



United States Department of State

*Assistant Secretary of State
for Administration*

Washington, D.C. 20520

OCT 30 2008

Ms. Melanie Ann Pustay, Director
Office of Information and Privacy
Department of Justice
1425 New York Avenue, NW, Suite 11050
Washington, D.C. 20530

Dear Ms. Pustay:

In accordance with Section 4(a) of Executive Order 13,392, the Attorney General's third Report to the President includes recommendations for improving agency Freedom of Information Act (FOIA) administration. One of the recommendations directs each agency Chief FOIA Officer to conduct a review of his agency's FOIA "reading room(s)"; to address any deficiencies in reading room content; and then to certify that the reading room is in compliance with the requirements of the FOIA.

The U.S. Department of State completed an internal review of its physical and electronic reading rooms, including the electronic reading room of the Office of the Inspector General. The enclosed document provides details about the nature of the deficiencies identified and the corrective actions taken to resolve the deficiencies. As the Chief FOIA Officer, I certify that the Department has reviewed its reading rooms (conventional and electronic), as well as the electronic reading room of the Department's Office of the Inspector General, and has not identified further deficiencies.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Chellaraj", written in a cursive style.

Rajkumar Chellaraj

Enclosure:

Summary of Deficiencies Addressed and Actions Taken

I. Internal Review of Agency Reading Rooms

In response to the requirement in the Attorney General's third Report to the President pursuant to Executive Order 13,392, the Chief Freedom of Information Act (FOIA) Officer of the U.S. Department of State conducted an internal review of the Department's FOIA Reading Rooms to determine its compliance status with the legal requirements under the FOIA. As directed, the Advocacy and Oversight Branch of the Department's Office of Information Programs and Services conducted a review of the various web sites of the offices and bureaus within the Department to determine if (a)(2) material was properly displayed on the web sites of each corresponding office and bureau. In addition, the offices and bureaus of the Department evaluated whether their web sites contained all of the material required by the (a)(2) provisions of the FOIA.

The following Department FOIA Reading Rooms have been reviewed: the conventional Reading Room, the Electronic Reading Room, and the electronic Reading Room of the Department's Office of Inspector General.

II. Reading Room Deficiencies Addressed

After completing this review, the Department identified several deficiencies and took corrective steps, as described below.

Electronic Reading Room

1. Deficiency Identified – The Department's FOIA web site lacked descriptive language to inform the public about the records that the Department is required to make available for public inspection and copying under the (a)(2) provisions of the FOIA.

Action taken – This language was added to the Electronic Reading Room on the Department's FOIA web site.

2. Deficiency Identified – The Department's FOIA web site lacked organization that allowed for efficient and easy location of the complete collection of the Directorate of Defense Trade Controls' (a)(2) material. The FOIA web site provided a link to only one Charging Letter under Final Opinions and Administrative Rulings in the Electronic Reading Room.

Action Taken – A hyperlink was added to the Bureau of Political-Military Affairs Directorate of Defense Trade Controls (DDTC), providing the public with easier access to materials under (a)(2)(A) of the FOIA, including orders made in the adjudication of cases.

3. Deficiency Identified – The Department’s FOIA web site lacked organization that allowed for efficient and easy location of some of the material that falls under the (a)(2)(B) provisions of the FOIA, including a direct hyperlink to the material on the Office of the Legal Adviser’s web site.

Action Taken – Hyperlinks to the Organizational List of Bureaus and Offices and the Digest of International Law were added for easier access to material affirmatively disclosed by the bureaus and offices within the Department of State, including the Office of the Legal Adviser.

4. Deficiency Identified – Several documents were identified by the Office of the Legal Adviser that arguably fall under subsection (a)(2)(C) of the FOIA but were not on the Department’s web site.

Action Taken – That office has posted those documents in the proper place on its web site.

Conventional Reading Room

4. Deficiency Identified – The organization within the Department’s conventional Reading Room did not allow for efficient access to subsection (a)(2) records.

Action Taken – The Department’s subsection (a)(2) records were separated from the reference materials to allow for more efficient access. Signs were placed in the room to identify the different types of materials.

5. Deficiency Identified – The conventional Reading Room did not have a complete collection of paper copies of all subsection (a)(2) documents since the material is maintained online in the Electronic Reading Room.

Action Taken – The Department is in the process of establishing computer access that will be available for public use to access all subsection (a)(2) documents created by the Department on or after November 1, 1996. To remain in compliance with DOJ's requirements, Reading Room customers who seek online information will be escorted to the Ralph Bunche Library at the HST Building to use available computers.

6. Deficiency Identified – The microfiche collection of records created prior to November 1, 1996 in response to FOIA requests and special projects was not organized and properly indexed.

Action Taken – The microfiche collection of records was reviewed, organized, and the index was edited and updated to help users locate information more easily.