



OGIS

OFFICE *of* GOVERNMENT
INFORMATION SERVICES

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The Office of Government Information Services



The OPEN Government Act of 2007 amended the Freedom of Information Act to create the Office of Government Information Services (OGIS) within the National Archives and Records Administration (NARA)

5 U.S.C. § 552(h)(1)



The Office of Government Information Services



OGIS opened in early September 2009, with its main office at NARA in College Park, Maryland.

The OGIS staff has been working with the Department of Justice, other agencies and with private sector stakeholders to promote transparency, provide training and resolve requester and agency FOIA issues.

OGIS Mission



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-  Review and policy
-  Mediation
-  FOIA Ombudsman

Reviewing agency compliance and recommending policy changes:

- Working closely with DOJ on annual reports issues including getting data into formats more usable to both agencies and requesters
- Working with agencies and with requesters to identify and share “best practices”
- Working with the Office of Science and Technology Policy in the Executive Office of the President – the Chief Technology Officer – and the President’s Open Government Initiative

Providing Mediation Services:

- Currently informally mediating disputes between FOIA requesters and agencies
- Will soon begin offering formal mediation services using trained mediators from both inside and outside of government
- Alternative Dispute Resolution (ADR) resources exist in agencies — create link between ADR & FOIA
- Technology as a resource — looking at online dispute resolution (ODR) options

FOIA Ombudsman:

- Soliciting and receiving comments and questions from the public regarding administration of FOIA
- Will use the information to improve FOIA processes and facilitate communication between Federal agencies and the public
- OGIS case log posted on website and updated weekly
- Hosting a series of roundtable discussions between FOIA requesters and government representatives on “thorny” FOIA issues

The FOIA Landscape

- 92 Executive Branch entities: 15 departments and 77 agencies
- more than 600,000 FOIA requests submitted in FY 2008
- 8,800 administrative appeals filed in FY 2008
- costs to administer the FOIA (including litigation) was slightly more than \$338 million in FY 2008

OGIS Activities

With a wide scope of services the office is using a combination of approaches, including:

- FOIA Public Liaisons -- the “front line” for dispute resolution:
 - Are there some categories of problems we can address together?
 - Are there recurring problems that can be addressed with FAQs?
 - What do they need to do their jobs?
 - How do they make their presence known?
 - Can we help them to do dispute resolution through training?
- Dec 7: OIP and OGIS convened Public Liaisons to start this exploration!

OGIS Activities

Where in the process will OGIS get involved?

- OGIS will work in conjunction with the current request and appeal process
- Rule: allow, whenever practical, the requester to exhaust remedies within the agency, including the appeal process
- Exception: sometimes more practical to help earlier in the process, for example, if an appeal is delayed for some time or if an agency is attempting to work with a requester to narrow the scope of the request and OGIS can help

Back to Basics

Customer service always has been and remains an issue:

- List FOIA Public Liaison contact information on your FOIA web page
- All FOIA contact telephone numbers should allow for voicemail messages to be left
- Can Requesters track their requests? In some agencies, the question is can WE track the requests?
- Can we make information affirmatively available – on the web, in public libraries – so that a FOIA request is not even needed? (Open Government Initiative)

Open Government Initiative

- President's Memos in January 2009
- OMB Open Government Directive in December 2009:
 - Specific agency actions on transparency, participation and collaboration
 - Disclose information affirmatively so that a FOIA request is not even needed (example, through data.gov)
 - Agency Open Government Plans
 - Reduce FOIA backlogs by at least 10 per cent per year
 - Use technology to improve FOIA
 - Promote inter-agency and public collaboration

OGIS Standard Language for Agencies

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. . . .

OGIS Standard Language for Agencies (continued)

. . . You may contact OGIS in any of the following ways:

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