Public Meeting
Tuesday, April 25, 2023
10:00 am - 12:00 pm
Bobby Talebian and Alina M. Semo, Co-Chairs

Trouble with your computer audio on Webex?

Call 888-251-2949
Access code 4320793#

We are also streaming at:
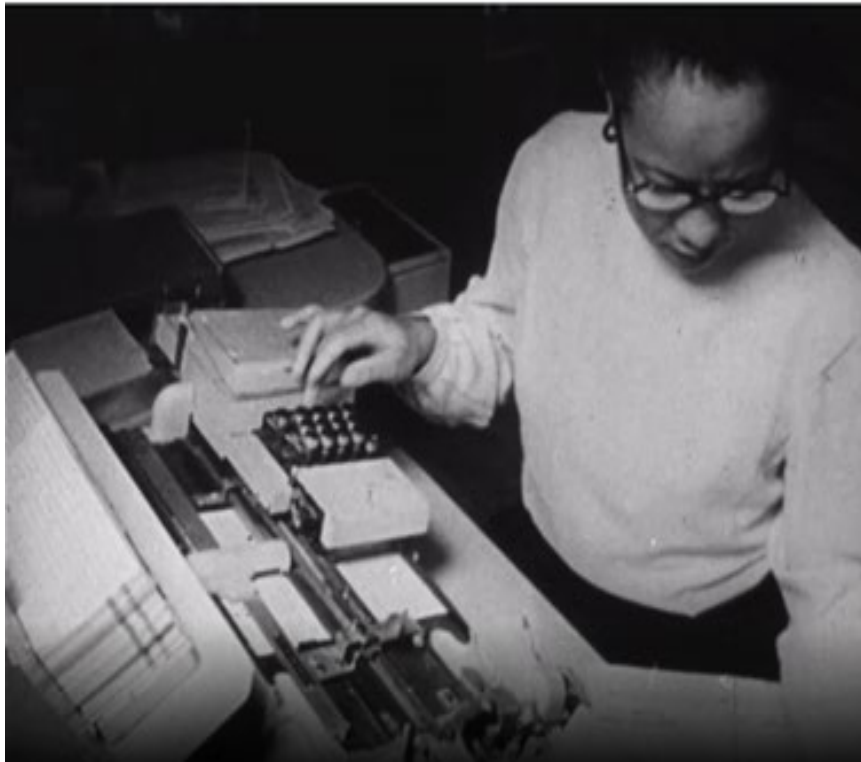www.youtube.com/usnationalarchives

Webex Support: 888-793-6118

National Archives Identifier 6600730

Welcome and Housekeeping

National Archives Identifier 208383217

In Webex, chat "All Panelists" otherwise the presenters and/or moderators will _not_ see your comments.

The YouTube chat function is not on.

Updates from the Office of Information Policy

Bobby Talebian, Director
Office of Information Policy
Department of Justice

Reporting Updates

- Agencies have finalized their Fiscal Year 2022 data. All data is available at www.foia.gov/data.html.

- Agencies have also posted their 2023 Chief FOIA Officer Reports.

- OIP will soon be publishing its Summary of Agency Annual FOIA Reports, along with its Summary and Assessment of Agency Chief FOIA Officer Reports.

- Agencies continue to report quarterly FOIA data on key metrics throughout the year, available at www.foia.gov/quarterly. Quarter 2 data will be published later this month.

Government-wide FOIA Statistics
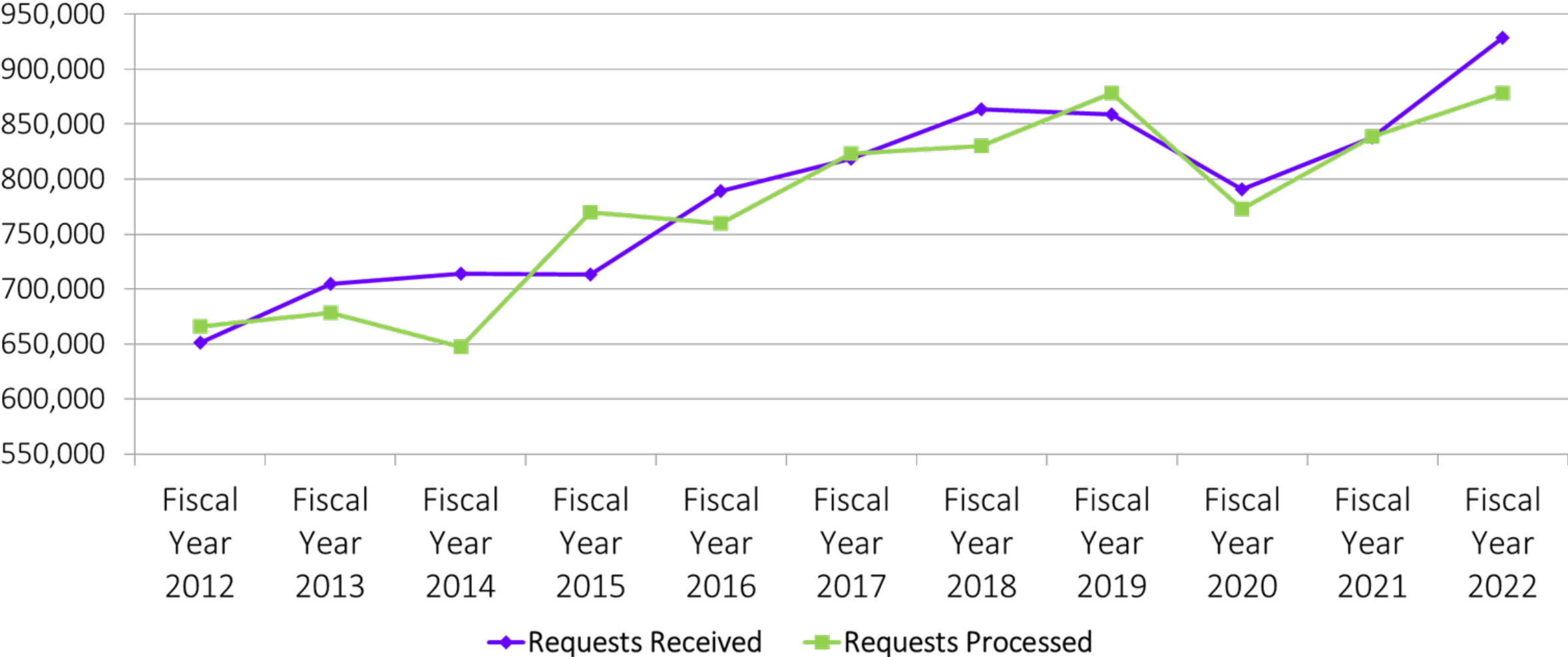
2023 Chief FOIA Officer Reports

Agencies responded to new questions on topics including:

- Incorporating FOIA into agency's core mission

- Confirmation in response letters that agency considered foreseeable harm

- Frequency of Glomar/"Neither confirm nor deny" responses

- Use of data in managing workloads

- Use of technology to automate record processing

- Interoperability with FOIA.gov

- Impact of litigation on FOIA administration

- Frequency of unusual circumstances

OIP Guidance: Applying a Presumption of Openness and the Foreseeable Harm Standard

On March 13, 2023, OIP issued [guidance](#) on working with a presumption of openness. Guidance addresses:

- Applying a presumption of openness in general

- Discretionary releases

- Applying the foreseeable harm standard, using practical and efficient means for conducting analysis on a case-by-case basis

- Importance of regular communication with requesters

FOIA Self-Assessment Toolkit

- OIP released a comprehensive update to its Self-Assessment Toolkit, fulfilling a commitment in the Fifth U.S. Open Government National Action Plan.

- Update contains new modules for proactive disclosures and administrative appeals, plus additional milestones on the use of technology and requirements of the Attorney General's 2022 FOIA Guidelines.

- Fillable spreadsheets facilitate easier completion and tracking of milestone action items

FOIA.gov – FOIA Wizard Project

- DOJ continues work to develop an interactive search tool on FOIA.gov.
- The tool will assist users in identifying already publicly available information and the best agency to which they could submit a FOIA request if desired.
- We completed a robust discovery phase that sought public user and agency input and just began development.
- Machine learning capabilities using publicly available FOIA logs and frequently requested records will help generate search results.
- Once launched later this year, the search tool will continue to be improved as more data is available and we continue to receive public feedback.

Updates from the Office of Government Information Services (OGIS)

Alina M. Semo, Director, OGIS
National Archives and Records Administration

OGIS Second Quarter FY 23

- New at-a-glance quarterly reports

- First three months of calendar 2023: nearly 1,400 requests for assistance received

- Nearly 100% of cases initiated or acknowledged within 10 days

- Nearly 99% of cases closed within 90 days

NATIONAL ARCHIVES | **OGIS** OFFICE of GOVERNMENT INFORMATION SERVICES

FOIA OMBUDSMAN SECOND QUARTER FY 2023

COMMUNICATING WITH STAKEHOLDERS

15 blog posts *and* **72** tweets

Launched new tool for public comments

SUNSHINE WEEK ACTIVITIES

- Coordinated National Archives "Making Access Happen" program
- Participated at multiple events communicating OGIS's role as the FOIA Ombudsman

ASSISTING CUSTOMERS

1,381 requests received

1,370 cases closed

99.7% of cases initiated or acknowledged within 10 days

98.7% of cases closed within 90 days

SUPPORTING FOIA'S LEADERS

3 Chief Data Officers Council meetings

3 Federal Privacy Council meetings

1 FOIA negotiation training led by OGIS

FOIA Advisory Committee

- Council of Inspectors General on Integrity and Efficiency cross-cutting project: access to records in digital & electronic form (Rec. 2020-18)

- Department of Homeland Security access to A-Files/immigration records (Rec. 2022-14)

FOIA Advisory Committee Recommendations Dashboard

The first four terms of the **FOIA Advisory Committee** made a total of 51 recommendations for improving FOIA administration across the government: one in 2016; seven in 2018; 22 in 2020; one in 2021; and 20 in 2022. This dashboard describes each recommendation, actions taken to fulfill each, and links to reports, correspondence and other related material.

The dashboard indicates whether recommendations are completed, in progress, pending, deferred or rejected. Closed recommendations are marked completed.

- **COMPLETED** means that we have fulfilled the recommendation although opportunities may exist for additional work.
- **IN PROGRESS** means work has begun on fulfilling the recommendation.
- **PENDING** means work has not yet started on the recommendation.
- **DEFERRED** means the recommendation is on hold pending the outcome of a feasibility study.
- **REJECTED** means the Acting Archivist of the United States did not accept the recommendation.

Last Modified on April 17, 2023

Number of Reports	Number of Recommendations	Number of Completed Recommendations	Number of Recommendations In Progress	Number of Pending Recommendations	Number of Deferred Recommendations	Number of Rejected Recommendations
5	51	27	10	9	4	1

Figure 1
FOIA Advisory Committee Recommendations by Term
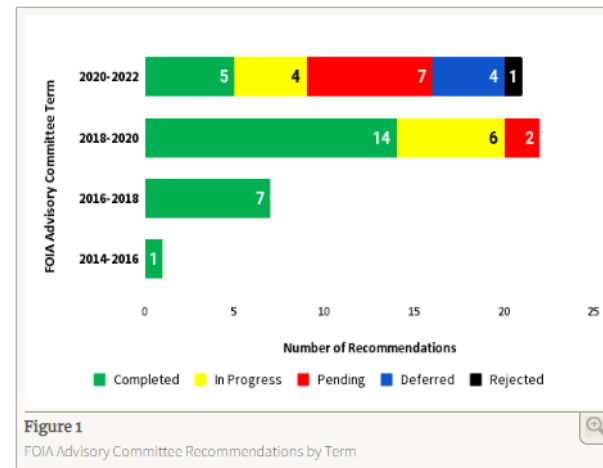
FOIA Reference Model

- Provides a standardized vocabulary for business and technical stakeholders to describe FOIA needs that can be used to analyze both FOIA programs and FOIA technology.

- [Reference Model](#) on MITRE's website.

- [White Paper](#) on Chief FOIA Officers Council website

New OGIS Resource

- Catalog of 130 recommendations OGIS has made in individual agency assessments

- Three categories:
  - Communication
  - Management
  - Technology

OGIS Recommendations and Best Practices for Agencies

OGIS periodically conducts independent, systematic reviews of agencies to evaluate their compliance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552(h)(2). These reviews assess agencies FOIA operations, programs, and policies, and include recommendations and best practices. Although each recommendation or best practice is targeted at a specific agency (e.g., National Archives, U.S. Postal Service, etc.) other agencies may find them helpful to inform their policies and procedures. The tables below are arranged by category and include over 125 recommendations to aid federal agencies with FOIA compliance. The full list of the 14 agency reports is here.

Below are OGIS definitions of best practice and recommendation. In addition definitions are provided for the table category labels: "COMMUNICATION," "MANAGEMENT," and "TECHNOLOGY."

Best Practice: Methods that OGIS has observed work well in many FOIA programs.

Recommendation: A course of action suggested by OGIS to help an agency comply with the FOIA statute, Department of Justice guidance or other authority, or to help an agency avoid disputes that could lead to litigation.

Table 1: Communication Recommendations from Agency Compliance Reports - Agency Recommendations*

COMMUNICATION: The transmission of information between a FOIA requester and a federal agency; could be written, such as an initial FOIA response letter, or verbal, such as a telephone call to discuss narrowing the scope of a request.

*Please note **the table headers are sortable**, click on the table header (blue box) to sort each column in alphabetical order. Use the Ctrl+F function to search the page and table using specific terms.

Best Practice or Recommendation	Source	Date Published	Type
Providing callers with information about how to contact the agency's general assistance hotline can reduce misdirected calls to the FOIA program.	Compliance Review of U.S. Postal Service FOIA Program	08/22/2018	Best Practice
Include a description of the request and tracking website link in acknowledgement letters.	Compliance Review of the Federal Emergency Management Agency FOIA Program	09/08/2015	Recommendation
CBP FOIA should edit template letters to include: An explanation of deficiencies that cause a request not be processed; Information about the search; Information about exemptions, including what they mean; A page count of material released or withheld.	Compliance Review of the U.S. Customs and Border Protection FOIA Program	03/09/2016	Recommendation
USCG FOIA should send a link to the open investigations database to all requesters who seek investigative records.	Compliance Review of U.S. Coast Guard FOIA Program	09/25/2015	Recommendation
CFPB FOIA should create a formal feedback loop to ensure requests are properly processed at the initial request stage and to reduce the number of appeals remanded for further processing.	Compliance Review of Consumer Financial Protection Bureau FOIA Program	08/15/2017	Recommendation

Keep in Touch

www.archives.gov/ogis

ogis@nara.gov

@FOIA_ombuds

foia.blogs.archives.gov
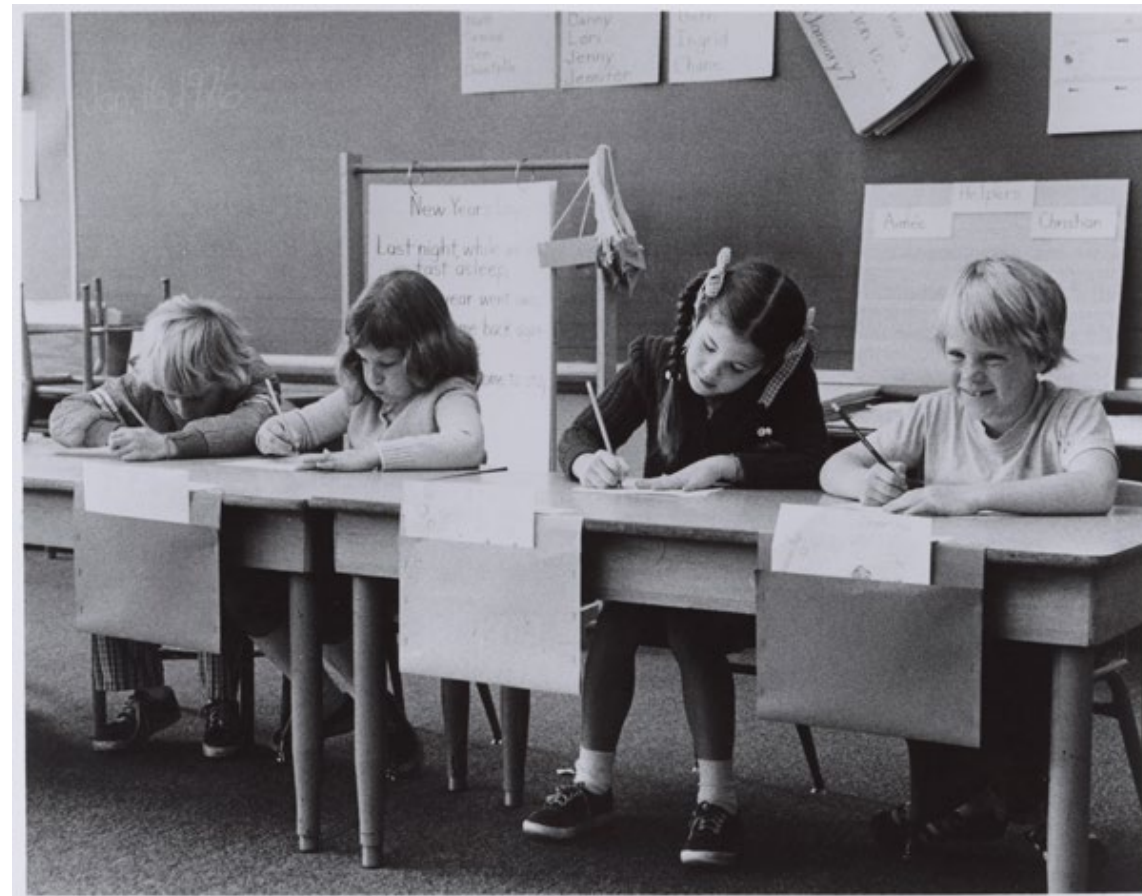
National Archives Identifier 594263

Updates from the Technology Committee

Michael Sarich and Eric Stein, Co-Chairs

Chief FOIA Officer Council (CFOC) – Technology Committee

https://www.foia.gov/chief-foia-officers-council/committee/technology-committee

- Co-Chairs: Eric Stein, U.S. Department of State, and Michael Sarich, Department of Veterans Affairs

- In September 2018, the CFO Council established a technology subcommittee to study the utilization and deployment of technology in FOIA programs across agencies, and to identify best practices and recommendations that can be implemented across agencies.

- Member-driven committee with approximately 50 representatives from over 25 federal agencies.

CFOC Technology Committee Updates

- Always Recruiting! Encourage your FOIA employees to join us!

- Review of 2023 Chief FOIA Officer Reports
  - SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY
  - Team Reviewing Agency Input for Discussion

- Discussions about Data, AI, and Machine Learning
  - Opportunities for funding and using existing technology tools

- Working Groups – Charters available on foia.gov site
  - Data
  - 508 Compliance and Collaborative Tools
  - FOIA and Classified Information
  - FOIA IT Platforms
  - FOIA Reference Model
  - Search/Artificial Intelligence
  - Technology Best Practices

Updates from Committee on Cross-Agency Collaboration and Innovation (COCACI)

Abioye Oyewole and Michael Bell, Co-Chairs

GIS Professionalization Subcommittee

Nicole Rementer (Co-Chair)
Madeline Van Nostrand (Co-Chair)

GIS Professionalization Subcommittee

- FOIA Advisory Committee Rec. No. 2020-16
- <u>Mission Statement</u>: To advocate for the advancement of the Government Information Specialist (GIS) profession though transparency and standardization across the Federal Government.
- <u>Objective</u>: Review and promote initiatives for clear career trajectories for FOIA professionals, build on the GIS job series, and identify areas to coordinate with existing agency efforts.
  - To this end, the Subcommittee will examine and develop data-backed recommendations targeting:
    1. Recruitment strategies;
    2. Hiring and retention strategies;
    3. Uniform pay scale assignments;
    4. Key competencies for FOIA professionals; and
    5. FOIA professional certification testing.

GIS Professionalization Subcommittee

Subcommittee's Recent Progress:

•Surveyed government employees, targeting FOIA professionals, regarding perspectives and needs relating to professional development opportunities, availability and quality of agencies' training and FOIA knowledge management, job series classification and grading, resources allocation, among other related topics.

•Reviewed survey responses to GIS Subcommittee questions.

•Developing agency FOIA executive interview questions and identifying agency executives for interviews

In Progress and Upcoming Work:

•Schedule and conduct agency executive interviews (**Target Date: May 31, 2023**);

•Compile information gathered from agency executive interviews (**Target Date: May 31, 2023**)

•Continue research and information gathering relevant to White Paper development (**Target Date: May 31, 2023**);

•Develop White Paper with recommendations for agencies to improve professionalization and standardization of qualifications for FOIA professionals. (**Target Date: October 1, 2023**)

Pandemic/Virtual Subcommittee

Chantay Stanley (Chair)

Pandemic/Virtual Subcommittee

Mission Statement:
The Pandemic/Virtual FOIA Office Subcommittee's mission is to focus on the virtual aspects of FOIA including best practices and/or lessons learned focused on tactics, techniques, and procedures of effective teleworking to process FOIA cases. In response to COVID and to sustain a virtual FOIA office environment post COVID, the Pandemic/Virtual FOIA Office Subcommittee will deliver a list of best practices and lessons learned to FOIA professionals.

Objective:
The Pandemic/Virtual FOIA Office Working Group will analyze and review the capability of FOIA professionals to effectively work from a virtual location during the pandemic. This group will work to gather the most relevant user experiences to highlight best practices, compile frequently asked questions and answers, user guides, and identify recommendations to improve the virtual work experience to better support FOIA processing throughout federal agencies.

Pandemic/Virtual Subcommittee

Subcommittee's Recent Progress:

- Surveyed FOIA professionals regarding transition from the in-office work environment to a telework/remote environment, availability of and desire for remote positions, and relocating files, and best practices for transitioning during a pandemic.
- Reviewed survey responses.

In Progress and Upcoming Work:

- Review existing telework documents and reports and researching topic (**Target Date: May 31, 2023**);
- Compile information gathered from research and survey (**Target Date: May 31, 2023**)
- Compile and make available lessons learned from teleworking and make recommendations to federal agencies pertaining to teleworking (**Target Date: October 1, 2023**)

COCACI Resources Subcommittee

Brandon Gaylord (Chair)

Recent and Upcoming Actions

- We surveyed FOIA professionals in 2022 to solicit opinions about the resource needs in the FOIA Community.
- We consolidated and analyzed survey responses, and considered our own experiences, to develop useful sessions for a FOIA Community Best Practices Workshop.
- The Best Practices Workshop is anticipated to occur as early as Fall 2023.

Best Practices Workshop

- Planned topics:
  - strategic thinking when building a FOIA program
  - solutions and limitations using FOIA technology
  - staffing strategies when FOIA personnel are needed

COCACI is always welcoming new members

Abioye Oyewole aoyewole@cpsc.gov

or

Michael Bell Michael.bell1@dot.gov

FOIA Business Standards Working Group

- OIP, in collaboration with OGIS, is working with the Office of Shared Services & Performance Improvement at the Government Services Administration (GSA) and the Business Standards Council (BSC) to develop shared FOIA Business Standards in line with the Federal Integrated Business Framework (FIBF).
- FOIA Business Standards Working Group formed after the last CFO Council meeting in November 2022.
- Working group is actively drafting initial components of the business standards.

FOIA Business Standards Working Group

- Currently drafting the functions, activities, and business capabilities.
- These will be circulated for CFO Council feedback in the next few weeks.
- These FIPF components will then be made available for public comment.

FIBF Components

The FIBF includes five components:

1. **Federal Business Lifecycles, functional areas, functions, and activities** serve as the basis for a common understanding of what services agencies need and solutions that should be offered.

2. **Business Capabilities** are the outcome-based business needs mapped to Federal government authoritative references, forms, inputs, outputs, and data standards.

3. **Business Use Cases** are a set of agency "stories" that document the key activities, inputs, outputs, and other line of business intersections to describe how the Federal government operates.

4. **Standard Data Elements** identify the minimum data fields required to support the inputs and outputs noted in the use cases and capabilities.

5. **Service Measures** define how the government measures successful delivery of outcomes based on timeliness, efficiency, and accuracy targets.

Public Comments

Please limit your oral comments to 3 minutes.

National Archives Identifier 17342827

See you in Fall 2023!