



**United States Department of Justice**  
*Office of Information Policy*

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# **Chief FOIA Officer Reports**

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## President Obama's FOIA Memorandum

- Directed all agencies to administer the FOIA with a clear presumption in favor of disclosure, to resolve doubts in favor of openness, and to not withhold information based on “speculative or abstract fears.”

## President Obama's FOIA Memorandum

- Called on agencies to ensure that requests are responded to in “a spirit of cooperation,” that disclosures are made timely, and that modern technology is used to make information available to the public even before a request is made.

# Attorney General Holder's FOIA Guidelines

- Addressed principles applicable to applying the presumption of openness.
- Encouraged agencies:
  - to make discretionary disclosures of information,
  - to not withhold information simply because they may do so legally, and
  - to consider making partial disclosures.

# Attorney General Holder's FOIA Guidelines

- Comprehensively addressed the need for each agency to establish effective systems for improving transparency.

## Attorney General Holder's FOIA Guidelines

- Emphasized that “[e]ach agency must be fully accountable for its administration of the FOIA.”

## Agency Accountability

- Attorney General Holder highlighted the key role of each agency's Chief FOIA Officer.
- Emphasized that “[i]mproving FOIA performance requires the[ir] active participation.”

## Agency Accountability

- Directed agency Chief FOIA Officers:
  - to review “all aspects of their agencies’ FOIA administration,”
  - report on the steps taken “to improve FOIA operations and facilitate information disclosure.”



## Content of Chief FOIA Officer Reports

- Part I: Steps Taken to Apply the Presumption of Openness
- Part II: Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests
- Part III: Steps Taken to Increase Proactive Disclosures
- Part IV: Steps Taken to Greater Utilize Technology
- Part V: Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

## Part I: Steps Taken to Apply the Presumption of Openness

*“As President Obama instructed in his January 21 FOIA Memorandum, ‘The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails.’”*

1. Describe the steps your agency has taken to ensure that the presumption is being applied to all decisions involving the FOIA.
  - Steps Taken
  - Statistics/Examples

## Part I: Steps Taken to Apply the Presumption of Openness

2. Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

## Part II: Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

*“Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests.”*

- Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient.
  - This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

## Part III: Steps Taken to Increase Proactive Disclosure

*“[A]gencies should readily and systematically post information online in advance of any public requests.”*

- Describe here the steps your agency has taken to increase the amount of material that is available on your agency’s website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

## Part IV: Steps Taken to Greater Utilize Technology

*“[U]se modern technology to inform citizens about what is known and done by their Government.”*

Please answer the following questions:

A. Electronic receipt of requests:

1. Does your agency currently receive requests electronically?
2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

## Part IV: Steps Taken to Greater Utilize Technology

### B. Electronic tracking of requests:

3. Does your agency track requests electronically?
4. If not, what are the current impediments to your agency utilizing a system to track electronically?

## Part IV: Steps Taken to Greater Utilize Technology

### C. Electronic processing of requests:

5. Does your agency use technology to process requests?
6. If not, what are the current impediments to your agency utilizing technology to process requests?



## Part IV: Steps Taken to Greater Utilize Technology

### D. Electronic Preparation of Annual FOIA Report:

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?
8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

## Part V: Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

*“Timely disclosure of information is an essential component of transparency.”*

Improvements to timeliness in responding to pending FOIA requests and reductions in backlogs is an ongoing agency effort.

Section XII of your Annual FOIA Report includes figures that show your agency’s backlog of pending requests and administrative appeals for the previous fiscal year and for this current fiscal year.

## Part V: Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

- If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:
  1. Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
  2. Age of those requests and appeals.

## **Part V: Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests**

- If there has not been a reduction in the backlog, describe why that has occurred and what steps your agency is taking to bring about a reduction.

## **Part V: Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests**

- Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

## Timing for Submission of Chief FOIA Officer Reports

- Each agency must submit a draft of their Chief FOIA Officer Report to OIP for review by March 1, 2010. These drafts should be submitted by e-mail to [DOJ.OIP.FOIA@usdoj.gov](mailto:DOJ.OIP.FOIA@usdoj.gov).
- Each agency Chief FOIA Officer must then submit a finalized Chief FOIA Officer Report to DOJ by March 15, 2010, to the same e-mail address.
- Each agency should post its Chief FOIA Officer Report on its website.