



THE SECRETARY OF THE INTERIOR
WASHINGTON
JUL 02 2009

Memorandum

To: All DOI Employees
From: Secretary *Ken Salazar*
Subject: Freedom of Information Act Policy Guidance

During his first full day in office, President Obama issued a memorandum on the Freedom of Information Act (FOIA) calling it, "the most prominent expression of a profound national commitment to ensuring an open Government." The President called upon the Attorney General to promulgate new FOIA guidelines that reaffirm our commitment to accountability and transparency.

The Attorney General subsequently issued new FOIA guidelines on March 19, 2009, addressing:

- The presumption of openness that the President called for in his January 21, 2009, memorandum;
- The establishment of a new standard for defending agencies in FOIA cases (the foreseeable harm standard);
- The necessity for agencies to create and maintain an effective system for responding to requests; and
- The necessity for agencies to make information available proactively via the internet in order to achieve transparency and the "new era of open Government" that the President envisions.

The President's memorandum and the Attorney General's guidelines do not change the requirements of the statute, but rather how we think about the FOIA. The Attorney General emphasizes that agencies should adopt a presumption in favor of disclosure when making FOIA decisions. The Department will only withhold information when we reasonably can foresee that its release would harm an interest protected by a FOIA exemption (e.g., our national security or the privacy interests of individuals) or when disclosure is prohibited by statute. The President's and Attorney General's messages extend beyond the boundaries of the FOIA. They call upon agencies to aggressively increase proactive disclosures of information that is of interest to the public, thus vastly increasing information that is available on the internet. Our goal is to increase transparency.

In recognition of the vital role that the FOIA plays in our democracy in providing a means of accountability through transparency, these guidelines stress the need for all Executive Branch employees to be responsible for effective FOIA administration. Each of us must commit to

making responses to FOIA requests a priority in order to fulfill both the letter and the spirit of the law, including processing requests in a timely and complete manner in accordance with the requirements of the FOIA and the Department's FOIA regulation (43 CFR, Part 2). I am calling upon all employees to work collaboratively with the FOIA Office, Bureau/Office FOIA Officers, and the Office of Communications in this new era of open Government.

Please take a few minutes to review the President's and Attorney General's memoranda, which can be found on the Department's FOIA website's *FOIA Policy and Guidance* page at <http://www.doi.gov/foia/policy.html>.

If you have further questions regarding this memorandum or the Department's FOIA policy, please contact Ms. Alexandra Mallus, DOI FOIA Officer, at (202) 208-5342 or Ms. Rosemary Melendy, Senior FOIA Program Officer, at (202) 208-5412.