



U.S. Department of Justice

Office of Information Policy

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March 28, 2011

DESCRIPTION OF DEPARTMENT OF JUSTICE EFFORTS TO ENCOURAGE AGENCY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT

During 2010, the Department of Justice, through its Office of Information Policy (OIP), engaged in a wide range of activities to meet the Department's responsibility to encourage agency compliance throughout the Executive Branch with the Freedom of Information Act (FOIA), 5 U.S.C. § 552 (2006 & Supp. III 2009). Significantly, OIP provided comprehensive guidance and training to all agencies concerning the continued implementation of President Obama's FOIA Memorandum and Attorney General Holder's FOIA Guidelines issued, respectively, on January 21, 2009 and March 19, 2009. See 74 Fed. Reg. 4683 (Jan. 21, 2009); 74 Fed. Reg. 51879 (Oct. 8, 2009). These Memoranda call for federal executive departments and agencies to administer the FOIA with a presumption of openness in order to achieve an unprecedented level of transparency in the work of the Executive Branch. Also during 2010, OIP managed the submission of the first agency Chief FOIA Officer Reports, which were required by the Attorney General's FOIA Guidelines. After their submission, OIP issued a comprehensive summary of the concrete steps agencies had taken to implement the new guidelines. Based on those findings, OIP issued guidance to agencies to help them achieve even greater transparency in the years ahead. A summary description of OIP's efforts to encourage agency compliance with the FOIA, which is required by subsection (e)(6) of the FOIA, 5 U.S.C. § 552(e)(6), is set forth below.

"In our democracy, the Freedom of Information Act (FOIA), which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government."

-President Barack Obama

Policy Guidance

The primary means by which the Department of Justice encourages compliance with the FOIA is through the issuance of policy guidance designed to ensure that the Act is being properly implemented across the government. During 2010, OIP continued to provide comprehensive guidance to federal agencies, addressing a wide range of issues related to the call for increased transparency set forth in the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. This policy guidance was provided in writing and made available to agencies and the public alike on OIP's website in our electronic newsletter entitled *FOIA Post*. In addition to issuing guidance, during 2010, OIP worked directly with agencies and held



multiple agencywide conferences to discuss the continued implementation of the Administration's FOIA Memoranda and related policy guidance.

Chief FOIA Officer Reports

As noted above, on January 21, 2009, President Obama signed the "Presidential Memorandum for the Heads of Executive Departments and Agencies on the Freedom of Information Act," which established a new policy for Executive Branch departments and agencies concerning disclosure and transparency. The President 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." In addition, the President called on agencies to ensure that requests are responded to with "a spirit of cooperation," that disclosures are timely, and that modern technology is used to make information available to the public even before a request is made.

On March 19, 2009, during Sunshine Week, the Attorney General issued comprehensive new [FOIA Guidelines](#). These Guidelines stressed that the FOIA should be administered with the presumption of openness called for by the President. They also emphasized the necessity for agencies to create and maintain an effective system for responding to requests. Additionally, the Attorney General directed agencies to not withhold records simply because a FOIA exemption may technically apply. He encouraged agencies to make discretionary disclosures of information whenever possible. Furthermore, the Attorney General stated that, where full disclosure of a record is not possible, agencies should consider whether a partial disclosure can be made.

Significantly, the Attorney General established a new standard for defending agency decisions to withhold information, stating that when a FOIA request is denied, agencies will now be defended "only if (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the statutory exemptions, or (2) disclosure is prohibited by law." Finally, the FOIA Guidelines called on agency Chief FOIA Officers to review their agencies' FOIA administration annually and to report to the Department of Justice on the steps taken to achieve improved transparency.

March 2010 marked the first time that agencies submitted to OIP their Chief FOIA Officer Reports describing the steps taken to improve their FOIA operations and facilitate information disclosure. OIP had issued guidelines to agencies in the Fall of 2009 on the content and format of agency Chief FOIA Officer Reports. All ninety-four agency Chief FOIA Officer Reports were then submitted to OIP for review in early 2010. OIP conducted a comprehensive review of all the Reports to ensure compliance with OIP's reporting guidelines, working with agencies to resolve any deficiencies in their Reports prior to clearing them for posting. During Sunshine Week of 2010, as the Chief FOIA Officer Reports were being posted, OIP compiled and posted on its website a list of [FOIA success stories](#) illustrating significant steps all twenty-five key agencies had taken to increase transparency. OIP then conducted an extensive review and analysis of the Chief FOIA Officer Reports, and in July 2010



OIP issued a comprehensive summary of them. OIP's summary described the wide variety of steps agencies had taken to improve their FOIA performance and increase transparency. OIP also made findings based on its review, illustrating the correlation between various agency practices and improved transparency. Based on those findings, OIP issued [guidance](#) to agencies on the steps they could take to help them achieve even greater transparency in the years ahead.

Building on the results of its review of agency Chief FOIA Officer Reports, OIP created two agency working groups in the Summer of 2010. The first working group addressed the critical area of FOIA technology and improvements that could be made to FOIA by greater use of such technology. The second working group addressed FOIA Best Practices. At this session, agencies shared successful strategies for facilitating access to records, improving efficiencies, reducing backlogs, and increasing proactive disclosures. Working with agencies, OIP identified and compiled a list of [FOIA Best Practices](#), which is now routinely used at OIP's training courses.

Shortly after convening these two working groups, OIP held a conference on June 30, 2010 with the Department's Chief FOIA Officer, who is also the Associate Attorney General, and other agency Chief FOIA Officers and FOIA professionals to discuss ways to improve compliance with the FOIA. This conference expanded on the lessons learned and experiences shared by agencies at the FOIA technology working group and the Best Practices working group. That same day, OIP posted the conference slides on OIP's website so that all interested agency personnel, as well as the public, could benefit from the discussion.

In November 2010, OIP updated and issued additional written [policy guidance](#) for the Chief FOIA Officer Reports. In his FOIA Guidelines, the Attorney General gave OIP the responsibility of providing guidance to agencies on the content of their Chief FOIA Officer Reports. That guidance, which OIP first issued in September 2009 and later expanded upon in

"The Chief FOIA Officer Reports serve as the means by which each agency will be 'fully accountable' for its FOIA administration. The public deserves to see how we are doing in our responses to requests for information."
-Associate Attorney General Thomas Perrelli

November 2010, required agencies to address five distinct areas. First, each agency was required to describe the steps it had taken to apply the presumption of openness. Second, each agency was required to describe the steps taken to ensure that the agency has an effective and efficient system in place to respond

to requests. Third, agencies were asked to describe their efforts to increase proactive disclosures. Fourth, agencies were surveyed on their use of technology in administering the FOIA. Fifth, agencies were required to provide information about any backlog of requests or appeals and the steps being taken to reduce backlogs and improve timeliness in responding to requests. In November 2010, OIP further refined those requirements for the 2011 Chief FOIA Officer Reports and added a new section for agencies to highlight a success story emblematic of their increased transparency efforts.



Annual FOIA Reports

In 2010, OIP also continued to provide [guidance](#) on the reporting requirements for agencies to use in preparing their Annual FOIA Reports. These reporting requirements included both data elements required to be reported as a result of the OPEN Government Act of 2007, as well as data that OIP determined would be useful to report, such as data on the numbers of backlogged requests and appeals. Additionally, on October 12, 2010, OIP hosted a refresher training session to discuss the reporting requirements for the Fiscal Year 2010 Annual FOIA Reports. That same day, the slides used in the presentation were posted on OIP's website, so that all agency personnel, as well as the public would have access to them.

As was done with Chief FOIA Officer Reports, OIP managed the submission of agency Annual FOIA Reports, first reviewing all ninety-four agency Annual FOIA Reports in draft, then working with the agencies to resolve any issues, and finally clearing the Reports for posting. OIP then created and made available on its website a summary of the key statistics reported by agencies in their Annual FOIA Reports. The [Summary of Agency Annual FOIA Reports](#) discussed the numbers of requests received and processed by agencies, the disposition of the requests, and details concerning the time taken to respond. The Summary also provided details about the numbers of consultations and administrative appeals received and processed, as well as data on backlogs of requests and appeals. Finally, the Summary provided overall figures for the numbers of personnel working on FOIA and the costs to the government. This annual Summary of Annual FOIA Reports is not only useful for agency personnel; open government groups look forward to its issuance each year as well. This Summary provides both agencies and the public with an overall picture of FOIA processing governmentwide.

Significantly, in light of the Open Government Directive which required Annual FOIA Reports to be made available in an "open" format, OIP worked closely with the Department's IT staff to create a tool for agencies to use to convert their Annual FOIA Report into an XML format. This tool ensured that all agency Annual FOIA Reports are in a uniform "open" format and therefore electronically compatible so that the public is able to easily compare data across agencies. The tool also included built-in math checks to assist agencies in compiling their data, thereby resulting in greater accuracy in the Annual FOIA Reports. The Department received positive feedback from agencies regarding the tool and the accompanying guidance for preparing their Annual FOIA Reports.

"Facilitating the public's ability to review and analyze data on FOIA is also a priority for OIP."

-Melanie Ann Pustay
Director of OIP

Improving Communication and Encouraging Cooperation with FOIA Requesters

During 2010, OIP issued [guidance](#) to agencies on the importance of good communication with FOIA requesters and the benefits of working cooperatively with them. OIP identified a number of areas where improved communication with FOIA requesters holds great promise for improving the administration of the FOIA. OIP advised agencies to provide each FOIA



requester with the name and phone number of a contact who could answer questions about the request. OIP also encouraged agencies to discuss the scope and status of a request with the requester to derive a mutually-agreed upon approach for processing the request. Additionally, OIP encouraged agencies to make timely disclosures of information by providing the requester with interim responses and to limit "still-interested" letters and phone calls. All of these steps hold great promise for imbuing the "spirit of cooperation" that the President called for into the FOIA process.

Notifying Requesters of Mediation Services

Finally, OIP issued guidance to agencies concerning the mediation services now offered by the Office of Government Information Services (OGIS), which opened in September 2009 as a result of the OPEN Government Act. While all agencies share the Department's goal of preventing FOIA disputes from arising, to the extent they do arise, mediation is a new alternative to litigation that is available to requesters and agencies as a method to resolve those disputes. OIP's guidance explained how mediation works and provided contact information for OGIS. Moreover, in order to ensure that all requesters know of this service, OIP [advised](#) agencies to include in their final agency responses to requesters a standard paragraph notifying requesters of the mediation services offered by OGIS.

Exemption 3 Statutes

In March 2010, OIP [advised](#) agencies of the amendment to Exemption 3 of the FOIA, brought about by the OPEN FOIA Act of 2009. As a result of that amendment, any statute enacted after October of 2009 must specifically reference Exemption 3 in order to qualify as a withholding statute. Finally, in October 2010, in order to assist agencies both in properly processing FOIA requests, and in preparing their Annual FOIA Reports, OIP updated its chart of statutes that courts have found to qualify as Exemption 3 statutes under the FOIA. OIP posted this [chart](#), which includes a description of the material covered by the statutes and the corresponding case citations, on its website and on *FOIA Post*.

Counseling and Consultations

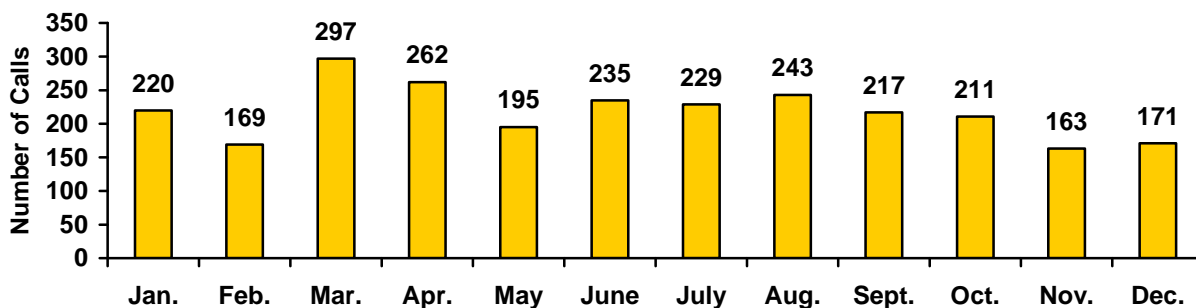
In addition to providing written policy guidance and conducting seminars on such guidance, OIP also provided direct, one-on-one counseling for agency personnel and other interested parties during 2010, as a further means of encouraging agency compliance with the FOIA. OIP's counseling activities were conducted largely over the telephone by experienced OIP attorneys known to FOIA personnel throughout the Executive Branch as "FOIA Counselors." Through this FOIA Counselor service, OIP provided information, advice, and policy guidance to FOIA personnel governmentwide, as well as to other persons with questions regarding the proper interpretation or implementation of the Act. OIP has established a special telephone line to facilitate its FOIA Counselor service -- (202) 514-3642 (514-FOIA) -- which it publicizes widely. While most of this



counseling was conducted by telephone, other options were made available as well. The counseling services provided by OIP during the year are summarized below.

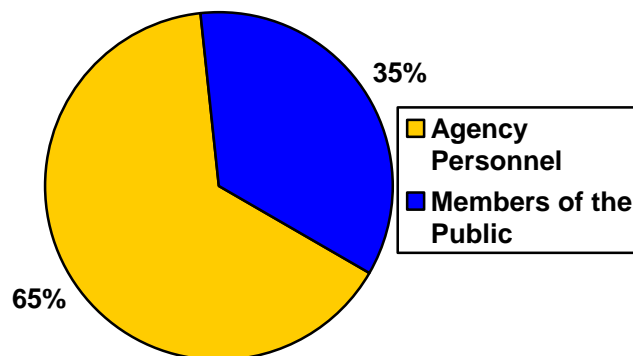
OIP provided FOIA Counselor guidance to agencies on a broad range of FOIA-related subjects, including guidance pertaining to the continued implementation of the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. Most of the FOIA Counselor calls received by OIP involve issues regarding proposed agency responses to initial FOIA requests or administrative appeals, but many are more general anticipatory inquiries regarding agency responsibilities and administrative practices under the Act. The Department of Justice specifies that all agencies intending to deny FOIA requests raising novel issues should consult with OIP to the extent practicable -- see 28 C.F.R. § 0.23a(b) (2010) -- and it has found that such consultations are very valuable in ensuring agency compliance with the Act. More than 2610 requests for guidance were received by OIP through its FOIA Counselor service during 2010.

Calls to the FOIA Counselor by Month in 2010



Approximately one third of the calls received by OIP were from members of the public. Often these individuals contact OIP with questions about how to make a FOIA request or locate a particular document.

Estimated Breakdown of Callers to the FOIA Counselor in 2010





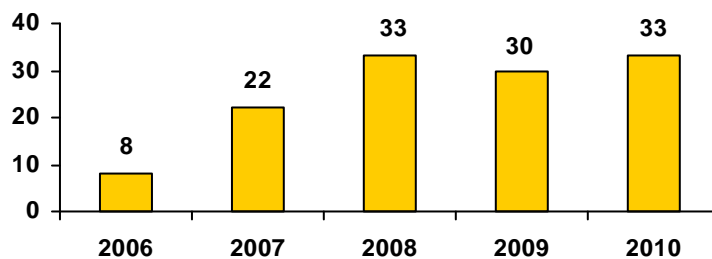
Sometimes a determination is made that a FOIA Counselor inquiry requires more extensive discussion and analysis by OIP attorneys, including supervisory attorneys. On such occasions, OIP often convenes a meeting or teleconference between agency representatives and senior OIP staff at which all factual, legal, and policy issues related to the matter presented are thoroughly discussed and resolved. OIP conducted similar discussions within the Department of Justice as well.

An additional counseling service provided by OIP pertains to FOIA matters in litigation, where advice and guidance are provided at the request of the Department's litigating divisions. This service involves OIP reviewing issues and proposed litigation positions in a case from both legal and policy standpoints. In many such instances, OIP is asked to consult on litigation strategy and in the drafting of briefs to be filed at the district court or appellate court levels. Further, OIP is consulted in all instances in which the Department of Justice must decide whether to pursue a FOIA or FOIA-related issue on appeal. OIP also is regularly consulted on all FOIA cases, and regarding all FOIA-related issues, that are handled by the Office of the Solicitor General. In 2010 and 2011, OIP was involved in the preparation of the three cases involving the FOIA that went before the Supreme Court during its October 2010 term. Also during 2010, OIP was asked to make recommendations concerning the advisability of seeking initial appellate review, rehearing en banc, or petitioning for certiorari in twenty-one FOIA cases.

FOIA Post

In 2010, one of the primary means by which OIP disseminated information concerning the FOIA to government personnel was through [FOIA Post](#). In 2010, the Department of Justice completed its tenth year of publishing *FOIA Post*, an online and cost-efficient replacement for OIP's longtime [FOIA Update](#) newsletter. *FOIA Post* made use of electronic links to reference documents and other sources of information and was in keeping with the Act's emphasis on the disclosure of agency information to the public in a user-friendly format, through use of the internet.

**Number of FOIA Posts
2006 - 2010**





During 2010, OIP disseminated a variety of different items to federal agencies through *FOIA Post*. As described above, all the various OIP guidance articles issued in 2010 were disseminated to agencies – and made available to the public – on *FOIA Post*. OIP also used *FOIA Post* to announce the FOIA Technology and Best Practices working groups that grew out of OIP's review of agency Chief FOIA Officer Reports, as well as to announce the conference for Chief FOIA Officers and FOIA Professions to discuss ways to improve FOIA performance. All other training programs and conferences were likewise publicized on *FOIA Post*.

Summaries of Court Decisions

In addition to substantive and procedural policy guidance concerning the continued implementation of the President's FOIA Memorandum and the Attorney General's FOIA Guidelines, each month OIP posted detailed summaries of every FOIA case decided in the United States, at both the district court and appellate levels. These summaries are made easy to review and cross-reference. For every court decision, OIP highlights each FOIA exemption and procedural or litigation-related issue that was discussed in the opinion. Because court decisions play such an important part in the interpretation of the FOIA and its proper administration, OIP provides these summaries to help ensure that all FOIA professionals have ready and current access to the most recently decided court opinions. In 2010, OIP also used *FOIA Post* to notify the public and FOIA personnel of the three FOIA cases before the Supreme Court during its October 2010 term.

Sunshine Week Activities

Finally, *FOIA Post* was used to announce activities held to commemorate Sunshine Week 2010. To mark the First Anniversary of the Attorney General's FOIA Guidelines, the Department

"I required that we apply a presumption of disclosure to all FOIA requests. Put simply, I asked that we make openness the default, not the exception."

-Attorney General Eric Holder

held a celebration on March 15, 2010, the first day of Sunshine Week. At the celebration, the Attorney General highlighted a number of the FOIA success stories from the prior year and addressed additional transparency initiatives moving forward. OIP also highlighted on *FOIA Post* the Presidential Statement and White House Memorandum on the FOIA that were issued on March 16, 2010. Finally, OIP used *FOIA*

Post to disseminate information concerning the Congressional Hearing on FOIA trends, which was held before the House Oversight and Government Reform Subcommittee on Information Policy, Census, and National Archives on March 18, 2010. OIP's Director testified at the hearing on the steps taken by the Department to implement the President's Memorandum on the FOIA and the Attorney General's FOIA Guidelines.



Additional FOIA Reference Materials

In addition to utilizing *FOIA Post* to timely disseminate policy guidance and other useful information concerning the FOIA, OIP also creates or makes available additional FOIA reference materials for agencies to use.

Department of Justice Guide to the Freedom of Information Act

The preeminent reference document created by OIP is the United States Department of Justice Guide to the Freedom of Information Act. This publication is a legal treatise on the FOIA and is widely relied on by government personnel as well as members of the public. The Guide to the FOIA contains an extensive discussion of the case law interpreting the FOIA's procedural requirements, its exemptions and exclusions, as well as litigation-related issues. The Guide also reflects the President's and Attorney General's Memoranda on the FOIA as well as all the changes made to the FOIA by the OPEN Government Act of 2007. OIP is currently working on a 2011 supplement to the 2009 edition of the Guide to the FOIA, which was prepared by the professional staff of OIP and marks the twenty-second time the Guide has been published.

Throughout 2010, OIP distributed copies of the 2009 edition of the Guide to the FOIA to each federal agency and to other interested parties. It also facilitated the wide distribution of the Guide within the Executive Branch and made it available without cost through the Department of Justice's FOIA training programs. The Guide to the FOIA was also made available to agencies and to the public through the Government Printing Office. Additionally, to afford electronic access and keyword-search capabilities, OIP also placed a copy of the Guide to the FOIA on the Department's FOIA website.

Centralized Access to all Agency Annual FOIA Reports

Agencies are required to compile and submit to the Attorney General an Annual FOIA Report each year in accordance with 5 U.S.C. §552(e)(1). In 2010, for the fourth year in a row, OIP completed and posted, two weeks prior to the statutory deadline, the Department's own Annual FOIA Report. By completing and publicly posting the Department's Annual FOIA Report early, OIP continues to serve as an example to other agencies.

In accordance with another provision of the FOIA, 5 U.S.C. § 552(e)(4), the Department of Justice in 2010 maintained "a single electronic access point" for the consolidated availability of the Annual FOIA Reports of all federal agencies. As mentioned above, as part of its governmentwide guidance responsibilities, each year OIP reviews each agency's Annual FOIA Report prior to it being posted. Once they are finalized, OIP makes all such reports promptly available at its central electronic site. In 2010, OIP continued this practice of reviewing all agencies' Annual FOIA Reports prior to their being posted. It did so in accordance with a [2002 GAO report](#) which encouraged such discretionary OIP review activities and found that they



"have resulted in improvements to both the quality of agencies' annual reports and on-line availability of information." A [follow-up GAO study](#) published in 2004 likewise found improvements in agencies' annual reporting due to OIP's governmentwide review efforts.

In 2010, OIP once again posted all agency Annual FOIA Reports both in a human-readable format and in an "open" format on its centralized Annual FOIA Report website.

Proactive Disclosures

In keeping with the Attorney General's focus on increasing proactive disclosures, OIP proactively posted on its website a variety of information useful to agencies and the public alike.

OIP reorganized its website to include a variety of topical headings. OIP created a new grouping of materials related to the Chief FOIA Officer Reports and posted a compilation of agency success stories. OIP also created a new "Testimony" heading and linked to the testimony the Director of OIP presented at the Congressional Hearing on FOIA Trends held on March 18, 2010. Additionally, OIP created a third new grouping entitled "FOIA

"The President's memorandum instructs agencies to 'use modern technology to inform citizens what is known and done by their Government.' Accordingly, agencies should readily and systematically post information online in advance of any public request."

-Attorney General Eric Holder

Training Opportunities" where OIP provided the schedule and description of the five different training programs on the FOIA it offered in conjunction with the Department's Office of Legal Education for the upcoming year. Under "FOIA Training Materials" OIP continued to post slides used at various 2010 training conferences, including those used at the trainings entitled "Achieving Transparency through Proactive Disclosure," "Effective FOIA Administration," "Overview of the Freedom of Information Act – Procedures," "Chief FOIA Officers Conference," and "Refresher Training on the Guidelines for Preparation of Annual FOIA Reports." Furthermore, under "Exemption 3 Materials" OIP posted the above-referenced updated chart of Exemption 3 statutes approved by the courts. Finally, OIP continued to post online selected documents that have been disclosed, in full or in part, pursuant to the FOIA requests processed by OIP since January 21, 2009.

For additional reference purposes, OIP continued during 2010 to make available on the Department of Justice's FOIA website all issues of its former newsletter [FOIA Update](#), spanning the period 1979–2000, where they are fully accessible electronically and keyword searchable.

FOIA Reference Guide

OIP also continued to maintain on the Department's FOIA website an electronic copy of its [Department of Justice Freedom of Information Act Reference Guide](#), which provides the public with information about how to make a request to the Department, describes how the FOIA process works, and contains descriptions of each of the Department's forty components and the type of records they maintain. OIP revised and updated the [DOJ FOIA Reference Guide](#) in 2010.



FOIA.gov

Throughout 2010, OIP worked closely with the Department's Office of the Chief Information Officer and the Office of Public Affairs on the creation of a new website named FOIA.gov. The website, launched on March 14, 2011, the first day of Sunshine Week 2011, is the Department's newest transparency program and Flagship Initiative under the Department's [Open Government Plan](#). Combining the Department's leadership and policy roles in the FOIA, FOIA.gov shines a light on the operation of the FOIA itself.

The website has two distinct elements. First, it serves as a visual report card of agency FOIA compliance. All of the detailed statistics contained in agency Annual FOIA Reports are displayed graphically. The website makes it possible to search and sort the data so that comparisons between agencies and over time can be made. Reports highlighting key measurements, such as the five agencies that processed the most requests or the five agencies with the oldest pending requests, will be routinely posted. OIP hopes that FOIA.gov will help create an incentive for agencies to improve their FOIA performance. The website also provides a link to each agency's FOIA website, which allows the public to readily located records that are already posted by each agency, including frequently requested records.

In addition to allowing easy access to the wealth of FOIA data contained in agency Annual FOIA Reports, FOIA.gov serves a second and equally important function. It is a place where the public can be educated about how the FOIA works, where to make requests, and what to expect through the FOIA process. Explanatory videos are embedded into the website. There is a section addressing frequently asked questions and a glossary of FOIA terms. A wealth of contact information is given for each agency, including their Chief FOIA Officer and all their FOIA Requester Service Centers and FOIA Public Liaisons. Significant FOIA releases are posted on the site to give the public examples of the types of records made available through the law.



The Department envisions that this website will be a one-stop shop both for reviewing agency compliance with the FOIA and for learning about how the FOIA process works. OIP will continually add features and updates to the website. OIP welcomes comments from both the public and from agencies on ways to enhance the site and has established feedback avenues directly on the site for that purpose.

Training, Public Presentations, and Briefings

As yet another method for encouraging compliance with the FOIA, OIP held a variety of training programs throughout the year. During 2010, OIP furnished speakers and workshop instructors for a variety of seminars, conferences, individual agency training sessions, and similar programs conducted to promote the proper administration of the FOIA within the



Executive Branch, including continued training on the President's and Attorney General's FOIA Memoranda. OIP also made presentations designed to foster a greater understanding of the Act's administration outside the Executive Branch, including internationally.

In conjunction with the Department of Justice's National Advocacy Center, OIP conducted a full range of FOIA-training programs in 2010, ranging from half-day introductory sessions for non-FOIA personnel to advanced programs for highly experienced FOIA personnel. OIP's basic two-day training course, entitled "The Freedom of Information Act for Attorneys and Access Professionals," was conducted four times in Washington, D.C., and once in San Francisco, California. The "Introduction to the FOIA" course was held two times.

In 2010, OIP also held a session of its "Advanced Freedom of Information Act Seminar." This seminar provides advanced instruction on selected substantive and procedural topics under the FOIA, including up-to-date policy guidance. For 2010, this seminar included sessions on the FOIA Guidelines, requirements for Annual FOIA Reports, recent FOIA decisions, and administrative and litigation considerations.

Also in 2010, OIP held two sessions of its "FOIA Litigation Seminar." This seminar, designed for agency attorneys and FOIA personnel, focused on the issues that arise when FOIA requests become the subject of litigation. The course provided guidance on successful litigation strategy and addressed, among other topics, "Open America" stays and the preparation of Vaughn indices and declarations.

OIP also held a training session on dispute resolution skills for FOIA Public Liaisons, which it co-sponsored with OGIS. OIP and OGIS teamed with mediation specialists at the Federal Energy Regulatory Commission to provide a program for FOIA Public Liaisons that built on the communication techniques utilized by dispute resolution specialists.

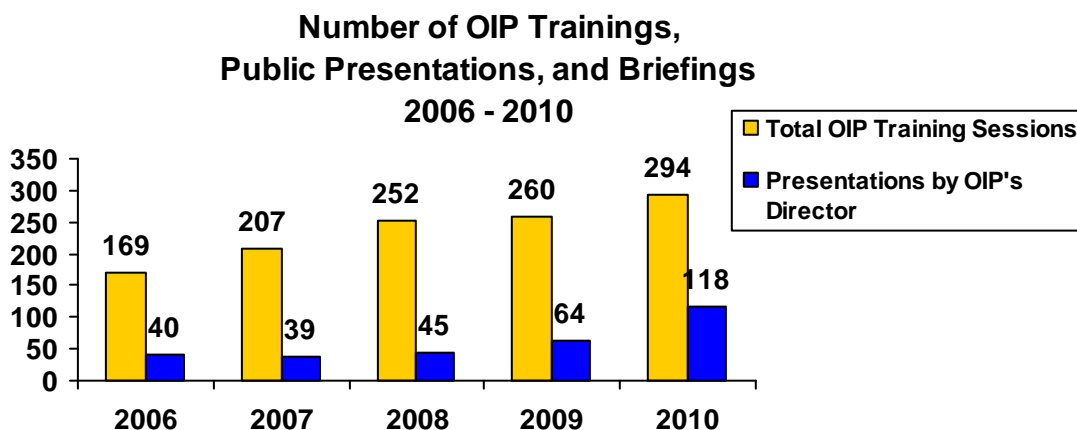
Twenty-three professional staff members from OIP gave a total of 294 training presentations during the year, including several training sessions designed to meet the specific FOIA-training needs of individual agencies. Such individualized training sessions were conducted for the Departments of Defense, Health and Human Services, Homeland Security, the Interior, Labor, Navy, State, and the Treasury, as well as the Federal Maritime Commission, Merit Systems Protection Board, Office of Personnel Management, Small Business Administration, Social Security Administration, and United States Postal Service. In addition, OIP provided training for components of the Department of Justice.

Furthermore, OIP reached out to the requester community and members of the public. OIP professionals gave training presentations at seminars hosted by the American Society for Access Professionals, an association which included members of the FOIA requester community. Additionally, OIP hosted its second FOIA Requester Roundtable in December 2010. This roundtable discussion was hosted by OIP and was open to any interested member of the FOIA requester community. This event served as an opportunity for FOIA requesters and OIP's FOIA professionals to exchange ideas to improve FOIA administration.



During 2010, the Director of OIP gave a total of 118 presentations at a variety of FOIA-training programs and other forums. In addition to the training programs described above, the Director met with a number of representatives from foreign countries interested in learning about the U.S. experience with open government, particularly in light of the Administration's new FOIA Memoranda.

The number of trainings and briefings provided by OIP has steadily increased over the past few years, with the Director providing nearly twice as many trainings, presentations, and briefings in 2010 than she did in 2009.



Inter- and Intra-agency Coordination Activities

During 2010, OIP conducted numerous reviews of draft or preliminary legislative proposals relating to the FOIA or to information policy more generally. As a result of this review, OIP made recommendations in many instances, most frequently in connection with the technical sufficiency of proposed statutory nondisclosure provisions intended to serve as Exemption 3 statutes under the Act. OIP likewise identified issues and suggested revisions to language contained in proposed legislative testimony and other legislative submissions made by agencies on FOIA-related issues as well.

Congressional and Public Inquiries

In 2010, OIP responded to nineteen congressional inquiries pertaining to FOIA-related matters. OIP also handled seventeen matters from members of the public who had concerns about how their FOIA request was handled or how the FOIA was being administered at an agency. In response to those complaints, OIP discussed the issues with the agency involved and, whenever appropriate, made recommendations on the steps needed to address the concern.



Report on any Notification to the Special Counsel

During 2010, the United States courts made no written findings pursuant to 5 U.S.C. § 552(a)(4)(F)(i). Accordingly, no notification of the Special Counsel was necessary.