

FOIA Advisory Committee

Subcommittee on Oversight and Accountability



White Paper

FOIA Public Liaisons Survey Results

October 2015

FOIA Public Liaison Poll Results

October 15, 2015

On December 14, 2005, the former Bush administration issued Executive Order 13392¹, entitled “Improving Agency Disclosure of Information,” which ordered all Departments and agencies subject to the Freedom of Information Act (FOIA) to make a number of institutional improvements to strengthen the implementation and administration of the FOIA, particularly as it relates to customer service. In fact, Section 2, Part C, of Executive Order 13392 establishes the roles of Assistant Secretary-level Chief FOIA Officers for all departments and agencies, FOIA Requester Service Centers (FRSCs), and Supervisory FOIA Public Liaisons to serve in the FRSCs. The role of the FOIA Public Liaison was codified in the FOIA by the OPEN Government Act of 2007, Pub. L. No. 110-175.

FOIA Public Liaisons shall serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received from the Center, following an initial response from the Center staff. FOIA Public Liaisons shall seek to ensure a service-oriented response to FOIA requests and FOIA-related inquiries. For example, the FOIA Public Liaison shall assist, as appropriate, in reducing delays, increasing transparency and understanding of the status of requests, and resolving disputes. FOIA Public Liaisons shall report to the agency Chief FOIA Officer on their activities and shall perform their duties consistent with applicable law and agency regulations;²

The FOIA Advisory Committee’s Subcommittee on Oversight and Accountability, sought to find out how departments and agencies have operationalized the role of the FOIA Public Liaison since its inception. We wanted to learn if the role fulfilled the requirements set forth in Executive Order 13392. We polled all 100 departments and agencies subject to FOIA to determine if the role of the FOIA Public Liaison was working for them. Ninety people responded to our poll, and this paper attempts to crystalize the results by question³.

¹ By the authority vested in me as President by the Constitution and the laws of the United States of America, and to ensure appropriate agency disclosure of information, and consistent with the goals of section 552 of title 5, United States Code, it is hereby ordered as follows: <http://fas.org/irp/offdocs/eo/eo-13392.htm>.

² Excerpted from executive order 13,392 <http://fas.org/irp/offdocs/eo/index.html>

³ <https://ogis.archives.gov/Assets/FPL-Survey-COO-2015-05-15.pdf?method=1>

Complete poll results can be found here: <https://ogis.archives.gov/foia-advisory-committee/subcommittees-and-working-groups/oversight-and-accountability.htm>. Please select “FOIA Public Liaisons Survey Results (Excel Spreadsheet) - July 21, 2015” (found under Subcommittee Documents).

Poll Questions and Responses

1. Please enter your current position, title, series, grade, organization, or department.

The prevalent General Schedule (GS) series for those serving in the role of FOIA Public Liaison are GS-301 and GS-306 as reported by the respondents in the poll. According to the Office of Personnel Management’s website, the GS-301 series “...is, to cover two-grade interval work which is not elsewhere classifiable. The essential criteria for classifying positions in this series are: 1. that the primary work of the position is of an administrative, two-grade interval nature; and 2. that the primary work of the position is not classifiable in any other series. Positions classified in the Miscellaneous Administration and Program Series, GS-0301⁴, involve specialized work for which no appropriate occupational series has been established. Typically, positions in this series are too few of a kind to have been recognized as separate lines of work. Some positions involve new or emerging work or, more rarely, mixtures of work that cannot be identified with an established series. The work requires analytical ability, judgment, discretion, and knowledge of a substantial body of administrative or program principles, concepts, policies, and objectives.” Conversely, the GS-306⁵ series established the specific position description of Government Information Specialist to professionalize information management occupations throughout the federal government. Specifically the GS-306, Government Information Specialist classification “... includes positions responsible for administering, analyzing, supervising, or performing work involved in establishing, disseminating or managing government information. Government Information Specialists formulate policy, advise agency management, and ensure compliance with

⁴ <https://www.opm.gov/policy-data-oversight/classification-qualifications/classifying-general-schedule-positions/standards/0300/g0301.pdf>

⁵ <https://www.opm.gov/policy-data-oversight/classification-qualifications/classifying-general-schedule-positions/standards/0300/g0306.pdf>

Federal laws governing the flow of information. The work also involves the safeguarding of government information while supporting accountability and transparency.” Most of the reported grade levels are GS-13-15. The lowest grade level reported is GS-7.

2. How long have you been a FOIA Public Liaison?

Most people serving in the role of FOIA Public Liaison have five or more years of experience at 40 percent. Twenty percent have one year to less than three years of experience, and the rest have less than one year or three to five years.

3. What is the position title of the person to whom you directly report?

The position titles varied and appeared to be high level supervisory and management roles. The titles included terms such as *Director*, *Supervisory*, *Deputy*, and *Chief*.

4. Since assuming a FOIA Public Liaison role, have you attended the following FOIA, customer service, or Alternate Dispute Resolution (ADR) training: Agency FOIA Training; Department of Justice (DOJ); Office of Government Information Services (OGIS); American Society of Access Professionals (ASAP); Other; or I have not had any training since assuming a FOIA Public Liaison role.

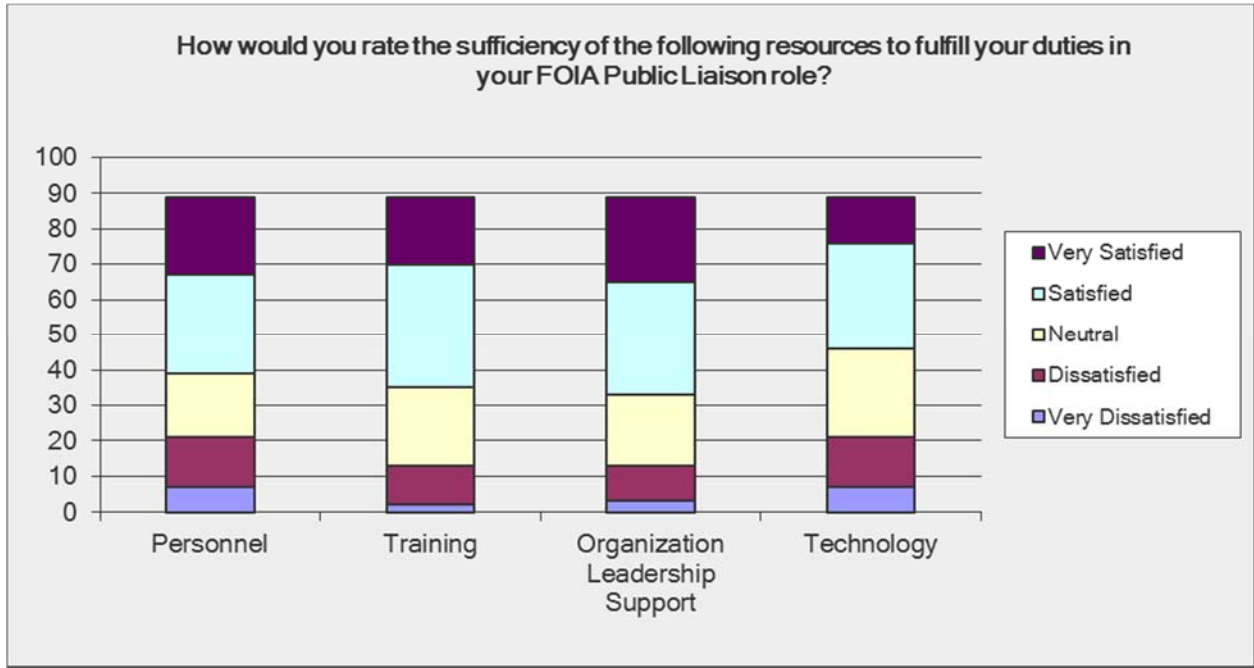
Agency FOIA Training	57.8%
Department of Justice (DOJ)	57.8%
Office of Government Information Services (OGIS)	28.9%
American Society of Access Professionals (ASAP)	36.7%
Other (please explain)	20.0%
I have not had any training since assuming a FOIA Public Liaison role.	16.7%

Other training respondents reported taking included FOIAXpress, FOIAonline, International Association of Privacy Professionals, and records management training.

5. Are you planning to attend FOIA, customer service, or Alternate Dispute Resolution (ADR) training in the next 12 months?

Answer Options	Response Percent
Yes	66.7%
No	33.3%

6. **How would you rate the sufficiency of the following resources to fulfill your duties in your FOIA Public Liaison role?**



Does your organization inform requesters about the role of FOIA Public Liaisons in the FOIA process?

Answer Options	Response Percent
Yes	72.2%
No	17.8%
I don't know	10.0%

7. **How does your organization inform requesters about the role of FOIA Public Liaisons in the FOIA process?**

Answer Options	Response Percent
Agency website provides the name, phone number, and email address for the FOIA Public Liaison	85.6%
Agency FOIA regulations	35.6%
Agency FOIA handbook, internal policies and procedures	31.1%

Agency FOIA Service Center or Hotline	32.2%
Agency acknowledgement letters	27.8%
Agency response letters	37.8%
Agency appeal acknowledgement letters	13.3%
Agency appeal response letters	16.7%
Agency social media	2.2%

8. On average, how often do FOIA requesters contact you?

Answer Options	Response Percent
Less than once a month	38.9%
Monthly	16.7%
Weekly	10.0%
Once a week	2.2%
Twice a week	5.6%
Three times a week	6.7%
Four times a week	1.1%
More than four times a week	18.9%

9. On average, how often do FOIA requesters contact you by the methods listed below?

Answer Options	Frequently	Sometimes	Rarely	Never
Email	48	21	15	6
Mail	20	23	26	15
Phone	23	31	19	13
Fax	4	11	35	32
In person	1	1	18	62

10. On average, how often do you contact FOIA requesters by the methods listed below?

Answer Options	Frequently	Sometimes	Rarely	Never
Email	60	17	7	5
Mail	33	19	17	14
Phone	33	35	11	8
Fax	1	6	22	54
In person	1	2	13	65

11. In the last 12 months, how often have FOIA requesters contacted you about the following FOIA issues?

Answer Options	Often	Sometimes	Never
Agency FOIA regulations	3	28	48
Appeals	9	45	28
Category	2	22	51
Customer Service	15	32	33
Delays	27	30	26
Dispute Resolution	4	19	55
Expedited	7	33	39
Fee assessment	5	44	32
Fee waiver	3	41	33
Fees requester	3	31	39
Litigation	3	29	46
Other	4	22	38
Processing	22	38	21
Request status	27	39	16
Responses	15	54	14

12. Do you know the attorney/attorneys responsible for handling FOIA matters at your organization?

Most respondents reported interacting with FOIA attorneys on a daily basis.

13. What suggestions do you have for how FOIA administration can be improved throughout the executive branch?

Suggestions on improving FOIA administration throughout the executive branch ranged from developing standard FOIA regulations for the entire federal government, developing a standard FOIA training program for all federal agencies, developing a standard FOIA database for all federal agencies to use, properly staffing FOIA offices across the federal government, and developing and procuring FOIA standard FOIA redaction software for the federal government.

14. Are there any other FOIA issues or topics that you would like us to address in future surveys?

Future surveys could focus on a broad variety of issues as it relates to FOIA improvement. Poll respondents suggested the debate over the use and alleged overuse of FOIA Exemption 5, copyright laws and the release of copyright information, FOIA training, FOIA office staffing, and FOIA program budgets.