



OFFICE of GOVERNMENT INFORMATION SERVICES

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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June 6, 2016—sent via email

Janice Waller
Director of Records Management
Federal Emergency Management Agency
500 C Street S.W.
Washington, D.C. 20472

Dear Ms. Waller:

I write in reference to a January 15, 2016 letter from the Office of Government Information Services (OGIS) requesting an update on the status of recommendations OGIS made to improve the Freedom of Information Act (FOIA) program at the Federal Emergency Management Agency (FEMA). We appreciate FEMA's participation in our FOIA compliance assessment program, an important part of which is to track what steps an agency has taken in response to our assessment.

As noted in our September 16, 2016 transmittal letter and in our report, OGIS follows up with agencies 120 days after an assessment report is published to understand the agency's actions to address our recommendations for improving the office's administration of FOIA.

For your convenience, enclosed is a copy of the questionnaire included with our 120-day follow-up letter on January 15, 2016 to which we have not gotten a response. Please respond within 60 business days from the date of this letter. In the interest of transparency—and because this issue is important to our stakeholders—we will post this letter and your completed questionnaire on the OGIS website.

We hope the questionnaire will assist FEMA in implementing its FOIA responsibilities. If you have any questions, please do not hesitate to contact me at 202-741-5772 or at nikki.gramian@nara.gov.

Sincerely,

NIKKI GRAMIAN
Acting Director

cc: Karen Neuman, Chief FOIA Officer, Department of Homeland Security (DHS)
James Holzer, Deputy Chief FOIA Officer, DHS
Maile Arthur, Special Assistant to the Director Records Management, FEMA
Terry Cochran, Chief, Disclosure Branch

Enclosure





OFFICE of GOVERNMENT INFORMATION SERVICES

January 15, 2016—sent via email to [REDACTED]

Janice Waller
Director of Records Management
Federal Emergency Management Agency
500 C Street S.W.
Washington, D.C. 20472

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Dear Ms. Waller:

We again thank you for the Federal Emergency Management Agency (FEMA)'s participation in a compliance assessment of the agency's Freedom of Information Act (FOIA) program by my office, the Office of Government Information Services (OGIS).

As noted in our transmittal letter and in our report, OGIS follows up with agencies 120 days after the assessment report is published. The goal of following up with you is to understand what actions the agency took to address our recommendations for improving the office's administration of FOIA.

Please respond to the enclosed questions within 60 business days and provide any supporting documentation. A summary of the agency's response may be posted on the OGIS website.

We are, of course, available to discuss the follow-up questions and we welcome your comments.

We hope the follow-up questions will assist FEMA in implementing its FOIA responsibilities. If you have any questions, please do not hesitate to contact me at 202-741-5771 or at james.holzer@nara.gov.

Sincerely,

JAMES V.M.L. HOLZER
Director

cc: Michael Anthony Coen, Jr., Chief of Staff, FEMA
Karen Neuman, Chief FOIA Officer, Department of Homeland Security
Maile Arthur, Special Assistant to the Director Records Management, FEMA
Terry Cochran, Disclosure Branch Chief, FEMA

Enclosure





Follow-up to Compliance Assessment of the Freedom of Information Act (FOIA) program at the Federal Emergency Management Agency (FEMA), Department of Homeland Security

Date: January 15, 2016

Date Report Issued: September 18, 2015

The OPEN Government Act of 2007 established the Office of Government Information Services (OGIS), codified at 5 U.S.C. § 552(h), and mandated the office with reviewing agencies Freedom of Information Act (FOIA) policies, procedures and compliance. We assessed the FOIA program at the Federal Emergency Management Agency (FEMA) and issued a report on September 18, 2015. As part of our assessment program, we follow up with agencies 120 days later to understand what actions the agency took to address our recommendations for improving the administration of FOIA.

Finding 1: FEMA's FOIA Office needs to improve management and oversight controls

Recommendation: Track volume of records processed and use volume as a management and oversight tool.

Agency Response:

Recommendation: Create a triage process that queues complex and simple requests based on the number of responsive pages or the topic of the request.

Agency Response:

Recommendation: Consider reinstating a memorandum of understanding with the United States Coast Guard Administrative Law Judge program to process FOIA Appeals.

Agency Response:

Recommendation: Discuss with FEMA leadership and DHS Privacy Office staffing challenges during disaster responses and create a contingency plan for meeting those challenges.

Agency Response:

Recommendation: Expand training opportunities to include more Department of Justice workshops and conferences, seminars, and trainings by other agencies, professional organizations, educational institutions, and non-profit organizations; a particular emphasis should be on the Attorney General Guidelines for FOIA, specifically the harm analysis for Exemption 5.

Agency Response:

Recommendation: Improve records management practices in regard to storage of FOIA documents and ensure the agency has a complete administrative record for each FOIA case.

Agency Response:

Finding 2: Additional steps are needed to fully benefit from investments in technology to improve tracking, processing, and proactive disclosure

Recommendation: Use technology to track volume of records processed.

Agency Response:

Recommendation: Overhaul the agency's FOIA website to help reduce the office's administrative burden and increase requester knowledge about FOIA.

Agency Response:

Recommendation: Create a policy or procedure to regularly identify records to be posted on the FEMA FOIA website.

Agency Response:

Recommendation: Consider streamlining contractor notice procedures to make FOIA processing of contracts more efficient.

Agency Response:

Recommendation: Engage FEMA leadership to consider proactively releasing contracts and/or finding ways to identify possible exempt information in contracts before a request comes in.

Agency Response:

Recommendation: Discuss with DHS Privacy Office how records can be processed and released in their native formats using the existing case management software.

Agency Response:

Finding 3: Further steps needed to improve communication

Recommendation: Provide requesters with an estimated date of completion based on FEMA's annual statistics.

Agency Response:

Recommendation: Communicate regularly with requesters to update them on estimated date of completion, status in queue, and ask for changes in address (if applicable).

Agency Response:

Recommendation: Include a description of the request and provide the tracking website link in acknowledgement letters.

Agency Response:

Recommendation: Revise final response template to include appeal rights when request is granted in full, remove Code of Federal Regulations (CFR) references, edit descriptions of DHS regulations so they are in plain language, and include search terms when applicable.

Agency Response: