



National Archives and Records Administration

Office of Government Information Services

*8601 Adelphi Road
College Park, Maryland 20740-6001*

Open Government Directive (December 2009)

The Office of Management and Budget on December 8, 2009, released the White House Open Government Directive. The Directive is a product of the Open Government Initiative that sought public comment recommending ways for agencies to implement the principles of transparency, participation and collaboration set forth in President Obama's January 21, 2009 Memorandum on Transparency and Open Government.

The Office of Government Information Services (OGIS) prepared the following Q&A that outlines some of the transparency issues that are relevant to the Freedom of Information Act (FOIA) community, including what the public may expect to see as a result of the Directive.

Q. How does the Open Government Directive differ from President Obama's January 21, 2009 Memorandum on Transparency and Open Government?

A. The Open Government Directive identifies specific actions to be taken by federal agencies to implement the principles of transparency, participation and collaboration as well as deadlines for those actions. Specifically, those actions are:

- to publish government information online
- to improve the quality of government information
- to create and institutionalize a culture of open government
- to create a policy framework for open government.

The Directive goes on to outline specific steps to help agencies achieve each of those action items.

Q. In several places the Directive discusses government release of information. What can the public expect as a result?

A. Within 45 days of the Directive, each agency must find and release at least three “high-value data sets” that were not previously available online or in a downloadable format. The Directive defines “high-value information” as “information that can be used to increase agency accountability and responsiveness; improve public knowledge of the agency and its operations; further the core mission of the agency; create economic opportunity; or respond to need and demand as identified through public consultation.” Accordingly, each agency may have different high-value data sets, or high-value information, depending on the agency’s specific mission.

Within 60 days, each agency must also create an Open Government Web page, to show the agency’s activity related to the Directive. On that Web page, the agency must publish an Open Government Plan within 120 days to describe how it will improve transparency and integrate public participation and collaboration into its activities, as well as the timeline for that implementation. The Plan must include a link to a publicly available Web site that describes the agency’s staffing, organizational structure and process for analyzing and responding to FOIA requests and Congressional requests for information. The Plan should also describe at least one new initiative the agency will implement to further transparency, participation or collaboration.

The agencies will be required to post their annual Freedom of Information Act (FOIA) reports on the agency’s Open Government Web page.

Q. How can a member of the public share with the government the high-value information he or she thinks should be made public?

A. The Open Government Web pages will allow for public feedback on agency activities related to the Directive, including through links to Web sites where the public can engage in existing participatory processes within the agency.

Q: The Directive says that agencies with a “significant pending backlog” of outstanding FOIA requests shall take steps to reduce that backlog by 10 percent each year. How should the agencies achieve this mandate?

A: The Office of Government Information Services (OGIS) also has a goal of making the FOIA process more efficient. For example, OGIS plans to publish best practices on how agencies can reduce a backlog. We hope that agencies will take into account these best practices as they develop their own milestones and markers, as required by the Directive, to reduce their backlogs. The Department of Justice’s Office of Information Policy (OIP) and the American Society of Access Professionals (ASAP) also offer regular training sessions for FOIA officers that provide tips and suggestions on backlog reduction.

Q. What if one has questions about the Open Government Directive?

A. The public and agency employees may contact OMB through email at opengov@omb.eop.gov, or contact Nicholas Fraser, Information Policy Branch, Office of Information and Regulatory Affairs, OMB, at 202-395-3785. Questions relating to the FOIA can be directed to OGIS at 1-877-684-6488, at ogis@nara.gov or through <http://www.archives.gov/ogis/>; or the Department of Justice’s Office of Information Policy (OIP) at (202) 514-3642, at doj.oip.foia@usdoj.gov or through <http://www.justice.gov/oip/oip.html>.