

Interim Recommendation 2025-1

We recommend that DOJ's Office of Information Policy continue to include a specific question in future annual agency CFO reports asking for updates on agency compliance with past recommendations of the FOIA Advisory Committee.

Comment

During the 2022-2024 term of the FOIA Advisory Committee, the Committee recommended that OIP include one or more specific questions in annual Chief FOIA Officer (CFO) reports requesting agencies to report on activities that they have implemented consistent with selected FOIA Advisory Committee recommendations. Recommendation 2024-14 was adopted by the Archivist in July 2024.

DOJ/OIP proceeded to implement Recommendation 2024-14 by asking the following question in the 2025 CFO reports in Section II, "Ensuring Fair and Effective FOIA Administration," Part C, "Other Initiatives," Question 12:

The federal FOIA Advisory Committee, comprised of agency representatives and members of the public, was created to foster dialogue between agencies and the requester community, solicit public comments, and develop recommendations for improving FOIA administration. Since 2020, the FOIA Advisory Committee has issued a number of recommendations. Is your agency familiar with the FOIA Advisory Committee and its recommendations? Has your agency implemented any of its recommendations or found them to be helpful? If so, which ones?

The Implementation Subcommittee reviewed 2025 CFO Reports published on the DOJ/OIP web page as of May 14, 2025.¹ The vast majority of agencies submitting 2025 CFO Reports responded in some fashion to Question 12, describing efforts made with respect to representative recommendations. Only a few agencies stated that they were not familiar with FOIA Advisory Committee recommendations and/or had not implemented any specific recommendations.

Question 12 did not require agencies to work through a checklist of specific recommendations or to account for implementation efforts across the board. The Committee also recognizes that in other portions of the 2025 CFO Report, information of value was given with respect to past implementation of certain Committee recommendations, including especially in the areas of training, proactive disclosures, and deployment of newer technologies.²

¹ <https://www.justice.gov/oip/chief-foia-officer-reports-2025>.

² Cf. [Implementation Subcommittee Report, Appendix D](#), 2022-2024 FOIA Advisory Committee (analyzing 2024 CFO report questions tracking past FOIA Advisory Committee recommendations).

Despite its reporting limitations, the Committee finds Question 12 to have elicited useful information, especially where multiple agencies have reported on successful implementation of particular recommendations. We believe that requesting agencies to respond to this question serves to inform OIP, OGIS, and the FOIA Advisory Committee of areas for follow up and further study. Moreover, repeating question 12 over successive years will enable better evaluation of the long-term impact of select FOIA Advisory Committee recommendations. We recommend that OIP consider “routinizing” the completion of a similarly worded question in future CFO reports, including, as warranted, providing agencies with a structured checklist of a select number of past Committee recommendations for them to supply comments on.

We also acknowledge that continued attention to faithfully filling out responses to Question 12 adds to the overall burden in responding to DOJ. However, for the above stated reasons we continue to believe that Question 12 is a valuable tool in assisting to gauge agency compliance with past recommendations of the FOIA Advisory Committee, as well as, more fundamentally, in helping to improve administration of the Freedom of Information Act itself.