



OFFICE *of* GOVERNMENT
INFORMATION SERVICES

Freedom of Information Act (FOIA) Advisory Committee

May 7, 2026

[archives.gov/ogis/foia-advisory-committee/2024-2026-term](https://www.archives.gov/ogis/foia-advisory-committee/2024-2026-term)



Welcome and Updates

Alina M. Semo

Director, Office of Government
Information Services
and Chairperson,
FOIA Advisory Committee





Housekeeping



Use Zoom for Government chat for housekeeping/procedural matters only. Submit substantive comments to: archives.gov/ogis/public-comments



YouTube chat is not on. Submit comments to: archives.gov/ogis/public-comments



Oral public comments will be heard before the Committee adjourns



Minutes & transcript will be posted on the OGIS website



The meeting is scheduled to start at 10 a.m. ET



Designated Federal Officer updates

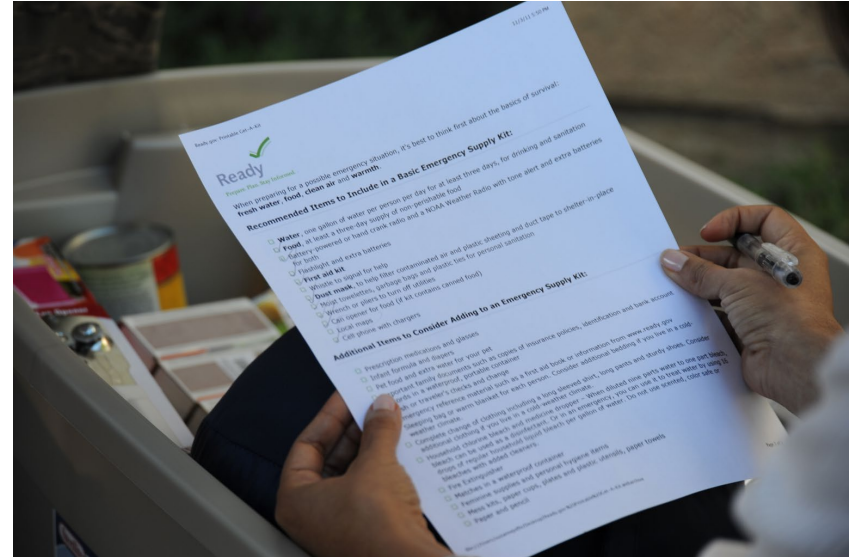
- Question regarding member representation on Committee
- Nominations for 2026–2028 term
- Voting



Implementation Subcommittee Report

Jason R. Baron and
Marianne Manheim, Co-Chairs

Elizabeth Hempowicz
Shelley Kimball
Frank LoMonte
Deborah O. Moore
Ryan Mulvey
Richard Peltz-Steele
Sarah Jones Weicksel



National Archives Identifier 24485143



Proposed Recommendation I-1

To increase collaboration and connection among federal agency FOIA professionals, the Chief FOIA Officers Council's Committee on Cross-Agency Collaboration and Innovation's (COCACI) Resources Working Group, assisted by the Office of Government Information Services (OGIS) and the Office of Information Policy (OIP), as appropriate, should establish a process for creating and maintaining small, self-governing cohorts of federal FOIA professionals interested in collaboration, support, and sharing of best practices.



Proposed Recommendation I-2

In an effort to increase the awareness and adoption of FOIA Advisory Committee (FAC) Recommendations, the Department of Justice's Office of Information Policy (OIP) should require status reporting from agencies on implementation of recommendations, either through questions in annual Chief FOIA Officer Reports or through another appropriate publicly available reporting mechanism.



Proposed Recommendation I-3

To make recommendations more useful to agency FOIA professionals, the Office of Government Information Services (OGIS) should create a resource for agency use presenting FAC recommendations in an easy-to-access manner, enabling FOIA professionals to quickly identify actionable improvements to their FOIA programs.



Volume & Frequency Subcommittee Report

Nieva Brock and Nick Wittenberg, Co-Chairs

David Cuillier
Shelley Kimball



National Archives Identifier 6472630



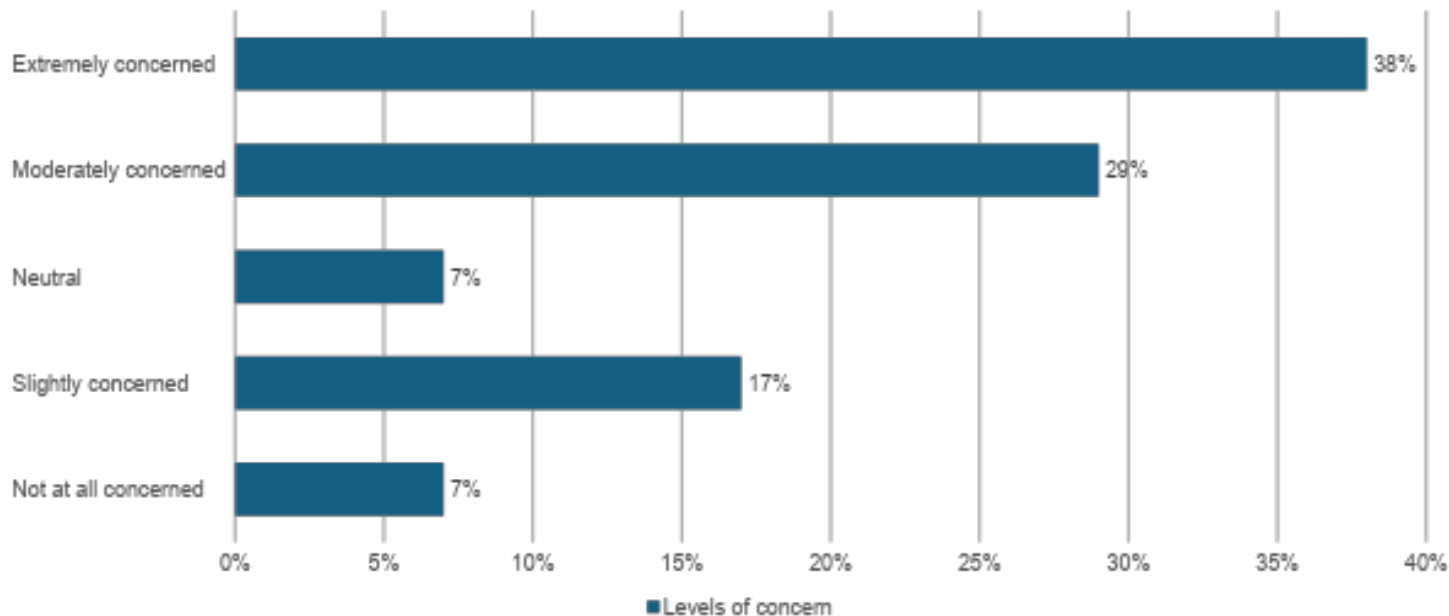
Survey results and draft recommendations

Participants

- 211 total responses, 193 eligible
- All agency response sizes represented
 - 49 or fewer: 4%
 - 50 to 5,000: 55%
 - 5,001 to 25,000: 26%
 - 25,001 to 99,999: 10%
 - 100,000+: 5%



Do you have concerns about the volume of records your agency processes?





Most challenging forms of requests

- Specific records that are difficult to process
 - Most cited: Requests for emails
- Vague, overbroad
- Voluminous
- Not in good faith
- Lack of resources to respond
 - Staffing
 - Technology
 - Time
- Complex
- Mass requests



Qualities of vexatious requests

- **Broad scope**
- **Voluminous**
- **Vague**
- Multi-agency, multi-custodian
- Expansive time frame
- Complex, multi-part, processing burden
- Duplicative, organized campaigns
- Non-cooperative, bad faith behavior

Most
common
cluster



Strategies to manage difficult requests

- Triage processes
 - Multi-track
 - Dual track (easy/complex)
 - Super simples
 - First in, first out
 - Internal rules
- Use of tech to search and review
- Work with requesters
- No plans, strategies, or solutions
- Staffing management



Managing the strain of excessively challenging requests

- Work directly with requesters to limit their requests
- Successful strategies
 - Doing the best they can with what they have
 - Hired more staff, contractors
 - Strategize with other offices
 - Leadership is supportive and realistic
- Let it all fall into the backlog
- Internal streamlining
 - Aggregate when allowable
 - Precise search terms
 - Perfected requests
 - Proactive disclosure
- No strategies
- Need resources
- Triage, tracking
- Staff is struggling
- Lack of leadership support

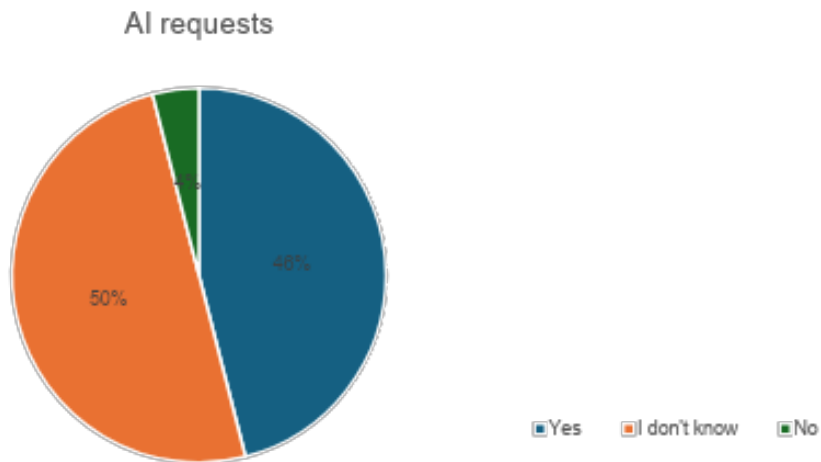


Suggested solutions for unduly burdensome requests

- Better technology
 - Automated review
 - Manage work product, processing and release
 - Tech to filter and/or block
- Update the statute
 - Modernize
 - Limit kinds of requests (vague, burdensome, repeated)
 - Clarify and define, especially unduly burdensome
- Training and guidance for requesters
 - Narrowing scope
 - Effects of burdensome requests
 - Be specific
- Increase fee usage
 - Charge more for complicated voluminous requests
 - Charge a nominal fee to submit a request
- Increase staffing
- Provide official guidance
 - Clarify standards
 - Develop a definition
 - Standardize responses
 - Leadership support
- Augment internal processes
 - Isolate requests in process
 - More organized records management
 - Rolling production
- Some punitive suggestions to requesters: ban, fine, deny

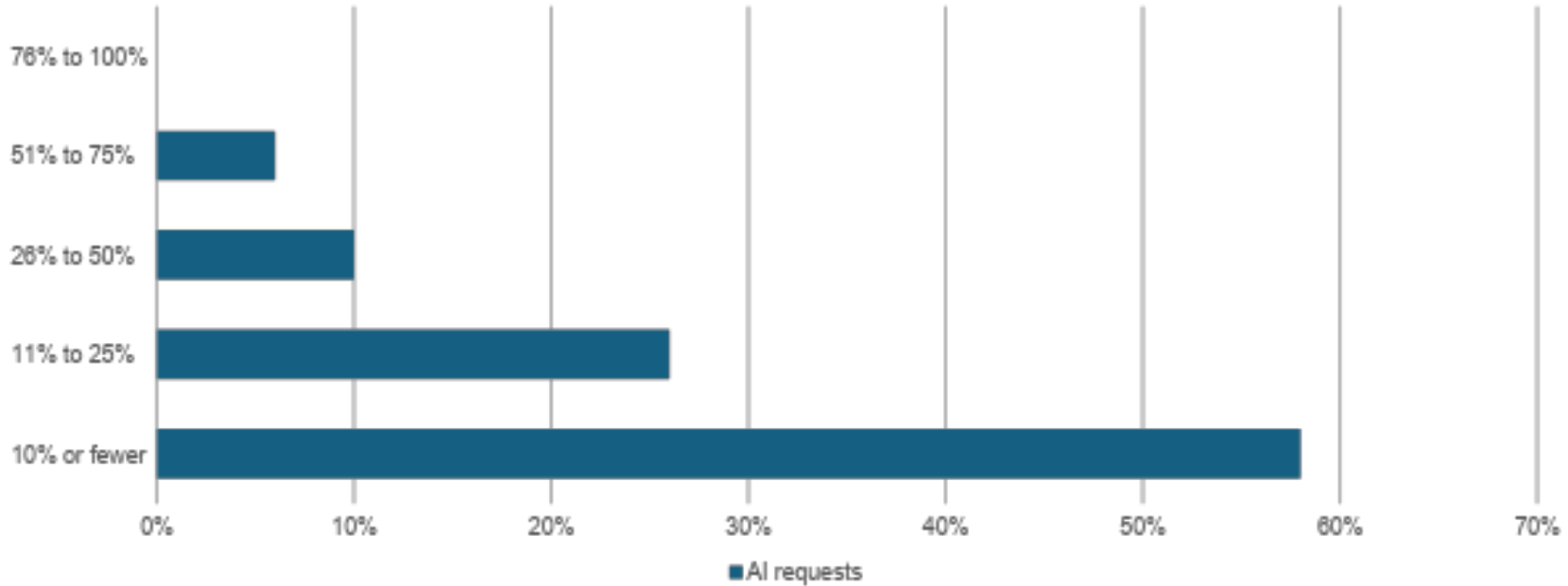
AI-generated requests

Have you received requests that have been AI generated?





If yes: What percentage of the requests you receive do you perceive to be AI-generated?





How do they know they are AI generated?

- Language indicators
 - Identical language
 - Wording, jargon, formality
 - Overly complex
- Speed and timing
- Format of request
 - Same process requested
 - Lack of specificity
- Requesters' reputations
- Records being requested



How to manage AI-generated requests

- Ban them completely
 - Use tech to screen them out and get rid of them
- Use technology
 - Captcha
- Require human requesters
 - Authenticate
- Internal processes
 - Bundle, aggregate
 - Work with requesters
- Amend statute
 - Require human requesters
 - Limit the number of requests
 - Increase efficiency process
 - Realistic about time



Draft Recommendation VF-1

Adjust staffing to meet demand: Federal agencies should align current staffing levels to meet the increasing levels of FOIA demand by analyzing agency FOIA, Privacy Act, and appeal backlogs; the volume and complexity of incoming requests; and the processing capacity of employees against their assigned workloads. Specifically, agencies should staff their FOIA operations to eradicate any existing backlogs and ensure capacity for timely responses to incoming requests.



Proposed Recommendation VF-2

Evaluate data-supported findings: The 2026 to 2028 FOIA Advisory Committee should leverage the survey and focus group data collected by the 2024 to 2026 term subcommittees to identify priority areas for improvements to the FOIA process, such as leveraging efficiencies within the software procurement processes, strengthening the culture of FOIA support within agencies, evaluating the potential for artificial intelligence to aid in response efficiencies, and modernizing the FOIA statute.



Statutory Reform Subcommittee Report



National Archives Identifier 7820533

Ryan Mulvey and Whitney Frazier-Jenkins, Co-Chairs

David Cuillier
Elizabeth Hempowicz
Scott Hodes
Margaret Kwoka
Frank LoMonte
Marianne Manheim
Deborah O. Moore



Draft Recommendation SR-2

In its annual appropriation language to federal agencies, Congress should require federal agencies to fund their FOIA function at a level sufficient to enable them to fulfill their FOIA requests timely. In determining appropriate funding direction it would provide, Congress should consider an agency's average workforce size, including any contract staff; changes in the volume and complexity of its requests over the past five years; its average backlog over the past five years; and its operational structure, among other influencing factors.



Draft Recommendation SR-4

We recommend that Congress create a new Article III “FOIA Court” with specialized jurisdiction over FOIA claims.



Draft Recommendation SR-5

Congress should amend FOIA's judicial-review provision in three ways:

- 1) To reaffirm the statute's *de novo* standard;
- 2) To specify the remedial authority of the courts, including the power to order an agency to comply with its affirmative-disclosure obligations, provided that a requester has exhausted administrative remedies prior to filing suit; and
- 3) To reinforce that, for purposes of FOIA claims, a complainant's injury-in-fact stems from an agency's failure to comply with the statute.



Draft Recommendation SR-7

Congress should create new, FOIA-like disclosure laws to ensure public access to records controlled by legislative and judicial branch agencies.



FOIA Advisory Committee



National Archives Identifier 350486639

Public Comments

archives.gov/ogis/foia-advisory-committee/public-comments



FOIA Advisory Committee

Mark your calendars!

The next meeting of the 2024-2026 term is scheduled for
Thursday, June 11, 2026



National Archives Identifier 44267671