Freedom of Information Act (FOIA) Advisory Committee: Responsibilities, By-Laws & Procedures

Kirsten B. Mitchell, Designated Federal Officer
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Welcome

• Authority
  • FOIA
  • Federal Advisory Committee Act

• Duties
  • Study FOIA landscape
  • Solicit public comments
  • Recommend improvements
Committee Structure

- Archivist of the United States (AOTUS) appointed 19 members of the Committee all with significant FOIA knowledge & expertise
  - Eight government members
  - Eleven non-government members
- Chairperson = OGIS Director Alina M. Semo
Committee Administration

• Miranda Andreacchio = Committee Management Officer
• Kirsten Mitchell = Designated Federal Officer

All committee communications must include the DFO at the following address for record-keeping purposes:

foia-advisory-committee@nara.gov
Responsibilities of Chairperson

- Lead the committee
- Determine a quorum
- Open & preside over meetings
- Certify meeting minutes
Responsibilities of DFO

• Schedule & attend all committee/subcommittee meetings
• Prepare & approve meeting agendas
• Maintain records of Committee activities
• Chair any meeting when so directed by AOTUS
Responsibilities of Committee Members

• Attend meetings of the Committee & Subcommittee(s)
• Submit items for the Committee & Subcommittee agendas
• Deliberate & advise AOTUS on FOIA-related matters
• *Federal members only: submit financial disclosure forms annually for an ethics review*
Subcommittees

- Each Subcommittee will have two chairs from the Committee membership
  - one government member
  - one non-government representative member
- Subcommittees shall report their work & findings to the Committee for deliberation
Responsibilities of Subcommittee Co-chairs

- Work with DFO to schedule Subcommittee meetings
- Set Subcommittee meeting agendas
- Open & preside over meetings
- Copy the DFO on all Subcommittee correspondence

foia-advisory-committee@nara.gov
By-Laws

• Committee meets up to four times per year, as called by the DFO
• Meetings held when a quorum is present (2/3 of members, or 13 members)
• Open Meetings
• Federal Register Notice
By-Laws

- Minutes: DFO prepares minutes
- Public Comment: The public may comment at open meetings & submit written statements to the committee at any time
- Meeting material: Posted on the Committee’s website: https://www.archives.gov/ogis/foia-advisory-committee
Deliberations & Voting

• Any Committee member, including the Chairperson, may move that the Committee vote
• No second after a proper motion shall be required to bring any issue to vote
• Only the Chairperson and members may vote on an issue
Voting Procedures

• Two types of votes the FOIA Advisory Committee can take (Article 5b):
  • Voice Vote
  • Show of Hands

• Three types of decisions (Article 5c):
  • Unanimous Decision: every member (except those absent)
  • General Consensus: at least two-thirds of total votes cast
  • General Majority: majority of the total votes cast
Contacts

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Committee Email
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