



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

**OMB's Certification of Agency Compliance
With FOIA's Reading Room Requirements**

The following report is provided to certify OMB's compliance with FOIA's Reading Room Requirements.

a. Internal Review of Agency FOIA Reading Room

OMB has three Reading Rooms:

- (1) OMB's Electronic Reading Room, which can be accessed at: <http://www.whitehouse.gov/omb/foia/index.html#reading>;
- (2) OMB's Public Reading Room, which is located in the Executive Office of the President Library, Room G-102, New Executive Office Building, 725 17th Street NW, Washington, DC 20503, 202.395.3642; and
- (3) OMB's OIRA Records Management Center, which is located in Room 10102, New Executive Office Building, 725 17th Street NW, Washington, DC 20503, phone 202.395.6880.

As is noted further below, OMB reviewed these reading rooms in preparation for the certification below. OMB has also, in the recent past, conducted an expansive review of OMB's FOIA Reading Room as a result its implementation of the President's Executive Order 13,392 of December 14, 2005 ("Improving Agency Disclosure of Information"). As noted in OMB's FOIA Improvement Plan¹, prepared pursuant to the Executive Order, one area OMB reviewed was OMB's dissemination of information to the public through its website. In particular, OMB noted:

3. OMB's Dissemination of Information to the Public through its Website. A third area that OMB selected for review was the ease by which the public can relatively easily find information on OMB's website, including on the FOIA section of OMB's website, that relate to topics that are of interest to OMB's FOIA requesters. This area can directly relate to the second area of review (e.g., when OMB posts on its website those records that OMB has released in response to several FOIA requests). In addition, this area can involve OMB pro-actively posting on OMB's website publicly-available information that OMB offices believe may be of interest to the public. Finally, this area can involve OMB making it easier for the public to navigate OMB's website to locate information that is already posted on OMB's website (or perhaps on another Federal website) and may be of interest to them. "By placing publicly-available information on its website, an agency makes it easier for the public to obtain the information, which can reduce the number of FOIA requests that the agency receives and needs to process," thus enabling the agency to focus more of its FOIA efforts to responding to its remaining requests.

(OMB FOIA Improvement Plan, at pp. 4-5, internal references omitted).

¹ Which can be located at: http://www.whitehouse.gov/omb/foia/report_re_eo13392.pdf

In so reviewing, OMB noted that “OMB has already taken initial steps to make it easier for potential FOIA requesters to locate information that is already on OMB’s website. OMB has done so by expanding the number of listings on its FOIA Reading Room of information that is available elsewhere on OMB’s website.” (*Id.* at p. 7 internal references omitted). OMB also noted possible improvements that it considered:

Further improvements to the FOIA section of OMB’s website can be made to make the OMB website more “citizen-centered.” Such improvements could include revising the FOIA section of OMB’s website to provide a more visitor-friendly organization of OMB documents that are already on OMB’s website, through the use of simple subject matter references that would provide a link to materials in other sections of OMB’s website.

(*Id.*, at p. 7)

Finally, OMB reported in its FOIA Improvement Plan the results of the review of OMB’s website, including its agency’s Reading Room, and the goals and milestones it established following the review:

As recounted above, OMB’s goal is to expand the opportunity for members of the public, including potential FOIA requesters, to obtain publicly-available information on OMB’s website quickly and easily.

To this end, OMB will complete the planned roll-out of ROCIS, which will make PRA-related information available on the Internet (without the need for a person to file a FOIA request) rather than maintaining those records in OMB’s paper-based Records Management System. OMB’s Office of Information and Regulatory Affairs is the OMB office that is responsible for the ROCIS roll-out. The ROCIS roll-out will occur by September 1, 2006.

In addition, OMB will review and update the FOIA section of OMB’s website, including its FOIA Reading Room and FOIA handbook, to reflect the Executive Order and to make it easier for members of the public to identify information on OMB’s website that might be of interest to them. This review will be conducted jointly by the Administration Office and the General Counsel’s Office, in consultation with other OMB offices as appropriate. The review will be conducted, and the website’s FOIA section will be updated, by December 31, 2006. In addition, by this same date, the Administration Office and the General Counsel’s Office will also put into place a process for these offices to review the website’s FOIA section on a periodic basis to identify any updates that are needed or improvements that should be made.

(*Id.*)

In OMB’s 2007 Annual FOIA Report,² OMB reported on its implementation of its FOIA Improvement Plan, including the review of its website and noted that it successfully completed the review and update of its FOIA website:

² Which can be located at: http://www.whitehouse.gov/omb/foia/annual_reports/foia_annual_2007.pdf

In the third area of improvement, OMB has expanded the opportunity for members of the public, including FOIA requesters, to obtain publicly-available government information on OMB's Internet Website quickly and easily. For example, OMB's Office of Information and Privacy, through its ROCIS system has made Paperwork Reduction Act related information available publicly on OMB's website, without the need to file a FOIA request for such information.

(OMB 2007 Annual FOIA Report, at p. 8).

In addition, pursuant to the most recent request that OMB certify that its FOIA Reading Room is compliant with the requirements of FOIA, OMB conducted a subsequent review of its FOIA Reading Room.

As a result of the initial expansive review OMB conducted in the fall of 2006, and as a result of the most recent review OMB conducted of its Electronic Reading Room, OMB provides the following specific responses to the four categories of Reading Room documents:

1. *"final opinions [and] . . . orders" made in the adjudication of cases;*

OMB does not adjudicate cases; therefore OMB's Reading Room does not contain this category of documents.

2. *specific agency policy statements;*

OMB's Electronic Reading Room³ provides a wide variety of agency policy statements. In so doing, OMB provides information organized in an alphabetical manner, but also provides additional information, where appropriate, about the offices within OMB that contain such information, as well as additional links that the public should consider on related subjects. OMB has organized the Electronic Reading Room in this format because OMB believes this format is best suited to allow the public and agencies with the most efficient and easy access to the information.

For example, in OMB's Electronic Reading Room, one of the topics indexed relates to "Grants." In providing several links to Grant information, the Reading Room website also explains that "most of these records would be created by the Office of Federal Financial Management)" and also provides a link to that OMB office. This organization allows the public, who may not be familiar with the Office of Federal Financial Management, to understand its role with respect to Grant information and to obtain additional information about the Office.

In another example, OMB's Electronic Reading Room contains the topic "Legislation." In explaining the materials available that are related to Legislation, the Reading Room provides two related but different links - one regarding "Statements of Administration Policy" and one regarding "Press Releases." The Reading Room website also explains that this material includes "Legislation and what the Administration thinks about legislation."

³ Which can be found at: <http://www.whitehouse.gov/omb/foia/#reading>

OMB's Electronic Reading Room also explains where agencies and the public can access guidance to the agencies. The Reading Room website explains that this information, which is listed under the heading "Guidance to Agencies," can include "OMB Circulars, Memoranda, and Bulletins" and provides links to each of those subcategories of documents.

Finally, the Electronic Reading Room also provides information related to "Statistical Issues" and explains, in addition to providing a link to Statistical Information, explains that "most of these records would be created by the Office of Information and Regulatory Affairs." As with the Office of Federal Financial Management, OMB believes that providing the public with information regarding the primary office within OMB that handles the subject matter (in this case the Office of Information and Regulatory Affairs) allows the public to more easily and efficiently locate information on our website.

3. "administrative staff manuals and instructions to staff that affect a member of the public";

As noted on OMB's website, OMB assists the President in the discharge of his budgetary, management, and other executive responsibilities. Accordingly, OMB does not interact directly with the public as would be the case if an OMB office were responsible for administering a service or benefit program. Therefore, OMB's Reading Room does not contain this category of documents. OMB understands, however, that some OMB documents, such as guidance to the agencies, may nonetheless affect members of the public and, as noted above, those documents are easily accessible in OMB's Electronic Reading Room.

4. records disclosed in response to a FOIA request that "the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records."

OMB's Electronic Reading Room includes a separate section regarding "Other Frequently Requested Documents." In connection with the other documents OMB maintains in its Reading Room, OMB anticipates that the collection includes those documents likely to become the subject of subsequent requests. In addition, OMB's Electronic Reading Room also indicates the location of its public reading room. Finally, OMB will continue to update the documents available on its website, pursuant to its normal course of business, including those available in its Reading Room.

b. Any Reading Room Deficiencies Addressed

As illustrated above, no deficiencies were located and therefore no corrective steps were necessary.

c. Certification

OMB Certifies that OMB's Reading Rooms (3) are in compliance with the requirements of the FOIA.



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Date