



United States Department of Justice

Office of Information Policy

Effective FOIA Administration

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In accordance with President Obama's FOIA Memorandum and Attorney General Holder's FOIA Guidelines agencies are directed to administer the FOIA with a Clear Presumption of Disclosure.

**Information should not be withheld
just because it technically falls
within an exemption.**

**Discretionary disclosures
are strongly encouraged.**

President Obama's Goal:

**To make this the most
transparent Administration
in history.**

As Attorney General Holder emphasized:

“Application of the proper disclosure standard is only one part of ensuring transparency.”

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

**President Obama
directed agencies to
“act promptly and in a
spirit of cooperation.”**

**Agency officials must
recognize that they
“are servants of the
public.”**

**Key aspect of effective
FOIA administration is
open and frequent
communication with
FOIA requesters.**

**Common concern raised
by the FOIA requester
community is the lack
of good communication
with agencies.**

**OIP has issued
guidance on the
importance of ensuring
good communication
with FOIA requesters.**

Four key elements addressed in OIP's guidance:

- **Contact information**
- **Scope and status of request**
- **Interim releases**
- **Limiting "still interested" inquiries**

First, all requesters must be provided with the name and phone number of the FOIA professional handling their request.

**This is a fundamental
courtesy which must be
extended to all FOIA
requesters.**

Second, agencies should discuss scope and status of the request with the requester.

As to status, the FOIA statute requires agencies to establish a telephone line or internet service to provide status information to requesters for any request that will take longer than ten days to process.

**Such requests must be
assigned a tracking
number.**

Requesters must be able to use the tracking number to inquire about the status of the request.

Status information should include the receipt date of the request as well as an estimated date for completion.

**Communication as to
the scope of the
request can often be
very beneficial.**

**Constructive dialogue
with requester will
ensure that both
parties understand
what records are being
requested.**

**Constructive dialogue
will also allow
collaboration between
agency and requester
on search to be
employed.**

**Third, interim responses
should be made as
processing proceeds.**

**Fourth, “still interested”
letters or calls should be
limited.**

**Such inquiries should
not be made more than
once.**

**Agencies should provide
sufficient time for
requester to respond
and should make it easy
to do so.**

Improving Timeliness

- **The greatest concern shared by both requesters and agencies alike is the length of time it takes to process requests.**

Improving Timeliness (con't)

- Requesters want and expect their requests to be processed timely as required by statute.
- Agencies want to process requests timely to avoid excessive backlogs.

There are typically three key areas that impact timeliness:

- **Scope of the Request**
- **Record Searches**
- **Consultation Process**

Scope of the Request

- **Upon receipt of request, contact requester to discuss the scope of the request.**
- **Work collaboratively with requester to determine responsiveness issues and to develop processing approach.**

Scope of the Request (con't)

- **Advise requester of time required to fulfill a request that requires extensive searches.**
- **Provide requester with opportunity to narrow the scope of the request or agree to an alternative time frame for processing.**

Searching For Responsive Records

- **Inform requester of search methods and parameters.**
- **Advise requester of time required for various search methods and collaborate on best approaches.**

Searching for Responsive Records (con't)

- **When appropriate, collaborate with requester to determine search terms for electronic searches.**
- **Inform requester of potential search fees.**

Consultations With Other Federal Entities

- **If consultations are required, inform requester of time involved in this process.**

Consultations With Other Federal Entities (con't)

- **Utilize technology to develop methods to enable fast-track consultations.**

Consultations With Other Federal Entities (con't)

- **Establish agreements, when possible, to streamline consultation process.**

**FOIA professionals serve
as the first and primary
agency contact for
FOIA requesters.**

Good communication skills are essential to their work.

The FOIA also requires agencies to designate FOIA Public Liaisons who play a critical role in the FOIA process.

FOIA Public Liaisons

- **Report to agency Chief FOIA Officers.**
- **Serve as supervisory officials to FOIA Requester Service Center personnel to whom requesters can raise concerns about the services received from the Service Center.**

Statutory Duties of FOIA Public Liaisons

General Responsibilities:

1. **Assisting in reducing delays,**
2. **Increasing transparency and understanding of the status of requests, and**
3. **Assisting in the resolution of disputes.**

Statutory Duties of FOIA Public Liaisons (con't)

Specific Responsibility:

- **The FOIA provides that when unusual circumstances exist, and an agency advises a requester that the request cannot be processed within the FOIA's time limits, the requester must be given an opportunity to limit the scope of the request or to arrange an alternate time frame for processing.**
- **To aid the requester in such circumstances, agencies must make their FOIA Public Liaisons available to assist in the resolution of any disputes between the requester and the agency.**

**Good communication is
essential to FOIA
process.**

By ensuring open and frequent communication with requesters disputes will be avoided.

By ensuring open and frequent communication with requesters the process of responding to requests can be simplified and clarified.

By ensuring open and frequent communication with requesters agencies will be demonstrating the “spirit of cooperation” that the President and Attorney General called for.