to ask you to take one -- and you're on your honor here, we gave you a lot of red dots, but we're asking you to take one, [02:04:00] and the hardest problems that we've identified up here, we're just trying to see -- this isn't a decision-making process, this is just to try to -- so we can see what folks are identifying as the hardest problems. So what we're going to ask you to do is to get up and to vote -- the committee members -- on the green Stickies. Please don't put your red Stickies on the actual whiteboard, because I don't know if I'll be able to get them off, so that's why I've applied green Stickies, so... if there are other things that you want to vote for, let me know, and I can apply a new green Stickie. OK? Get up and vote now.

PUSTAY: But just one vote.

STEWART: Just one vote, yeah. So, we're just trying to get a

sense... you have these top categories, and I think you'll bring those forward to the fall. But, this is to get a sense of where people are kind of coalescing around what is the hardest problem. (pause) [02:05:00] And if you want a new one, I can make a new one, if you're not satisfied with these categories. (pause) And for those of you who are joining remotely, you're going to email in your vote, and we are going to apply those Stickies to the board, those dots. [02:06:00] (pause) Anyone not voted? OK. (pause) All right, so all of the votes are in, so we have -- let me actually count. We have nine for technology, we have two for delays, we have one for funding, and we have seven for awareness and commitment. So, the next phase, we're actually going to turn over here for this next part, and we're going to open it [02:07:00] up for a more broader discussion about the committee and the committee's work over the next two years. So, we want this to be a discussion of the committee members around two items. So, the first is, as you're thinking about your service over the next two years, your term in this committee, how can the committee be effective in tackling the hardest issues around FOIA? And, the other question is, how do you think your work should be organized over the next two years? And, in particular, the four folks who are returning from

the first term, if you could share what you think worked, and what you think could have actually been done better, that would be really helpful. And, as you guys talk, I'll be writing notes on the board to capture what you're saying. So, go ahead.

JONES: Sure. So, I thought about this a little bit, and basically, I have two points to start with. [02:08:00] One, from -- just remembering our work in the last two years, and looking back, I think one of the regrets I have is, we got so focused on these extremely high-level issues like technology, or accountability, or proactive disclosure, we lost the stories about the actual FOIA requests, the actual FOIA requestors, the actual FOIA processors. Looking back, I don't think in the two years -- and maybe I'm wrong, go through the minutes -- I don't think we talked about an actual FOIA request, and the information that it showed, once. So, my one point is, we don't want to lose track of that, and we want to -- I want to use this as a place to show FOIA success stories -- when an agency's doing good, how did you do it, how can we multiply it? And, negative stories -- if we have horror stories, like I've heard exist -- what is being done so that that does not happen again? I think we can't lose track of the actual FOIA requests [02:09:00] with the big

picture. The second point I would make is that, I know that our committee meets quarterly -- eight times, seven more after this. I don't think that should mean that we have to lurch from quarter to quarter. I felt in the past two years, we were stuck on this quarterly track. For example, our recommendations on fees, which I hope we'll talk more about -- we didn't need to take eight sessions to do that. We were ready to submit that probably much shorter. So, just because we have eight sessions doesn't mean that our last deliverable should be on session eight. Likewise -- the last thing I'll say along that line -- I don't think... I hope that we don't need to wait for four months to make decisions. I hope we can make decisions in person like this and on the phone. I hope we can make decisions -- and I know there's the FOIA Advisory Committee process in voting, but I hope that we can do our pre-work effectively, using technology -- email -- rather than, as I used the word [02:10:00] before, lurching. So, that's the two things I learned from the last time.

MOULTON: So, I'll jump in. I agree that... especially with one of Nate's points about the three months. There were times when it was a long three months to come back -- it was not a lot of work, and I know -- the one thing I noticed in the presentation on how we're running, it's a minimum of once a

quarter. It doesn't have to be once a quarter, and we might want to consider changing the schedule to maybe meet every two months for the first six months, or something like that, and see if that's a better fit. We could always change it after that, but, I would agree that it created inconsistency in the discussion, and to meet a little bit more often would probably be better. [02:11:00] The other thing, I think, is, we need to be focused, as we're discussing these things, really, on recommendations. I think some of our work the first time around was investigatory, it was informative, but we didn't really drive it home to say, "We have to deliver recommendations." And, I know they're only recommendations to the Archivist, but they are recommendations that will be looked at my Congress, by the Administration, by DOJ -- I mean, these are still recommendations that are going to be heard by others, and I think we have to keep that in focus from the very beginning, and if we can get recommendations set -- it doesn't have to be at the end of two years, that's our recommendation. If we can set recommendations at the end of one year, on some of these issues, then we can have another subcommittee on something else.

PRITZKER: I agree with everything that's been said so far, with Sean, and Nate, but I particularly want to emphasize

[02:12:00] Nate's suggestion that we try to identify as early as possible what's working and what's not working. We spent a lot of time spinning our wheels -- I was on the former committee for half of its time, for one year, and it seemed to me that within that time, we spent a lot of time spinning our wheels about whether we could survey people, and the long and short of that is, it can be quick if it's within the government; it's not quick if it's outside the government, unless you compose your inquiry in a way that's really kind of general, but I think we can do that. So, again, I think the most important suggestion is to emphasize finding what's working and what's not working, because that's where the recommendations are going to come from. [02:13:00]

SUSMAN: This is Tom Susman. I, I guess taking Ms. Smith's suggestion of looking backward in order to see the future, or move forward -- I did read the report last year, and I guess I was struck -- great work done on fees. I'd like to suggest perhaps that the group might agree that in our next meeting -- I'm sorry, he got away without our asking him, but that the OMB Director bring someone over here to brief us on where they are. A lot of people spent a lot of time on some good recommendations. Is it a black hole? Do we want to -- I mean, do we have to look forward to that

happening to the next set of recommendations? And so, I guess I suggest -- it may even be appropriate for a motion that the Archivist invite the OMB Director to come, or send a representative to work with -- [02:14:00] discuss with the committee, report on where they are, and perhaps have an interactive discussion on that recommendation. The other major amount of time spent by the Advisory Committee last year was on proactive disclosure, without a recommendation. We've all come back to that issue again today, and I think a lot of people went to the technology red dot, because that seems to be the only way we're going to solve proactive disclosure, and yes, maybe it will require a legislative recommendation. I think that law is still up there, in terms of "I want a FOIA..." That's part of our mission. Maybe we do have to figure out, is there a way around 508, you know, through changes in the law, or through technology, but if that's the obstacle, then we've got to confront it, rather than simply say, "Oh, that's a problem," and then go on. And then, accountability [02:15:00] is the last one on that -- I mean, I kind of fell off my chair when I read the paragraph of the report that talked about OIP-issued guidance, distributed checklist to help agencies on proactive disclosure: "While the guidance is beneficial, there's no

evidence that agencies are following it." OK, so why recommend more guidance and more, you know, precatory recommendation to the agencies when they're not following the agency that is charged by Congress to give them guidance today? What do we do about that? We can't solve the people problem until we can get some accountability for compliance with existing guidance. So, those are my looking-back remarks.

STEWART: Folks on the phone, if you want to join the conversation, we can pause, and try to go to the four of you... [02:16:00] to Logan, Lynn, Mitra, and Margaret. Go ahead. (pause) Not sure if they're there, and talking, or... OK, sorry. Back to the room. If they start talking, we can let them interrupt.

PUSTAY: I guess, having served on the previous Advisory Committee, I want to echo part of what Nate and Sean both said, and actually, really, I guess it's what, collectively, I think, a feeling that we all had, is that I think it would be really important to be more practical, really, for lack of a better term, in what we're looking at, and not just theoretical, [02:17:00] not spending time on surveying, not just discussing sort of -- I don't want to say for the sake of discussing, but sometimes, it did -- I do share that feeling that there was just lots and lots

of discussion, but without really an end focal point, and so to be more practical, I think is the way I would put it, I think would really be helpful for us.

KNOX: And to that point, we keep talking about technology in this generic sense -- this "technology" thing, and I think one or two people have made this point, that technology really is a sub-component of all of these other activities, and getting wrapped around the axle of trying to identify a single technology that's going to solve these problems -- it doesn't exist, it's not going to exist, the funding for it's never going to exist, but how can it aid in making these other components more efficient and effective? That's the question.

HOLZERLAND: I think the point that Mr. Howard made, which I understood to really be saying, "Technology, we all agree that technology is an issue, but I don't know that [02:18:00] we all agree on what the definition of the problem with technology, to the extent that there is one, actually is." Meaning, yeah, it's related to all these other issues, but is it a problem with what we're doing, how we're doing it, what we're equipped to do it with? I think we kind of have to agree on what we're looking at, rather than just the general problem of technology, before we start flying ahead toward making recommendations on

something.

VALVO: The other one up there that has a lot of red dots is awareness and commitment, and we're about to have a change in administration, which means we're going to have a whole new batch of people, that we're going to need to assess the awareness and commitment of those people, and inform them, and recommend to them that this be high on their priority list, so I just sort of think -- and I was thinking about this in context of it taking two years for our report to come out last time, [02:19:00] perhaps something that comes out in the first few months of the new administration would be helpful.

STEWART: Do the folks on the phone want to chime in at all?

EBADOLAHY: I'm going to try again, I hope you guys can hear me. This is Mitra Ebadolahi. The thing that struck me, or strikes me, in my experience with similar types of groups which aim to accomplish tasks, is just the importance of having some [02:20:00] internal mechanisms for our own accountability -- maybe internal deadlines, or, you know, some kind of sense of what we would like to produce. And, I agree -- I think it was Nate who said it first, but I think it's been echoed -- that it would be great if we do not feel overly beholden to a quarterly kind of timeline. I think there's a lot that could be done, discussed, and

agreed upon in shorter timeframes than that, and we obviously can use email, and -- I'm looking at you all on YouTube now, so there's all kinds of really fancy ways that we can interact with one another, without waiting too much in between our specific meetings.

STEWART: Anyone else on the phone?

KWOKA: I'm not sure if I can actually be heard -- I've tried once before. I wanted to [02:21:00] echo Tom Susman's earlier point about how it seems like many of us may have coalesced around technology because it goes to proactive or affirmative disclosure, or seems to encompass many of those same concerns, and, you know, having read over the report from the proactive disclosure subcommittee from last term, it seems like while specific recommendations didn't come out, there's a good foundation there, and I really think that would be one area for this next term to continue, rather than change course, and try to build on that work to reach specific recommendations in that area, and so I think that would be one of the most important points for me.

PEREL: I think related to making recommendations, I think part of this has to be kind of fact-finding, which is why I thought the proposal to bring OMB in is interesting, and [02:22:00] we could look every quarter to do something -- I mean, not OMB every quarter, but some type of way to gather

information from folks, so that we can then take it back to adjust it, and it will inform the recommendations that I agree, that should be produced and that we should be making. (pause)

STEWART: Anyone else? We have a little bit more time. Is there a particular topic that you'd want to delve into deeper, maybe the technology piece? Go ahead, Nate.

JONES: Well, looking back again, I think I remember probably five or six times in the last FOIA Advisory Committee saying, "If we can solve the problem of 508 compliance," which is a law that says, maybe, that to post anything online, [02:23:00] it has to be accessible for a person with disabilities to see it, "our work would have been worth its weight in gold." We ranged from, I think, the opinion that we can't post anything online, and every agency that's posting things is breaking the law, and let's sue them all, to another -- someone from the proactive disclosure committee saying, "There is no barrier that we have found in 508." So, we're all over the place, but I don't think we got a concrete solution, or pathway to a solution on that. I think we have started on that way, on fees, as Tom says -- we'll see if OMB ignores it, but I think that if we're talking about specifics, before we can tackle the pro -- I think the first hurdle we'll get with

proactive disclosure is this issue -- 508 compliance -- that is almost always cited as the number one reason that it doesn't happen, in my opinion. So, that's a specific for me. [02:24:00]

MOULTON: I'll do -- sure, I got another one, too. If we're talking about specifics, technology is very broad. One thing that isn't broad is search technology. What agencies are still using -- "Oh, you have an email search? Go to your computer terminal and print it, if it wasn't automatically deleted, and let's look at the paper," to what agencies have state-of-the-art, Gmail-like or Gmail -- I don't know if I'm supposed to say... state-of-the-art email system that a FOIA person can search quickly within five minutes, and what takes five days or five months. So, if we're talking about specifics in technology, a number of the barrier ones that are stopping us is inefficient searches that FOIA shops can do, and what are those, and how can we make it so that all 100 agencies get them yesterday?

STEWART: Anything else on the technology side, or --

SUSMAN: Well, [02:25:00] moving from the issue of search, I follow the litigation through newsletters every couple of weeks, and it does seem to me that there's an awful lot of cases involving adequacy of searches, and that's bound to

cost the government a lot of money, and take a lot of time on the part of personnel. That hasn't come up before, and I don't know that it's technology, but it does seem to me that that's a systemic problem, that if we could be creative and come up with some new approach that helps agencies and requestors get along during the search process, we could save a lot of time and money, and court time, because I think that's the single most frequent issue that comes up in cases, as I've followed them over the last few years. There are other sort of issues -- it seems that we can sort of [02:26:00] keep going -- one of the things that also hasn't been discussed here, seldom discussed -- we talk about accountability, we talk about awareness, commitment... there is a sanctions provision in the Freedom of Information Act. It's never been used. It probably shouldn't be used. But is there anything that we can learn from the process elsewhere, or at the state level, that could inform -- this is a dangerous thing to say with a majority of government representatives around the table -- that could, let's say, encourage greater individual accountability on the part... not just -- it's not the FOIA officer doing it, it's really usually the program person or the political person who makes a decision -- that there ought to be some price to pay at the end of the process.

[02:27:00] And, I think I disagree a little bit with the comment about fact-finding. This is a great committee to do fact-finding. We have -- I mean, looking through the reports, there are two or three agencies with overwhelming numbers of requests, and I bet -- Homeland Security's probably mostly immigration related, Veterans Administration, Justice, Immigration... I mean, these are sort of finite problems, and yes, OGIS and OIP have suggested audit mechanisms, but, I mean, this is self-help. Maybe some of the agencies that have some of these major problems with sets of issues, sets of data -- that you can't just put up online, because of privacy issues, but there are other ways of addressing it -- we have some awfully experienced people around the table who might be able to be helpful, and geez, if we could just take the top three agencies, [02:28:00] and really make an impact on their ability to manage those humongous request loads, that would be quite a contribution.

In terms of how your work -- how you think the work should be organized over the next two years, we have a bunch on the board, and I was just wondering if the committee wanted to discuss any further the development of subcommittees, kind of leading into your next meeting -- what is it that folks are interested in doing? Because we've actually

heard of an idea about maybe creating one subcommittee, issuing recommendations, and then moving on to the next subcommittee. We've also heard not waiting until the end of the term to submit recommendations, so, if you're looking at how the work should really be organized [02:29:00] over the next two years, what are you guys thinking would be most effective?

MOULTON: And, I just want to clarify -- when I had said having a subcommittee finish up, and then moving on to the next -- I didn't mean that we would only have one subcommittee at any one time. I meant we might have --

STEWART: Gotcha, gotcha.

MOULTON: -- several subcommittees, but one might finish up in six months, and we might form another one. If we like the idea of having three or four, however many that we think we want to have running at one time, but it felt like in the last session, for the last term, we had three subcommittees, and they ran for a straight two years.

STEWART: OK, thank you for that. Let's try to capture that.

Anyone else?

JONES: I think it might be having -- even going back to what I said about lurching from term to term -- I think it might be good to give it some thought and discussion, rather than deciding right now. [02:30:00] It's a big decision. I

think last time... I wouldn't want to decide [snaps fingers] snap-decision, and then realize halfway through, you know, uh-oh, we might not be able to impact an actual change with what we just selected, so, that's my feeling.

STEWART: Yeah, and that's one of the reasons why I restructured this so that you guys could have this brainstorming, you could kind of see what you were coalescing around, but not make those decisions about the committees today, because in the first meeting two years ago, you kind of did the brainstorming and the top three were what became the committees, so we did want to give more flexibility this time for greater thought and thinking about what this would look like. If it's helpful for folks, if you want to brainstorm right now about committees and subcommittees, we can do that, and I can take notes. Anyone with recommendations on actual committees or subcommittees?

SUSMAN: Does it make sense to have a 508 subcommittee? That seems to be kind of at the heart of the proactive disclosure and technology and [02:31:00] sometimes administration delay, etc. And, from what I hear -- I haven't looked at it, but from -- what I'm being told is that it may not be as big a problem as people think it is, it may be a bigger problem than people think it is, it may be a problem that can be solved easier than people think it

can be. I mean, I don't know the answer. All I know is derivative information, but it seems to be a problem.

PUSTAY: I can say that when we -- that maybe one thing we do bef-- there are designated offices, that there is an Access Board that has responsibility for 508. Maybe before we say we have a subcommittee on this, we do something like ask that -- a representative from that Access Board to come and brief the Advisory Committee about how 508 works -- like, that's sort of a way we could proceed with something that's concrete, it gets us somewhere right from the start, instead of people -- because we did try [02:32:00] last time -- the proactive disclosure committee was supposed to be looking at 508, but my suggestion would be, we have someone from the Access Board come and brief us.

SUSMAN: But, that's slowing things down. I mean, why don't we have the subcommittee go to the Access Board? That can be done in the next 60 days, rather than waiting as much as three months to even hear what the story is.

FOSTER: They have to have been asked this question --

PUSTAY: Well -- oh yeah, they're capable --

FOSTER: They must have an answer.

PUSTAY: I guess I'm going with the idea that we don't have to wait three months to have somebody come and brief the committee. We get an invitation, find a date, and convene

the committee to have the person here. But, you know, I mean it could... I'm just saying, something like that strikes me as, again, a more practical way to proceed. Let's get some facts in front of us.

JONES: I'm all for, "Get moving." I'm also all for collaborating, so I'll throw out that there's a National Action Plan group on 508 compliance. I would sure hate if [02:33:00] that group makes it harder to post records online, not easier, so relatedly, whatever we do, we'll want to influence that. But I also say -- well, (inaudible).

MOULTON: So, the two other subcommittees that I'd throw out, just because I've heard them from other people -- I think it was on the phone, Margaret, who said in general, just the proactive disclosure -- beyond just 508, there was a lot of work done, and I would agree that it probably should continue. And then, the one I took away from some of Tom's comments was that we might do an agency-specific subcommittee. You know, he was talking about we have some big agencies with big problems, and if we could help examine that, and [02:34:00] provide some potential solutions, or something like that, it could have a big impact on the overall administration's FOIA performance. And so, maybe we should have a rolling agency subcommittee

that looks at, for a period of time, a particular agency, and sees if we can come up with recommendations for them.

MCCALL: And do you think that we should have a subcommittee that focuses on the awareness and commitment issue, especially encouraging more engagement and commitment on the part of political appointees and high-level management?
(pause)

MOULTON: I think that makes a lot of sense, especially connecting it to James's earlier point about, we're having a change in administration, and so [02:35:00] if we could do something on that, even if the whole committee doesn't wrap up in the next six months, let's say, if it could come out with something for the next administration in the next six months, that could be very timely.

HOLZERLAND: So, you're sort of suggesting that we could have a welcome packet, if you will, ready on this topic when the administration changes

MOULTON: Pretty much, yeah.

STEWART: So, we have 508 subcommittee -- so these are what you've just discussed, so everybody can kind of remember: 508, proactive disclosure, agency-specific subcommittee, and awareness and commitment subcommittee. Any other ideas, or any other discussion around these ideas?

JONES: Well, I just -- maybe people disagree with me, but I

want to reiterate, [02:36:00] even if it's not through the subcommittee mechanism, last committee, we really divorced ourselves from actual FOIA requestors and actual FOIA processors, and maybe we don't need a subcommittee for that, maybe we can do it meeting by meeting -- I know last meeting, we said, "Oh, send a letter to OGIS and we'll post it on the website." From my perspective, that didn't get traction, and some letters were sent, and we posted it on the website, and didn't speak with them, didn't give them camera time, didn't really dig into the problems. So, I hope no matter what happens, I hope that we, in some ways, act as firemen, and when a problem comes up -- we don't know what the problem's going to be in the future -- as a wise subcommittee, say, well, we can deal so that it doesn't happen again, or if, good news, solution comes up, we act as a wise subcommittee to make sure that it spreads throughout the government.

PUSTAY: I think I want to just echo -- I like that, and also, it, [02:37:00] -- to kind of repeat my idea of being more practical, I think the idea of being more requestor-focused also can help us be more practical, and it seems like one of the advantages to having this Advisory Committee having representatives from the requestor community is that the requestor community obviously sees all sorts of examples of

things from all different agencies, so, if we could have something where, here's -- these are great examples of where we had good communication from the agency, where they kept us informed, this or that, we find with our constituency that these are very effective, that that then can be something that can then -- a recommendation can be made then that these specific practices be shared more broadly. In a way, it's sort of like we have our best practices workshops where we share things -- I'm just trying to think of sort of integrating that concept into the Advisory Committee, as a way that, then what we could do is try to address it -- take something specific that's [02:38:00] requestor-oriented and try to spread it more broadly.

STEWART: So, I've written that up as "committee on requestors?"

Is that -- does that summarize?

FOSTER: The best and the worst --

PUSTAY: Maybe it's sort of like on best practices for requestors, maybe, is a way to say it.

FOSTER: I think Nate is also --

JONES: I would say "Actual FOIAs," is how I would phrase it.

FOSTER: Yeah, you want to highlight the good and the bad, because there might be some bad problems that by highlighting, we could solve.

PUSTAY: Yeah, sure. I guess what I'm saying is that it's like, what happened to us last time, and maybe what I'm trying to help us avoid, is that we don't just meet to talk, that we're -- and I don't mean that --

FOSTER: Yeah, to do, yeah.

PUSTAY: -- in any negative way. But, then we meet with the idea of, "What could we do about it?"

HOLZERLAND: Well, I think it's almost impossible to discuss any of these challenges that we face without delving into specific examples of, you know, "Here's a FOIA request where x became a problem." I would worry [02:39:00] that we may find ourselves getting a bit caught in the weeds on solving a particular FOIA matter that's pending, without really dealing with bigger issues. We might run into a very discrete, odd FOIA issue that may -- if we spend too much time on it, may preclude us from discussing a bigger problem.

PUSTAY: Yeah, I would think -- we have to be, like somewhere -- we've got to find that sweet spot in between, like not so specific that it's individual, but not so big that we just -- it's so theoretical that we can't address it.

STEWART: So, we have a few more minutes before we're going to turn to public comments. I just want to make sure everyone at the table -- some of you we haven't heard that much

from, so if you want to share your thoughts on either of the questions for the subcommittee brainstorming.

LAZIER: I probably just need a little bit of clarification on whether or not previous --

SUSMAN: Speak into the microphone. [02:40:00]

LAZIER: Can you hear me now? I just need a little bit of clarification -- this is Raynell, by the way -- on whether or not the previous oversight and accountability subcommittee is at all related to what's on the board now for awareness and commitment? It seems to me that with awareness and commitment, we were talking about leadership buy-in, a lot about leadership buy-in, and I think that that's really kind of connected to oversight and accountability. So, I didn't want to say that we should have, or restart, or reignite the oversight and accountability subcommittee if it's already going to be included in the awareness and commitment subcommittee.

JONES: I think -- I was on it --

LAZIER: I mean, do they -- is that at all related?

JONES: They are -- I think they're very related.

LAZIER: OK, OK. So, I just want to make sure that we can further address those issues. It doesn't look like there was a recommendation [02:41:00] that came out of that subcommittee, and I think that might be necessary.

STEWART: So this awareness and commitment subcommittee is really based on the title that I put here, but if you'd like to change it, maybe, to oversight --

LAZIER: Yeah, I like it -- it's good.

STEWART: You like awareness and... awareness and commitment subcommittee. And, we're acknowledging kind of the relationship that has with the previous committee on oversight and accountability. Anyone else we haven't heard from at the table?

PRITZKER: I'd like to endorse, as something that we can do -- get started doing -- in short order, Tom Susman's suggestion that we, perhaps through a subcommittee, formally or informally approach the Access Board, find out who's this 508 group from the National Action Plan, and [02:42:00] approach them. We don't have to wait for any more meetings. We can have a subcommittee from this group plan to do that over the next several weeks, and at least get started on that. And on Raynell's comment, the report..., addressing those matters, says... various things demonstrate "current oversight approaches are insufficient and not improving the FOIA programs throughout the government. The first step to improving FOIA oversight and compliance is acknowledging that the current oversight methods are not sufficient. After this, we can begin to

endeavor to create a regime that efficiently and comprehensively ensures oversight of FOIA is being correctly administered with a presumption of disclosure." So, it seems to me that an approach to that is a follow-up [02:43:00] to what was noted before, but it definitely needs follow-up in some form -- and, of course, we all know what's happened with the presumption of -- well, not what's happened, [laughter] but at least what FOIA now says about presumption of disclosure. So, some follow-up to whether the recent legislation is actually being observed, and whether it's making a difference, might be worthwhile.

CARR: And, I'm thinking, with regard to 508 compliance and proactive disclosures, I think that we're fooling ourselves if we are saying that's the only issue that's keeping proactive disclosures from going forward. Doing proactive disclosures the right way is really going to take some commitment, and it's going to take some money going behind it, and it's going to take skill sets much like the FOIA requestors -- I mean, the FOIA employees [02:44:00] working on the proactive disclosure end as well. So, I think we need to make sure that we're involved in that discussion on proactive disclosures.

PRITZKER: One more comment. I spoke before about the survey situation, but there are other ways to get information from

the general public. One thing we can do -- I don't know how long it takes administratively to get it started -- is that this committee can set up a public hearing -- specifically for the purpose... to hear, for one, not (break in video) that way --

FOSTER: Publicize what your topics were, your questions were, so people -- it's like a workshop kind of idea, right, that you say, "OK, these are the five questions we want the public to answer for us. Please come and tell us," and we sit here and listen instead of talking.

PRITZKER: Just as a technical matter, and thinking of the Paperwork Reduction Act, you [02:45:00] don't want to say "We have five questions." You have five topics. But, this is the kind of thing that Paperwork Reduction lawyers get hung up on. The point is that there are workarounds for these things, and there are ways to set up -- whether we call it a workshop, or a hearing -- the main part of my suggestion about this is it has to be focused on that, and not just an incidental part of our quarterly deliberations.

PUSTAY: I just -- I feel like I have to say -- it just strikes me that it's going down the same rabbit hole, or the same morass, that happened last committee. We did -- we went through the idea of survey, we spent a lot of time discussing it, then we did do some surveys. I don't really

-- speaking from DOJ's perspective -- I feel like we know the areas -- [02:46:00] we're certainly all well aware of areas in FOIA that need improvement, and areas that we want to see improvements, and so it seems to me like the benefit of the Advisory Committee is to try to find solutions. So -- and that's what, like at the end of our first term, we had an actual recommendation to do something, and so I just fear that if we spend a lot of time -- like, why don't... we've already identified things. Not that I'm saying I don't think we need to hear from the public, of course it's good to do that, but we know delays, all these different things, technology -- we know areas that could be improved. Can't we just start with those, and start trying to think of how we can better them -- you know, fix them, address them, improve them?

PRITZKER: My suggestion was intended to respond to the various comments others have made about talking to the requestors to find out what's [02:47:00] happening at the ground level, and solely for that purpose. Maybe we should make a decision, do we want to do that, or not?

HOLZERLAND: Here's maybe sort of a simpler idea, for purposes of accomplishing exactly what you're suggesting, but, I think the logs, which are public, of the good work being done by the Office of Government Information Services,

contain sort of a non-exhaustive list of individual problems that people are encountering. So, there's really some -- I think in terms of defining the problem, that's the easier part, and then figuring out, how are we going to go about making practical recommendations to actually do a thing? That's the hard part. If we belabor the first, the latter's going to be impossible.

GRAMIAN: And, I think one of the purposes of this committee was -- you know, the requestors' community is the representative of the public, and the government is the representative of folks who work with FOIA. [02:48:00]
That's -- (inaudible)

SUSMAN: So, maybe a compromise lies in -- I think you're right, we can identify the problems. We know the questions. I think Melanie's right. But, letting the subcommittees have the hearings where the requestor, or community comes in with proposed solutions -- I mean, that is what we're looking for. And, yeah, to hear more horror stories -- I guess... we hear a lot. There's no end to that, OK. But I'd like to be able to sort and figure out how we resolve -- how we come to closure on some of these problems that have been around a long time.

MCCALL: So, here's one thing that I'm a little bit concerned about and don't want to come out of this, is a long list of

recommendations all of which will be very expensive and none of which include a request for additional funding.

[02:49:00] I mean, I don't think we should fool ourselves into thinking that proactive disclosure is going to be free, even if we solve the 508 problem, like Stephanie said. And, like Helen said, a lot of the problem here may be inefficiencies. It may be that we're throwing money at the wrong things, but part of the reason that money is being thrown at the wrong things, all this money that's being spent on reporting requirements, is because these reporting requirements were baked into legislation, no more funding was given, and then funding that would have been spent on processing FOIA requests gets spent on reporting, and those resources get devoted to that, and what I hear again and again when I go to ASAP conferences with actual FOIA officers, is, "We're under-resourced, we're under-staffed, we don't have what we need," and I just think that a recommendation from a committee like this about funding: "If you care, Congress, about FOIA; if you care about openness, then you have to fund it." I think a recommendation from this committee would be powerful.

SUSMAN: Ginger, part of the problem with figuring out funding is some agencies [02:50:00] seem to be doing a great job and some agencies don't seem to be doing a great job, and I

don't know that we have any way of knowing whether... and everyone says that they don't have enough funding, so is there a way of developing metrics, or analytics, that can tell you whether the funds are yielding value? Because, if you go to Congress saying, "We need more money," well, get in line, so does everybody. But if you say, you know, "This agency's been able to use this money to do something, we'd like to do the same thing, we need more money for that," and can turn that into results, then I think you've got a justification, but just... I mean, I think we all acknowledge, the requestor side all acknowledges that agencies are operating on inadequate resources. So is my family. But, we don't really have a choice. My kids -- grown, they live on their income, those who chose to be schoolteachers have to figure out, you know -- different income than those who, you know, who are [02:51:00] working on Wall Street. That's life. And, drilling down to the efficiencies and value from the money being spent is the challenge.

MCCALL: Well, bake that into the recommendations. If you're going to make a recommendation on proactive disclosure, recommend along with that that sufficient funding comes to evaluate -- you know, to hire people to evaluate which documents are frequently requested, to hire people to make

those documents 508-compliant, to hire the web people who are going to be required to put those up online and design an actual user-friendly system. Otherwise, what you end up getting -- you get the lowest bidder. You get the lowest bidder, and the worst technology, and it ends up clunky, and then in a couple years, that bidder, that contractor goes out of business, and you end up with broken technology. So, I just think there has to be an actual commitment to it.

FOSTER: Ginger, I want to circle back to something you said in the earlier session here, which is the idea that there are lots of sticks and no carrots. So, one of the things I observed in my [02:52:00] travels was that there is no incentive for me as a government employee to do well as FOIA, because the better I do, the less money I get -- which is a problem throughout the government, but in a compliance context like FOIA privacy and records to -- it's just death. Like, you almost want to skew your stats to be bad, so that you make sure that you're not losing what you already have. So, if we start to talk about recommendations about funding, rather than saying more, more, more, how about, how do we make this responsive for the agencies and the FOIA folks out there who are doing innovative things, who are making more of the lemons

they're getting? How do we find a way to recognize agencies that are being innovative? And the other thing that goes along with that is, we have to stop measuring everybody by the same yardstick. FOIA at Treasury is so incredibly different than FOIA at FDA. Comparing the two of us, even though we might have similar volume, is just doing dis-justice to both of us. It makes me look good, and Bill look bad. What he does is very complicated. What I do is very simple. So, like, [02:53:00] we have to find a way to have measurements that actually fit who the requestor community is -- is it the commercial folks, or is it more journalists, and more members of the public? Because those are different problems, and their measures of success are different. So, it's another generation of the "We have too many metrics problems." We're applying the wrong metrics, and then using them like a stick to beat people over the head, which isn't driving accountability, but it's also not getting at the folks who are actually having success, because it doesn't show. When Bill does something really innovative that speeds up the process for submitter notice, nobody knows -- except him. (laughter)

HOLZERLAND: Well, here's a really basic practical consideration too, that I don't think we've mentioned. Pick my colleague Nate, for a moment. Nate and I do not

share the same ability to speak to Congress about funding issues. As a federal employee, I'm very limited in what I could say. So, it sort of hamstrings this committee, in [02:54:00] the sense that half of us, you know, are on that side of the business, and in terms of determining where we want to spend our time, I think that's something we should think about.

STEWART: Nikki, do you want to go to public comments at this point?

GRAMIAN: I do. I think it's time. All right, thank you all so much.

MOULTON: Can we... Can I just -- are we getting a chance to vote on a few things, because we did have some proposals, and I just don't want to let...

STEWART: It's up to you guys. If --

GRAMIAN: It's up to you guys. I think at the beginning, I said our next homework, for the next three months, is to think about these topics, and then, you know, come prepared in October in order to vote on what we've identified here, and then, you know, form subcommittees. But, if you all feel that it's -- we can at least vote on some of these topics, by all means.

MOULTON: I mean, I don't even know if some of them require a vote. I mean, inviting someone from OMB to the next

session --

JONES: (inaudible) that one. That one I would like to
[02:55:00] be included.

MOULTON: -- I thought was a very good idea, and I didn't want
to have -- in three months from now, we vote, to then three
months later, invite the person. On the 508 outreach, that
we designate somebody to conduct that outreach so we can
have something back in three months, and then, I would at
least put out there that maybe we could actually do our
homework in two months, rather than three months, and get
back together in a little shorter timeframe.

GRAMIAN: Everybody OK with that? Could I have a show of hands?

PRITZKER: (inaudible)

JONES: How about for inviting OMB. I propose we invite OMB --

STEWART: Invite OMB -- and that's to brief on fees
recommendations?

GRAMIAN: Right.

JONES: On the fees recommendations.

PRITZKER: I have a question about that. Didn't the Archivist say
that that's still in his hands?

PUSTAY: That's what I heard, too.

PRITZKER: It's not at OMB, (inaudible). Presumably OMB --
someone there is aware of it, but I thought the Archivist
said -- [02:56:00]

JONES: Well, I guess we need to hear that officially then.

PUSTAY: No, I think the Archivist -- I heard him say that as well, that he was considering the recommendation. That was part of his remarks this morning.

JONES: Well, should we vote? I mean,

SUSMAN: Should we reaffirm the recommendation, and move that the Archivist send to OMB?

JONES: You want to hear more about the considerations, or hear that we're not allowed to hear what the considerations are?

SUSMAN: Well, if he has it by the next time we meet --

JONES: You're optimistic.

SUSMAN: -- tell us.

GRAMIAN: I like your idea.

PUSTAY: Yeah. I mean he did -- I heard him mention it as well. I mean, we could look at the transcript --

VALVO: No, he did.

PUSTAY: -- so, he said that he is considering --

SUSMAN: So, I would like to make a motion --

PUSTAY: -- how best to do it.

SUSMAN: -- that the Advisory Committee reaffirm the recommendations of the last Advisory Committee concerning OMB's development of updated and new fee guidelines, and that the Archivist transmit [02:57:00] the recommendation to OMB, so that OMB can come back at our next quarterly

meeting, or at our next meeting, to work with us on how they're going to be implementing.

GRAMIAN: Seconded.

HOLZERLAND: Second.

SUSMAN: -- or whatever English-language translation comes out at the end.

GRAMIAN: Could I have Kate to just --

GASTNER: I was just going to say that because we have four people on the phone, it would be better to do a voice vote, where she will -- Nikki can ask Yeas, and then Nays, and see... because we can't see, obviously, a show of hands with four people on the phone.

GRAMIAN: So, let's repeat the motion. Sorry about that.

SUSMAN: Could he reaffirm his support for the recommendation of the prior committee relating to development of new fee guidance by OMB --

STEWART: Maybe speak into the microphone a little bit more, so the folks who are on the phone can really clearly hear the motion.

SUSMAN: I gotta do it [02:58:00] a third time now.

GASTNER: It will be really concise at this point.

SUSMAN: I move that the Advisory Committee reaffirm its support for the recommendation of our predecessor committee relating to the OMB development of new fee guidelines, and

that the Archivist forthwith send that recommendation to OMB with a request that OMB report back to the committee at its next meeting about how it intends to implement that recommendation.

GRAMIAN: Folks on the phone, could you please say your vote?

Let's start with Logan. (pause)

PUSTAY: Can I just -- I don't know if like, all this parliamentary thing, but my suggestion in terms of the wording is that rather than saying "forthwith," [02:59:00] it sounded pretty draconian, that we "respectfully ask," "respectfully request the Archivist -- " It's...

SUSMAN: Yeah, that's fine. Accepted.

PUSTAY: It seemed to me more diplomatic.

SUSMAN: I like that.

GRAMIAN: Folks on the phone.

EBADOLAHY: Mitra says yea.

GRAMIAN: OK, so we have one yes. Anyone else? Margaret? OK, why don't you all -- the folks on the phone -- email Kate with your responses. OK, members on the committee, could I have a show of hands? In favor -- one, two, three, four, five, six, seven, eight, nine, ten, 11, 12, 13, 14, 15. [03:00:00] OK, and the next item that you were going to motion for?

SUSMAN: It wasn't all in the same motion?

MOULTON: No, the other one was -- so, I motioned --

GRAMIAN: You did. I'm sorry, I'm sorry.

MOULTON: Yes, I did. That's OK. I motioned that -- I don't know if anyone wants to volunteer, but that I and a couple of people -- that a handful of people reach out to the Access Board and have a discussion about 508 compliance, and be prepared to report back on that discussion at the next meeting.

GRAMIAN: All in favor?

PRITZKER: Do you want to include this National Action Plan 508 group, whatever that is?

VALVO: Sean, is the idea that whoever does the [03:01:00] outreach would report back, or are we inviting them to come and speak like OMB?

MOULTON: I think it would be easier if some members went and spoke, and had a discussion, and then came back, rather than try and make sure that they could make it to this meeting. It would probably be a little bit easier.

PRITZKER: But, that shouldn't foreclose those folks offering to come and (inaudible).

PUSTAY: I'll join Sean as a co-member of this endeavor.

GRAMIAN: All in favor, raise your hand. We have one, two, three, four, five, six, seven, eight, nine, ten, 11, 12, 13, 14, 15. And, folks on the phone, please email Kate.

MOULTON: And if anyone else is interested in volunteering, you can say so now, or email me afterwards. Nate --

GRAMIAN: CC the committee --

MOULTON: Yes, sorry. Always do that.

GRAMIAN: The DFO. [03:02:00]

MOULTON: And then, my last motion is that we do our homework and meet at a time closer to a two-month timeframe, rather than three months.

GRAMIAN: And I'm not really --

PUSTAY: Let me get -- I'm just thinking now, when we say September, it's the end of the fiscal year. It's a particularly bad time for agency reps... who are closing out FOIA requests fast and furiously the last month, which is a good thing. I'm just saying that. I mean, I don't know if it's logistically difficult to pull it off.

MOULTON: Well, we can do -- can't we do our homework without having a formal meeting, and diligently... [03:03:00] frankly, the last committee, sometimes we had problems with emailing each other regularly. I don't think that will happen this time.

SUSMAN: Should we create a formal subcommittee now on that subject? We've got two chairs, and we've got some volunteer members, and the subcommittee can hold a -- if you feel you need to engage more people --

MOULTON: Oh, you're talking about on the 508? I was more talking just in general to try and speed things along a little better on other issues coming up within the other subcommittees, rather than waiting two months. And if three months is difficult for --

GRAMIAN: It is definitely.

MOULTON: -- for OGIS... or two months is difficult for OGIS to shift to -- right off the first meeting, then I understand, so... I will withdraw my motion until the next meeting, and then I will start talking about a different --

SUSMAN: Is there a date set for the next meeting?

GRAMIAN: Yes, October 25th is our next meeting, and I think, Kate, we're pretty much going to keep the same sort of schedule as we did for the last term. It's usually the third or fourth Tuesday of the quarter, but we'll put all of that information on our website, and of course, inform you.

PRITZKER: So, has it been decided by OGIS or whomever to foreclose the suggestion that was made a couple of times today to meet more frequently?

JONES: I would just say -- I said the word "lurching." That doesn't necessarily mean that I have a problem with having eight meetings. What I have a problem with is only doing eight things, and not being able to work between our face-

to-face meetings -- I... clarify that. [03:05:00]

GRAMIAN: If it's OK, it's best for us to meet at our next set meeting, which is in October, and then if there's a request that we would meet more, then at that time we can make a decision.

KNOX: Well, it sounds to me like the problem is the subcommittees weren't meeting enough. I mean, this entire committee doesn't have to come back together but the next eight times, but the subcommittees can meet as often as necessary.

GRAMIAN: OK. All right, so at this point, I would like to turn to the members of the audience. For the next ten minutes, we will take some comments and, as I said earlier, please, I request that those questions or comments, please approach the microphone and identify yourself or affiliation [03:06:00] of your agency. (pause) OK. guess, we don't have anyone here.

__: People are tuckered out.

GRAMIAN: Thank you all for your work today. I think we have a great list, an area to examine, and I thank you all for your input. As I noted at the beginning of the meeting, we will form subcommittees during our next meeting. Your homework is to think about which of the areas that we've identified today you think offers the greatest area of

opportunity and the leadership that you will bring to the committee. Thank you again, and we will see you all at our next meeting, Tuesday, October 25th. We will post our future meeting dates on our website, so that you will know when the meetings are being held, and if you have any questions, concerns, please email Kate at the email address that she put up on the screen. And, meeting adjourned. Thank you. Thank you all. [audio muted] [03:08:11]

END OF AUDIO FILE