



FOIAExpress[®]

FOIA Technology Showcase

Day 2, Section 3: Improving the FOIA Customer Experience

Request for Information (RFI) Response

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1 Outline for Day 2, Section 3 (Improving the FOIA Customer Experience)

1.1 The Importance of Customer Service in FOIA Administration

- Customer service is the beating heart of FOIA administration. By enacting FOIA, the Federal Government made a standing offer to the general public to promptly provide records of the government's activities to anyone who asks for them.
- In fulfilling this promise, it is vitally important for FOIA programs that FOIA requesters are satisfied and receive all the records they request to which they are entitled.
- In the first instance, satisfied customers mean that FOIA programs are effectively enabling the lofty goals of transparency and government oversight to which FOIA is primarily directed, and FOIA personnel should be proud of their service to this mission. But agencies also have a negative motivation in ensuring that they have happy requesters.
- In the commercial sector, customer dissatisfaction may lead to complaints to management or on social media and a potential loss of business. When it comes to FOIA, however, customer dissatisfaction can lead to costly and time-consuming lawsuits, regardless of the agency's position on the merits of their dissatisfaction.
- Luckily, there are two key areas where agency's can proactively address customer satisfaction and reduce not only their risk and potential liability, but even the overall volume of requests and their complexity: Communication and Openness.

1.2 Guideposts for Improving the FOIA Customer Experience

1.2.1 Communication

- Fundamentally, dissatisfaction arises from a disconnect between an individual's expectations and the results they receive.
- Agencies can, and should, make efforts to meet the requesters' expectations and deliver the requested documents exactly as requested and within the prescribed time limits. That is one way to get satisfied customers.
- However, it seems that in the FOIA context, most requester dissatisfaction doesn't come specifically from the agency's failure to meet its obligations, but from the requester's misunderstanding or misapprehension of what those obligations are, what FOIA allows for release, and the difficulty and time involved with responding to FOIA requests.
- It therefore follows that the best way to ensure FOIA requester satisfaction is to manage expectations. Agencies can accomplish this best by increasing awareness and education amongst requesters regarding the nature and scope of FOIA, as well as transparency into the agencies' record management policies and the FOIA process, itself. This includes, critically, the processing of each individual's requests.

1.2.2 Openness

- In keeping with FOIA's goals of increasing transparency and oversight, agencies are expected to apply a presumption of openness when processing requests, favoring release of a document to withholding or redaction.
- This presumption helps FOIA requesters to quickly receive the documents they are looking for.
 - But true openness – and the public's perception of whether an agency is truly committed to transparency – is actually hindered by this responsive process – if a person has to ask for something, is it really open to them?
 - In fact, this arrangement frequently becomes adversarial, even though most FOIA personnel are deeply committed to enabling the expected transparency and providing

the records that have been requested. To really meet the goals of FOIA, then, agencies are advised to maximize their proactive disclosure of records to the public, whether they have been requested or not.

- Proactive disclosure can take many forms, each of which presents its own benefits and drawbacks.
 - At the most extreme, agencies could theoretically choose to sanitize and publicly release every record they create as a matter of course. Agencies can also choose to release only particular types or classes of records as a routine matter, as they do with certain “operational” records under FOIA. This also includes circumstances where certain records have formed a particularly substantial portion of that agencies’ historical FOIA requests, so the agency is aware that they are likely to be requested again.
 - Similarly, agencies should stay attuned to their organization’s more controversial initiatives, or those receiving outside media attention, and prepare relevant records to meet the inevitable requests that will stem from increased publicity.
 - At a minimum, agencies should follow the Rule of Three guidance, and publish every record that has been requested at least three times. For any reason, if an agency already knows a record is or will be in demand, it should endeavor to release it as soon as practicable. By doing so, in many cases, requesters will be able to obtain the records they want without the need to submit a FOIA request – and faster.
- Openness also includes providing requesters with details about their pending requests and insight into the agency’s FOIA activities.
- Beyond mere communication, the more timely information an agency can disclose to a requester, the more satisfied the requester will be that the agency is addressing their request and meeting their obligations.
 - Furthermore, FOIA staff can work with requesters to understand what their needs are to be able to tell them how prepared the agency is to meet those needs.
 - For instance, a requester who asks for a particularly large set of records may not understand exactly how many documents they are asking for, or how long it will realistically take to review and release them.
 - By being open about this information, agency personnel can work with the requester to narrow or tailor their request to get precisely what they are looking for, and only what they are looking for, while relieving the agency of a huge burden. This is where AINS’ technology comes in.

2 AINS’ Technology Solutions Enhance the Customer Experience

- With PAL, requesters can submit requests and receive responsive records, and agency personnel can communicate directly with the requester and provide real-time status updates about their case. Agency personnel working on a case will have their own better insight and understanding into their FOIA processing, so they can more effectively communicate with the requester and provide substantive and meaningful customer service. Agencies using FOIAXpress and PAL can process their cases and clear and avoid backlogs easier than ever before, resulting in the happiest customers around.