



OGIS Issue Assessment: Methods Agencies Use to Prepare Documents for Posting on Agency Freedom of Information Act (FOIA) Websites

Considerations for Posting Documents	Best Practices
<p>Step 1: Determining What to Post (<i>Best Practices 1 – 3</i>)</p>	<p>Best Practice 1: Prioritize for proactive posting the 11 types of records identified by the 2016-2018 FOIA Advisory Committee, including reports and testimony submitted to Congress, an agency organizational chart, and calendars of top officials.</p> <p>Best Practice 2: Follow strategies for identifying and prioritizing three broad categories of records for proactive disclosure identified by the 2016-2018 FOIA Advisory Committee: records that memorialize agency actions; records that provide data collected or maintained by the government that aid in the public’s understanding; and records that are frequently requested.</p> <p>Best Practice 3: Keep abreast of issues in the news that are likely to lead to requests.</p>
<p>Step 2: Preparing Documents for Posting (<i>Best Practices 4 – 8</i>)</p>	<p>Best Practice 4: Partner with agency IT professionals to streamline the process for posting documents.</p> <p>Best Practice 5: Designate an IT employee to work with the FOIA office.</p> <p>Best Practice 6: Conduct an “undue burden” analysis by balancing Section 508 and FOIA statutory obligations, while keeping in mind that the Rehabilitation Act allows agencies to release electronic documents that are not Section 508-compliant if rendering them compliant would “impose an undue burden” on the agency. (<i>The 2016-2018 term of the FOIA Advisory Committee recommended this as a Best Practice.</i>)</p>

Considerations for Posting Documents	Best Practices
	<p>Best Practice 7: Ensure that FOIA websites and electronic reading rooms include accessible contact information that individuals with disabilities can use if they encounter inaccessible documents. <i>(The 2016-2018 term of the FOIA Advisory Committee recommended this as a Best Practice.)</i></p> <p>Best Practice 8: Make an effort to provide a Section 508-compliant index or catalog of existing records along with a simple and streamlined process for persons with disabilities to request particular records in the index or catalog in accessible formats. <i>(The 2016-2018 term of the FOIA Advisory Committee recommended this as a Best Practice.)</i></p>
<p>Step 3: Following Posting <i>(Best Practices 9 – 10)</i></p>	<p>Best Practice 9: Regularly check and update FOIA libraries and fix broken links.</p> <p>Best Practice 10: Work with records managers to understand the agency’s records retention schedules to help determine the lifecycle of documents in libraries and reading rooms.</p>
<p>Step 4: Communicating with Requesters <i>(Best Practices 11 – 12)</i></p>	<p>Best Practice 11: Consider ways in which the agency can better communicate with FOIA requesters about additions to the agency FOIA library/reading room.</p> <p>Best practice 12: Ensure that FOIA websites and FOIA handbooks direct requesters to check FOIA libraries for documents <i>before</i> filing requests.</p>
<p>Step 5: Reviewing FOIA Library <i>(Best Practices 13 – 15)</i></p>	<p>Best Practice 13: Discuss and define success measures for the agency’s FOIA library/reading room to establish goals and objectives.</p> <p>Best Practice 14: Use data and user feedback to optimize usability of FOIA libraries/reading rooms.</p> <p>Best Practice 15: Partner with the agency’s web team to conduct User Experience (UX) analysis.</p>

Considerations for Posting Documents	Best Practices
<p>Incorporating Federal Data Strategy (<i>Best Practices 16 – 18</i>)</p>	<p>Best Practice 16: Collaborate with the agency’s Chief Data Officer to ensure that they understand the importance of FOIA.</p> <p>Best Practice 17: Leverage the agency’s centralized data office.</p> <p>Best Practice 18: Provide on agency websites an inventory of agency data and the method of organizing the data [in accordance with the Office of Management and Budget (OMB) Supplemental Guidance on the Implementation of OMB Memorandum M-13-13 “Open Data Policy – Managing Information as an Asset”] to increase the likelihood of specific, narrow, and tailored requests. (<i>The 2016-2018 term of the FOIA Advisory Committee recommended this as a Best Practice.</i>)</p>

What OGIS Reviewed
<p>In response to a recommendation from the 2016-2018 term of the FOIA Advisory Committee, the Archivist of the United States tasked OGIS with assessing the methods agencies use to prepare documents for posting on agency FOIA reading rooms. We reviewed:</p> <ul style="list-style-type: none"> ▪ Responses to Questions 27 and 28 of the 2018 Records Management Self-Assessment (RMSA), conducted in 2019, which asked: <i>Does your agency have procedures for preparing documents for posting on FOIA reading rooms?</i> and <i>Who is responsible for preparing documents for posting?</i> ▪ Responses to a subsequent online OGIS survey of 25 selected federal agencies regarding the procedures in place at their respective agencies.

Introduction

As the Freedom of Information Act (FOIA) Ombudsman, the Office of Government Information Services (OGIS) plays a unique role in the FOIA process, identifying and publicizing issues and recommending opportunities for change. FOIA directs OGIS to offer dispute resolution services to requesters and agencies; review agency FOIA policies, procedures, and compliance; and identify procedures and methods for improving compliance.¹

Background

The FOIA Advisory Committee, 20 FOIA experts from inside and outside the government who are appointed by the Archivist of the United States (the Archivist), studies the FOIA landscape governmentwide and advises on improvements to FOIA administration by all 15 Cabinet-level departments and 103 independent agencies. The Committee noted in its 2016-2018 Final Report and Recommendations that “there are millions of pages of documents currently posted on agency FOIA reading rooms” and recommended that the Archivist ask OGIS to “investigate the different methods and processes agencies use to prepare records for posting to FOIA reading rooms and identify possible best practices.”²

As a foundation for this assessment, OGIS teamed with the Chief Records Officer (CRO) for the U.S. Government to ask federal agencies the following questions as part of the CRO’s annual Records Management Self-Assessment (RMSA) for 2018, administered in the spring of 2019:

Q27: Does your agency have procedures for preparing documents for posting on FOIA reading rooms? (Note: The FOIA Improvement Act of 2016 amended Section 3102 of the Federal Records Act, 44 U.S.C., to include a requirement that agencies establish “procedures for identifying records of general interest or use to the public that are appropriate for public disclosure, and for posting such records in a publicly accessible electronic format.” This requirement is now included in 5 U.S.C. § 552(a)(2).)

Q28: Who is responsible for preparing the documents for posting? (Choose all that apply) FOIA staff; Program staff; IT/web staff; Other, please explain; Do not know.

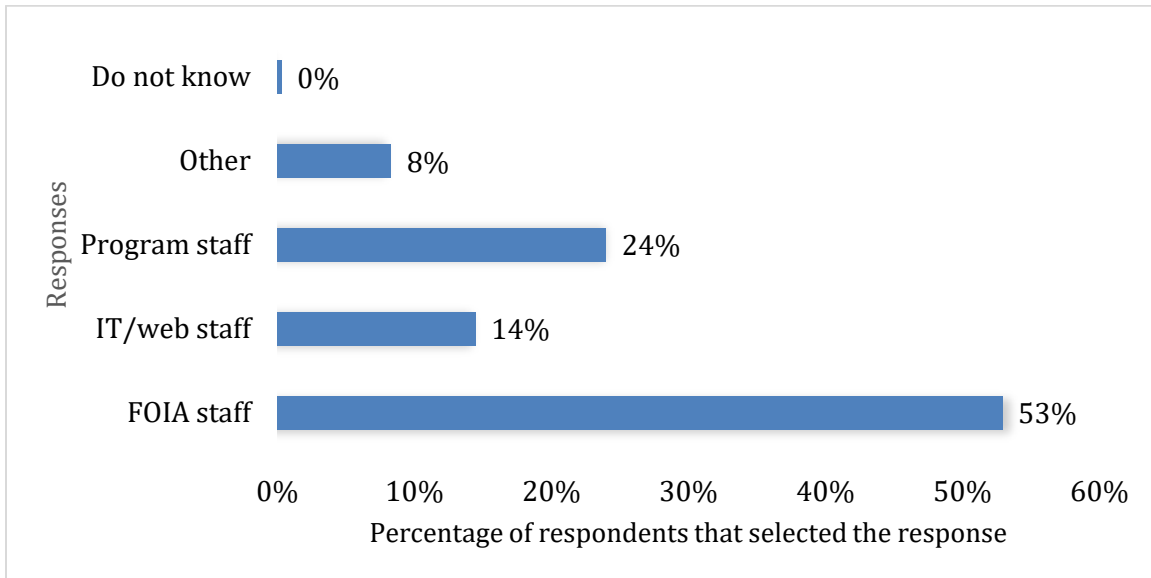
As OGIS reported in February 2020, federal agencies generally comply with FOIA’s mandate to create procedures for posting documents on FOIA reading rooms, with more than 83 percent of

¹ 5 U.S.C. § 552(h)(2).

² 2016-2018 FOIA Advisory Committee, [Report to the Archivist of the United States, Final Report and Recommendations](https://www.archives.gov/files/final-report-and-recommendations-of-2016-2018-foia-advisory-committee.pdf), April 17, 2018, <https://www.archives.gov/files/final-report-and-recommendations-of-2016-2018-foia-advisory-committee.pdf>.

respondents saying that their agencies have such procedures.³ More than half of the time, however, the responsibility for preparing the documents for posting rests with the FOIA staff.

Figure 1: 2018 RMSA Agency Responses to Question 28, “Who is responsible for preparing the documents for posting? (Choose all that apply) FOIA staff; Program staff; IT/web staff; Other, please explain; Do not know.”



Note: The total number of survey responses to this question was 325.

This assessment dives deeper into the 2018 RMSA results to determine methods and procedures executive branch agencies use to prepare documents for posting on agency FOIA reading rooms, also known as FOIA libraries. This assessment also identifies best practices for agencies to reference as they evaluate the use and success of their own libraries.⁴

To better understand the process of making documents available on agency websites, we used the 2018 RMSA results from FOIA programs across the government to identify 25 federal agencies⁵ to contact to learn more about the process and procedures at their respective organizations.

³ Office of Government Information Services, [OGIS Report: Assessing FOIA Compliance through the 2018 National Archives and Records Administration’s Records Management Self-Assessment](https://www.archives.gov/files/ogis/assets/2018-foia-compliance-self-assessment-report.pdf), February 11, 2020, <https://www.archives.gov/files/ogis/assets/2018-foia-compliance-self-assessment-report.pdf>.

⁴ For the purposes of this report, we use the terms reading rooms and libraries interchangeably.

⁵ See the [Methodology](#) section assessment for a list of the agencies contacted for this assessment.

What FOIA Requires

The FOIA Improvement Act of 2016 amended Section 3102 of the Federal Records Act, 44 U.S.C. § 3102, to include a requirement that agencies establish “procedures for identifying records of general interest or use to the public that are appropriate for public disclosure, and for posting such records in a publicly accessible electronic format.” This requirement is now included in 5 U.S.C. § 552(a)(2).

The FOIA statute requires that agencies make available in an electronic format for public inspection certain information, including:

- methods for making requests or obtaining information or decisions;
- final opinions, including concurring and dissenting opinions, as well as orders made adjudicating cases;
- statements of policy and interpretations adopted by the agency but not published in the Federal Register; and
- administrative manuals and staff instructions that affect the public; and records that have been released under FOIA, are likely to be requested or have been requested three or more times (the “Rule of Three.”).⁶

Most agencies satisfy this requirement by posting this information on their FOIA websites.

The Office of Information Policy (OIP), U.S. Department of Justice (DOJ), issued guidance on both proactive disclosures⁷ and agency FOIA websites⁸ in 2015 and 2017, respectively. The FOIA website guidance instructs agencies to ensure that their FOIA homepages direct the public to materials that are already publicly available.

A bulletin issued by the Administrative Conference of the United States (ACUS) in January 2020 outlines the web pages agencies must maintain as well as the information agencies must publish on their websites, including through FOIA.⁹

⁶ U.S. Department of Justice, [The Freedom of Information Act, 5 U.S.C. § 552, as amended by Public Law No. 114-185, 130 Stat. 239](https://www.justice.gov/oip/freedom-information-act-5-usc-552), <https://www.justice.gov/oip/freedom-information-act-5-usc-552>.

⁷ U.S. Department of Justice, [OIP Guidance: Proactive Disclosure of Non-Exempt Agency Information: Making Information Available Without the Need to File a FOIA Request](https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information), posted March 16, 2015, and updated January 11, 2017, https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information.

⁸ U.S. Department of Justice, [OIP Guidance: Agency FOIA Websites 2.0](https://www.justice.gov/oip/oip-guidance/OIP%20Guidance%3A%20%20Agency%20FOIA%20Websites%202.0), posted November 30, 2017, <https://www.justice.gov/oip/oip-guidance/OIP%20Guidance%3A%20%20Agency%20FOIA%20Websites%202.0>.

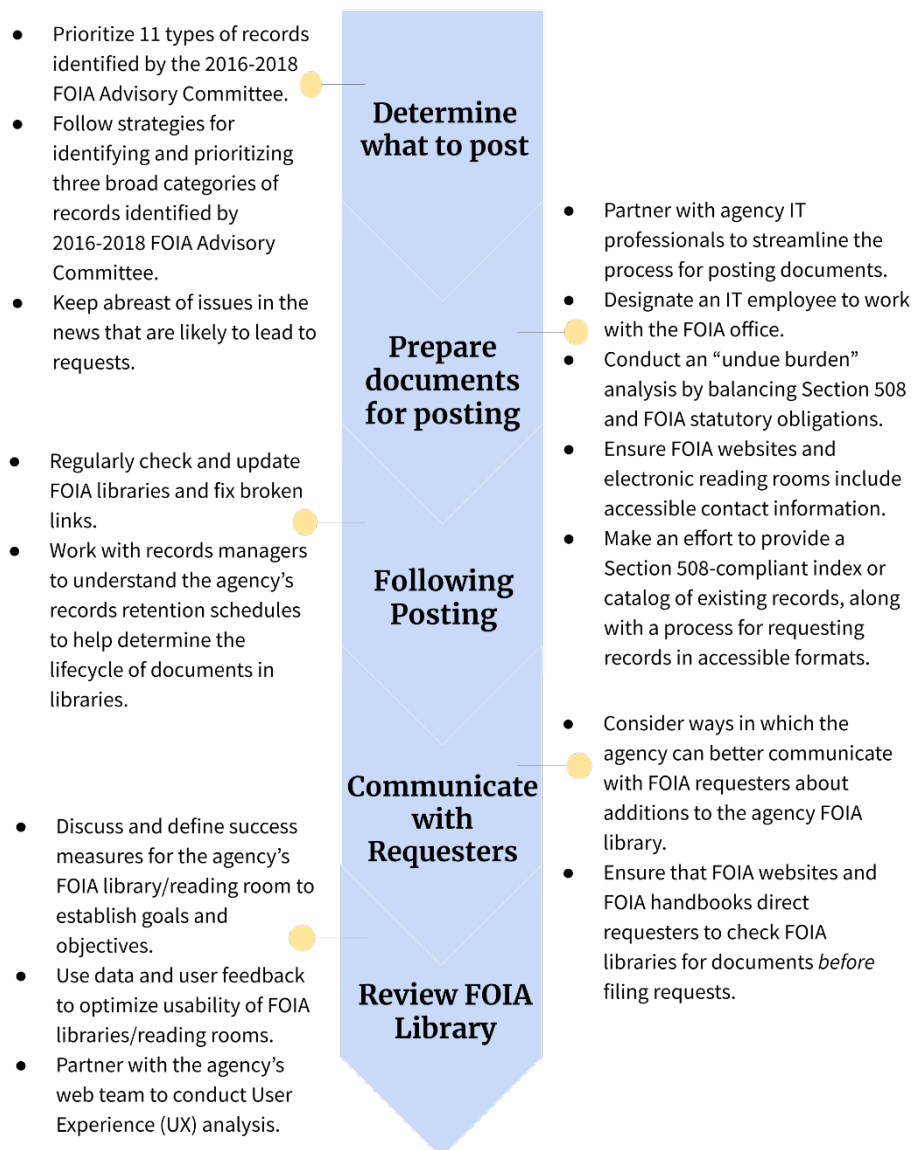
⁹ Administrative Conference of the United States, *Information Interchange Bulletin* No. 002, “[Availability of Information on Agency Websites](https://www.acus.gov/sites/default/files/documents/02%20Availability%20of%20Information%20on%20Agency%20Websites.pdf),” posted January 2020, <https://www.acus.gov/sites/default/files/documents/02%20Availability%20of%20Information%20on%20Agency%20Websites.pdf>

Five-step Process Map

The process for determining *what* documents to post and *how* to prepare documents for posting, varies by agency; however, there is a general process that agencies follow. Posting the documents is not the end of a process, but rather sets the stage for continued monitoring of an agency FOIA library to ensure continued benefit to the public.

This assessment discusses each step of the process and provides examples and best practices for agencies to consider when managing their FOIA libraries.

Figure 2: Process map outlining the steps and considerations agencies use to identify and prepare documents for posting to FOIA libraries.



Step 1: Determining What to Post

Agencies typically use the “Rule of Three” as a starting point to determine which documents to post to FOIA libraries/reading rooms, and often include documents likely to become the subject of multiple requests. OGIS has observed that some agencies determine what to post through trends identified through staff meetings and communications between the FOIA office and program or operational offices, regular review of FOIA logs, and upcoming releases in response to high-profile requests.

Determining which documents are available to post and may be most useful to the public, and anticipating the needs of requesters and stakeholders requires collaborating with various offices within an agency including Communications, General Counsel, Records Management, and the FOIA office.

Posting documents to libraries/reading rooms is essential for FOIA compliance, and helps requesters more efficiently and effectively find the information they need.

The Department of Education FOIA Service Center has included FOIA library website development and enhancements as a recurring item in its strategic plan since 2011. FOIA professionals annually review the library in collaboration with the Department of Education’s web team to identify ways to improve its usefulness, content, style, and appearance. While this remains a recurring strategic action item, the completion of intended developments and enhancements is ongoing.

The 2016-2018 term of the FOIA Advisory Committee offered in its Final Report and Recommendations 11 types of records to prioritize for proactive posting, as well as best practices for identifying categories of records for proactive disclosure.¹⁰ The Committee urged posting of

1. Records frequently requested under FOIA
2. Agency FOIA logs
3. Materials that are related to the operation and establishment of federal advisory committees
4. Unclassified agency reports and testimony submitted to Congress
5. An agency organizational chart and a directory listing contact information for all offices
6. Proposed agency records schedules
7. Statements of administration policy and enrolled bill memoranda submitted to the Office of Management and Budget
8. Records pertaining to lobbying such as Form SF-LLL, Disclosure of Lobbying Activities

¹⁰ 2016-2018 FOIA Advisory Committee, [Report to the Archivist of the United States, Final Report and Recommendations](#).

9. Calendars of top officials (*e.g.*, Secretary, Deputy Secretary, Assistant Secretary, and other agency heads) within one month, subject to privacy and security redactions
10. The agency's top 10 contracts, task orders, and grants, as measured by dollar value, and all contracts, task orders, and grants that are valued at more than \$100 million
11. Material that has been declassified, to the greatest extent possible

The 2016-2018 term of the FOIA Advisory Committee offered strategies for identifying and prioritizing three broad categories of records for proactive disclosure: records that memorialize agency actions; records that provide data collected or maintained by the government that aid in the public's understanding; and records that are frequently requested. The Committee's strategies follow.

1. Records that memorialize agency actions, whether formal or informal, and with or without immediate legal effect, taken pursuant to the agency's statutory mandates.
 - Consider whether their routine activities produce memorialization of agency actions, whether or not they are considered to have legal effect, and regardless of their formality. For example, this might include records regarding enforcement activities such as inspection reports, warning letters, citations, fines and penalties, or other actions.
 - Consider whether the records can be released in full, or whether redactions are needed. Consider how burdensome any redactions would be. For example, if the redactions would always occur in a particular field of a form, whether the redaction could be routinized or the form could be designed not to include that field in the releasable version or, on the other hand, whether each record would need individualized review.
 - Consider whether releasing the category of records as a proactive disclosure initiative would benefit the public interest in the following ways:
 - Understanding the agency's enforcement activities, choices, policies, and decisions;
 - Exercising their consumer choices to make purchasing and patronage decisions at companies based on full information about the companies' activities; and/or
 - Enabling state and local governments to learn about activities within their jurisdictions.
 - Weigh the benefits to the public against the burden of disclosure, including necessary review and redactions, and make those records available proactively when the public interest outweighs the burden to the agency.

2. Records that provide original government-collected or maintained data that aid in the public's understanding.
 - Examine the categories of records routinely submitted to the agency by private parties. While recognizing that privacy interests and commercial interests pose larger barriers to disclosure of these types of records generally, look for opportunities where, by their nature, the category of records might pose less of these concerns and release could be made proactively.
 - These sorts of records may include records routinely submitted to an agency regarding private parties' compliance with the law, such as routine reports, certifications, or compliance statements, or records concerning scientific data, research results, or academic findings.
 - Endeavor to proactively disclose those categories of records, data, and other submissions that will help the public to understand, for example, the businesses operating in the public sphere, where the public benefit is likely to outweigh the burden on the agency.

3. Categories of records that are frequently requested by the public.
 - Analyze agency FOIA logs at least annually to identify categories of records that are frequently requested. These might be, for example, certain regulatory records such as an inspection report.
 - Attempt to quantify the percentage of the full number of such records in the category that are eventually requested under FOIA.
 - Quantify the percentage of records in the category that are requested under FOIA and are released in full versus those released in part or denied.
 - Consider whether, if a larger percentage of the records are released in full or in part, these records could be designed or created in such a way that they would be releasable upon completion.
 - Undertake to publish the whole category of records when a relatively large portion of the category is eventually requested under FOIA and when either:
 - Minimal redactions are necessary; or
 - When the agency can redesign the documents in the category on the front end so that they are immediately releasable upon creation.

Finally, OIP offers a checklist that recommends several best practices, including,

- during the course of processing requests, flagging records that are common to multiple requests;

- linking FOIA professionals and program offices to help identify records appropriate for posting; and
- establishing procedures in key offices where officials routinely identify in advance, or as records are finalized, those records that are good candidates for posting.¹¹

Best Practice 1: Prioritize for proactive posting the 11 types of records identified by the 2016-2018 FOIA Advisory Committee, including reports and testimony submitted to Congress, an agency organizational chart, and calendars of top officials.

Best Practice 2: Follow strategies for identifying and prioritizing three broad categories of records for proactive disclosure identified by the 2016-2018 FOIA Advisory Committee: records that memorialize agency actions; records that provide data collected or maintained by the government that aid in the public’s understanding; and records that are frequently requested.

Best Practice 3: Keep abreast of issues in the news that are likely to lead to requests.

Step 2: Preparing Documents for Posting

We found that two challenges agencies face when preparing documents for posting are ensuring that the documents include metadata and ensuring that they comply with Section 508 of the Rehabilitation Act of 1973 (Section 508). The challenge of meeting the requirements of FOIA and Section of 508 while facing resource constraints and the limitations of FOIA processing technology may prevent agencies from proactively disclosing large numbers of records.

Specifically, the directive that agencies will post frequently requested records, or indeed all records released under the FOIA three or more times, has been among the most challenging for agencies to implement. While there are tools available to make documents searchable and 508 compliant, we have observed that some agencies are uncertain about what is involved in making documents compliant with the law, and how to ensure existing documents are fully compliant. Agencies often rely on IT or web staff to ensure compliance.

Section 508 requires, among other things, that agencies make all records posted to their websites accessible to people with disabilities unless doing so would pose an “undue burden” on the agencies.¹² Currently, we know of no software used by agencies that fully automates the process of making FOIA-redacted records 508-compliant. Therefore, to make redacted records 508

¹¹ U.S. Department of Justice, [OIP Guidance: Implementation Checklist for OIP Guidance on Proactive Disclosures of Non-Exempt Agency Information](https://www.justice.gov/oip/oip-guidance-6), updated March 19, 2015, <https://www.justice.gov/oip/oip-guidance-6>.

¹² U.S. Access Board, [Rehabilitation Act of 1973 - Section 508 \(Federal Electronic and Information Technology\)](https://www.access-board.gov/law/ra.html#section-508-federal-electronic-and-information-technology), <https://www.access-board.gov/law/ra.html#section-508-federal-electronic-and-information-technology>.

compliant, agency personnel must manually prepare the records for posting after FOIA processing is complete.

Agency redaction software often converts the documents to flat images (such as some PDFs or TIFFs) thereby rendering the document's content inaccessible to 508-required assistive technology. Such flat images strip any existing metadata from documents so as not to inadvertently reveal FOIA-exempt information. In order to be considered 508 accessible, a document must contain an actual text content layer, be properly tagged and have a logical reading order; images must be accompanied with alternative text; and the document must have a specified language.

Metadata, frequently described as data about data, is crucial to helping users retrieve accurate and complete search results for records. Standard metadata fields added to documents include title, author, subject, creation dates, dates of release, from/to information, and keywords related to the document or subject.

Metadata includes the 'hidden text, formatting codes, formulae, and other information associated' with an electronic document.¹³ There are several distinct types of metadata,¹⁴ and documents may be tagged with designated keywords to make documents more easily retrievable and to create online lists or groups of documents related to topical subjects. Metadata elements can vary from record to record, but without metadata or descriptions, documents will not be searchable on agency websites or through general online searches.

OIP guidance advises agencies to use a standard metadata "FOIA tag" when posting documents on online FOIA libraries or reading rooms.¹⁵ The use of this tag has the effect of "creating a centralized way for the public to view all FOIA-related documents on a given topic all at once -- i.e. having access to a government-wide FOIA Library."

¹³ *Aguilar v. Immigration and Customs Enforcement Div. of U.S. Dept. of Homeland Sec.*, 255 F.R.D. 350, 354 (S.D.N.Y. 2008), citing [The Sedona Principles-Second Edition: Best Practices Recommendations and Principles for Addressing Electronic Document Production Cmt. 12a \(Sedona Conference Working Group Series 2007\)](#). [Note: *The Sedona Principles-Second Edition* was superseded by *The Sedona Principles, Third Edition: Best Practices, Recommendations & Principles for Addressing Electronic Document Production*, 19 Sedona Conf. J. 1 (2018).]

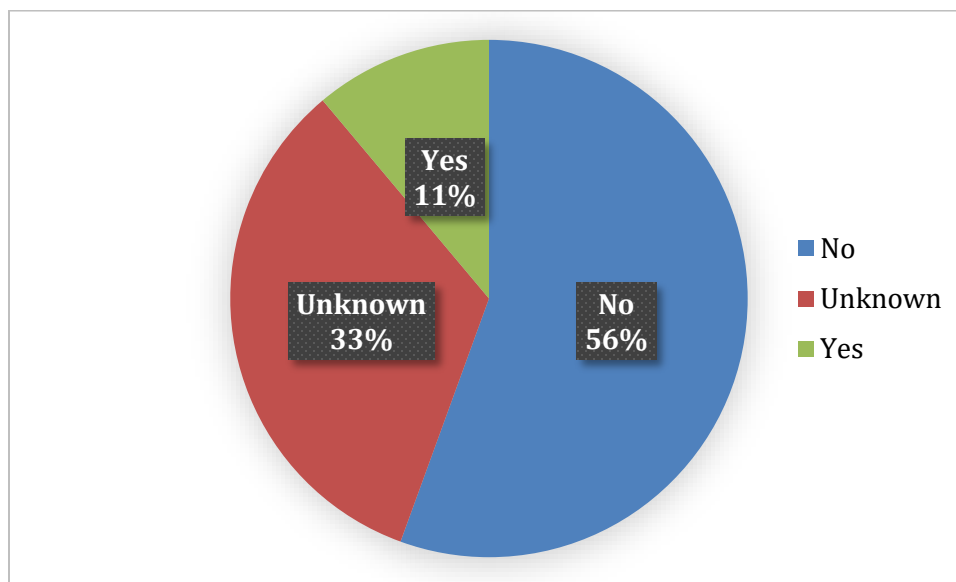
¹⁴ *Id.* at 354, to include "substantive (or application) metadata" (reflecting modifications to a document, such as prior edits or editorial comments, and includes data that instructs the computer how to display the fonts and spacing in a document); "system metadata" (reflecting information created by the user or by the organization's information management system); and "embedded metadata" (consisting of text, numbers, content, data, or other information that is directly or indirectly inputted into a native file; examples include spreadsheet formulas, hidden columns, externally or internally linked files (such as sound files), hyperlinks, references and fields, and database information).

¹⁵ U.S. Department of Justice, [OIP Guidance: Using Metadata in FOIA Documents Posted Online to Lay the Foundation for Building a Government-Wide FOIA Library](#), posted March 12, 2013, <https://www.justice.gov/oip/blog/foia-guidance-11>.

Despite the guidance, only two of the 25 agencies OGIS surveyed for this assessment confirmed the regular use of the “FOIA tag” in their standard metadata. The remaining agencies either do not use this tag in standard practice or do not know if it is used as standard practice.

Nearly half of the 25 agencies OGIS surveyed for this assessment cited 508 compliance as a roadblock to posting documents to electronic FOIA libraries/reading rooms. Many agencies report that making a large document 508-accessible can be particularly challenging, especially when the document contains a spreadsheet, handwritten material, pictures, tables, or redactions. Prior to posting, agencies must add metadata back into the document to describe the record, and apply optical character recognition (OCR) to convert the document text to machine-readable text, making it searchable and in compliance with Section 508. This requires agency personnel to remediate each page by adding alternative text tags to figures, images, tables and similar items, and setting the reading order, a process OGIS has observed, and agencies have informed us, is tedious and burdensome.

Figure 3: OGIS Issue Assessment: Methods Agencies Use to Prepare Documents for Posting on Agency Freedom of Information Act (FOIA) Websites Survey - Agency responses to “Does your agency use the OIP-advised “FOIA” tag for documents in the FOIA Library/Reading Room?”



Note: The total number of survey responses to this question was 18.

In its 2019 Annual Report for FY 2018, OGIS recommended that Congress pass legislation to provide agencies with sufficient resources to comply with the requirements of both FOIA and Section 508 of the Rehabilitation Act of 1973, as amended, especially as they relate to proactive posting of large numbers of records.¹⁶ As part of its recommendation, OGIS provided three

¹⁶ Office of Government Information Services, [Office of Government Information Services 2019 Annual Report for Fiscal Year 2018](https://www.archives.gov/files/ogis/assets/ogis-2019-annual-report-for-fy-2018.pdf), March 2019, <https://www.archives.gov/files/ogis/assets/ogis-2019-annual-report-for-fy-2018.pdf>.

possible legislative options, not mutually exclusive, that Congress may pursue. Congress has not acted on the recommendation.

There is an exception for federal agencies and components in the U.S. Access Board regulation implementing Section 508 of the Rehabilitation Act of 1973: “conformance to the Revised 508 Standards is required only when it does not impose an undue burden.” This exception considers “the extent to which conformance would impose significant difficulty or expense, including availability of resources.”¹⁷

The U.S. Access Board’s implementing regulation further states that in cases of undue burden, “the agency shall provide individuals with disabilities access to and use of information and data by an alternative means that meets identified needs.”¹⁸

We learned through the OGIS survey conducted for this assessment that the Department of Homeland Security (DHS), the Office of Accessible Systems and Technology in the Office of the Chief Information Officer determined that complying with 508 requirements would be an undue burden due to the extremely high volume of pages released with redactions each year, and the cost of making each page 508 compliant.

DHS’s FOIA Library web page provides the following notice:

“DHS strives to provide equal access to information and data to people with disabilities in accordance with Section 508 of the Rehabilitation Act of 1973. Not all of the documents on this page are fully Section 508 compliant.”

DHS provides a telephone number for users who require assistance with the documents in the FOIA Library.

While this may allow for the posting of more documents, it is important to note that a document that does not comply with Section 508 may lack the critical metadata that allows the public to locate it. To further this point, the Department of State Virtual Reading Room search page provides a disclaimer describing that the success of a document search is dependent upon the searchability of electronic text through OCR.¹⁹

¹⁷ U.S. General Services Administration, [Step 2: Determine ICT Exceptions, E202.6 Undue Burden or Fundamental Alteration Exception](https://www.section508.gov/buy/determine-ict-exceptions#4), updated May 2018, <https://www.section508.gov/buy/determine-ict-exceptions#4>.

¹⁸ E202.6.3 Alternative Means, 29 U.S.C. § 794d.

¹⁹ U.S. Department of State, [Virtual Reading Room Documents Search](https://foia.state.gov/Search/Search.aspx), <https://foia.state.gov/Search/Search.aspx>.

If any agency is considering invoking the undue burden exception, we recommend that they work closely with their Office of General Counsel and IT Accessibility/508 Program Manager to assess the legal requirements and agency resources.

Many agencies report that once their FOIA offices have identified which documents to make available online, they rely on their IT departments or website staff to post the documents to the agency website or FOIA library. It is essential that FOIA professionals build strong partnerships with IT experts within their agency. There are a number of ways to accomplish this including in larger departments and agencies, having dedicated IT staff within the FOIA office to oversee the functions of online access to FOIA records. In smaller agencies, having part-time agency IT experts assist the FOIA office is helpful.

For example, the Department of State employs a full-time IT employee within its FOIA office to manage the review of metadata, ensure redactions cannot be reverse engineered, and post documents to the website. A dedicated staff member who reviews and applies metadata and ensures 508 compliance frees FOIA professionals to focus on processing FOIA requests. An employee within the FOIA office dedicated to the functions of IT will also have greater insight into the work, needs, and expectations of the FOIA office and program, and can make decisions and specific recommendations to benefit the entire organization.

The National Archives and Records Administration (NARA) assigns IT professionals from its Website Program to directly assist NARA's Office of General Counsel with posting documents to the agency's Electronic Reading Room/FOIA Library. The IT professionals also help ensure 508 compliance, provide support and best practice recommendations for usability and presentation of information, and capture and analyze reading room metrics.

Best Practice 4: Partner with agency IT professionals to streamline the process for posting documents.

Best Practice 5: Designate an IT employee to work with the FOIA office.

Best Practice 6: Conduct an "undue burden" analysis by balancing Section 508 and FOIA statutory obligations, while keeping in mind that the Rehabilitation Act allows agencies to release electronic documents that are not Section 508-compliant if rendering them compliant would "impose an undue burden" on the agency. (*The 2016-2018 term of the FOIA Advisory Committee recommended this as a Best Practice.*)

Best Practice 7: Ensure that FOIA websites and electronic reading rooms include accessible contact information that individuals with disabilities can use if they encounter inaccessible documents. *(The 2016-2018 term of the FOIA Advisory Committee recommended this as a Best Practice.)*

Best Practice 8: Make an effort to provide a Section 508-compliant index or catalog of existing records along with a simple and streamlined process for persons with disabilities to request particular records in the index or catalog in accessible formats. *(The 2016-2018 term of the FOIA Advisory Committee recommended this as a Best Practice.)*

Best Practice 9: Release FOIA documents to the public on FOIA websites and in FOIA portals in open, legible, machine-readable and machine actionable formats, to the extent feasible. *(The 2018-2020 term of the FOIA Advisory Committee recommended this.)*

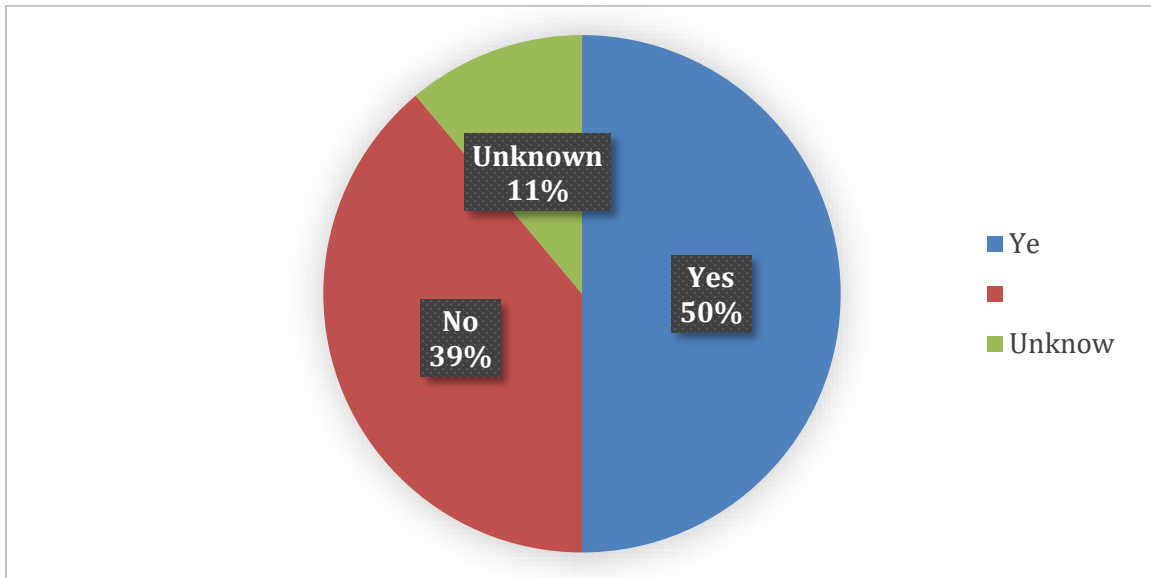
Step 3: Following Posting

After posting documents to the FOIA library, many agencies continue to review the library to ensure it is accurate; the information is well organized and easy to locate; and pages have no broken links and include the latest documents, regulations and information.

Most agencies do not capture library/reading room and page view metrics as part of the regular reporting process. While the majority of agencies reported completing at least a quarterly review of content in libraries/reading rooms, only half of the agencies OGIS surveyed reported capturing regular metrics on the use of documents in the electronic reading room.

To measure the use of electronic libraries/reading rooms, agencies often look for decreases in the number of requests for specific documents after they have been posted. While it may be feasible to measure the use of a reading room through the number of overall requests, it may be more accurate to analyze the number of requests by topic area. Receiving fewer requests for material that is already posted in FOIA libraries, status inquiries and fewer unperfected requests can also indicate a robust FOIA reading room. In accordance with agency records retention schedules, agencies may remove documents from their libraries after a certain period of time. Depending upon the subject matter and level of interest, some agencies may choose to keep documents available online past required retention schedules.

Figure 4: OGIS Assessment Survey Results – Agency responses to “Do you capture metrics on use of documents in FOIA Reading Rooms?”



Note: The total number of survey responses to this question was 18.

In fact, some of the oldest documents available on agency reading rooms date to the early 1900s. For example, a document available on the Department of State’s reading room dates from 1907,²⁰ and the Federal Bureau of Investigation has records available on its FOIA Library dating from at least 1928.²¹

Best Practice 9: Regularly check and update FOIA libraries and fix broken links.

Best Practice 10: Work with records managers to understand the agency’s records retention schedules to help determine the lifecycle of documents in FOIA libraries.

Step 4: Communicating with Requesters

Agencies will sometimes contact requesters to let them know when records are available on agency FOIA reading rooms; however, it is the requester’s responsibility to review the reading room to see what is available before making a FOIA request.

²⁰ U.S. Department of State, [Virtual Reading Room Documents Search Results for 01/01/1890 - 12/31/1910](https://foia.state.gov/Search/Results.aspx?searchText=&beginDate=18900101&endDate=19101231&publishedBeginDate=&publishedEndDate=&caseNumber=).

²¹ Federal Bureau of Investigation, [FBI Records: The Vault, Al Capone Part 1 of 36](https://vault.fbi.gov/Al%20Capone/Al%20Capone%20Part%201%20of%2036/view), <https://vault.fbi.gov/Al%20Capone/Al%20Capone%20Part%201%20of%2036/view>.

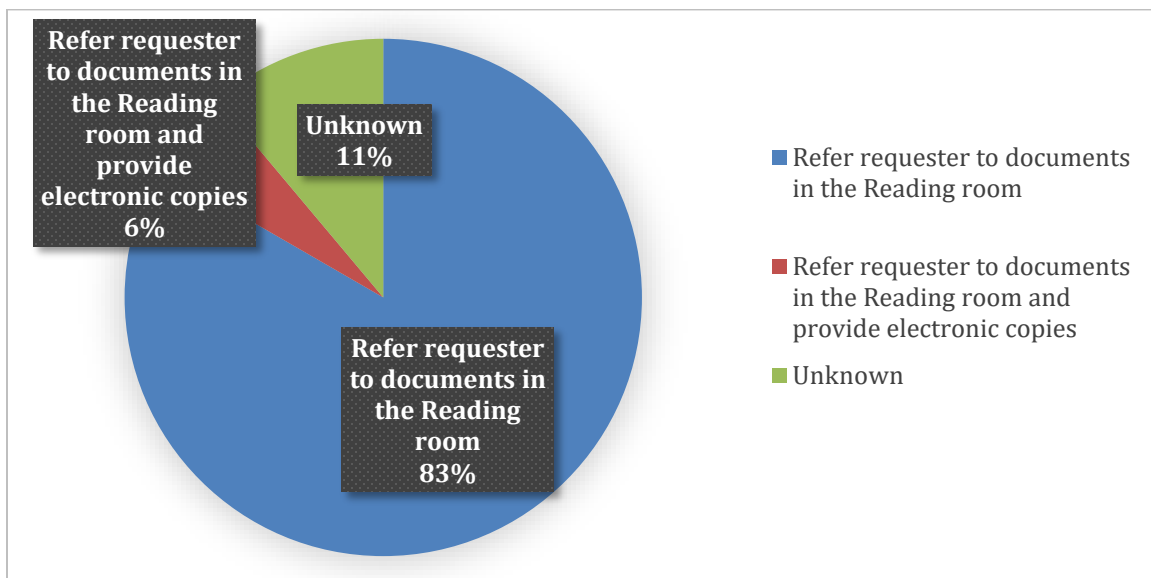
In response to questions about the agency’s policy regarding responses to requests for records available in the FOIA reading room, nearly all agencies OGIS surveyed for this assessment stated that they refer requesters to the reading room to access the documents.

DOJ and NARA FOIA Reference Guides include sections on how the public can access certain records without making formal FOIA requests. These sections include descriptions of the types of records publicly available. Several agencies, including the Department of Homeland Security and the U.S. Securities and Exchange Commission (SEC), use a direct email feed or email newsletter to inform requesters about recent disclosures and updates. Users can opt in to receive notifications about newly released information, records, and updates from the agency.

While not currently a widespread or standard practice, agencies may leverage social media to inform requesters of newly released records. A close relationship with the Communications or Public Affairs office can help FOIA offices leverage online tools to communicate and strengthen relationships with the public.

While making documents available online in FOIA libraries/reading rooms increases access for many, those without access to a computer or printer are unable to access these documents. OGIS has observed a wide range of practices regarding whether agencies will print documents from their libraries/reading rooms and send them to requesters without internet access.

Figure 5: OGIS Assessment Survey Results – Agency responses to, “What is your policy regarding responses to requests for records available in the FOIA reading room?”



Note: The total number of survey responses to this question was 18.

Some agencies do not print and send while others will do it on a case-by-case basis. Nearly all agencies OGIS surveyed printed the requested records and provided them to the requester unless the number of pages was voluminous.

Best Practice 11: Consider ways in which the agency can better communicate with FOIA requesters about additions to the agency FOIA library.

Best Practice 12: Ensure that FOIA websites and FOIA handbooks direct requesters to check FOIA libraries for documents *before* filing requests.

Step 5: Reviewing FOIA Libraries/Reading Rooms

The organization and presentation of the millions of pages of documents available on agency websites is key for usability and findability. OIP guidance “encourages all agencies to carefully review their [FOIA] websites” and to focus on primary areas including proactive disclosures and instructions for submitting requests.²²

Agencies should routinely collect and analyze metrics on the use and users of their FOIA libraries/reading rooms. By capturing metrics to better understand their reading rooms’ audiences, search strategies, goals, and preferences, agencies can make informed decisions about the content and organization of information to optimize the users’ experience.

Organizational features on reading rooms can help make information easier to locate. For example, employing a “What’s New” section on the reading room homepage can highlight and alert frequent visitors to the most recently added documents. The SEC’s FOIA Library web page contains a direct link to the most frequently requested documents for ease of navigation. Additionally, when documents are posted to other areas of the agency’s website, it is important to cross-post or provide a link to the FOIA homepage.²³ This ensures that documents are attributed to the FOIA office, and helps the user navigate links between related records more effectively.

When considering organizational features or search functions, it is important to consider how users or requesters search for information from the agency. For example, records that the FBI posts to the Vault, its electronic FOIA library, are organized alphabetically by name or topic in

²² U.S. Department of Justice, [OIP Guidance: Agency FOIA Websites 2.0](#).

²³ U.S. Securities and Exchange Commission, [FOIA Library](https://www.sec.gov/page/foia-library), updated April 27, 2020, <https://www.sec.gov/page/foia-library>.

addition to being organized by various categories such as civil rights, counterterrorism, popular culture, unusual phenomenon, and crime.²⁴

Organizing records by topic may help users more quickly locate records related to their particular area of interest or inquiry. The FBI Vault also rotates the availability of records based on popularity or level of interest. The Vault’s homepage states that the site includes “dozens of records previously posted on our site but removed as requests diminished.” The Vault also includes a “Recently Added” link to inform users about the latest additions, and includes a date to let users know when the files were added to the website.

Because many users begin their searches using a website search engine, powering the FOIA library/reading room or agency website with a comprehensive search tool can provide access to the most relevant results and an intuitive search experience. A regular review of web pages to check for broken links or outdated information also can help ensure that content is available and accessible to users. Search engine optimization (SEO) tools are available to assist in this function. The United States Web Design System (USWDS), a project of the General Services Administration, provides web design services and tools to create federal government websites that are accessible and promote website usability.²⁵

Direct feedback from users can inform agency decisions about the presentation of information on the FOIA reading room. The SEC’s FOIA Library also contains a “FOIA Feedback Survey” link to receive direct feedback from users and requesters.²⁶ Creating space for users to share feedback or proactively interviewing users and frequent requesters can provide a better sense of whether they are finding the information they need, and whether changes can provide a better experience. For example, is the layout intuitive? Are descriptions complete and clear? Understanding what works well in a reading room can help inform future decisions, and may help the requester community more easily access the information they need.

Providing a good user experience ensures that online services and processes are both useful and easy to use. FOIA professionals may wish to work with their agency’s IT colleagues to complete a thorough user experience review of the FOIA library/reading room can provide valuable insight into how the reading room is used, how it is successful, and how it can be improved. Additionally, performing regular content audits of the reading room can help ensure language is

²⁴ Federal Bureau of Investigation, [FBI Records: The Vault](https://vault.fbi.gov/), <https://vault.fbi.gov/>.

²⁵ U.S. Web Design System, [USWDS: The United States Web Design System](https://designsystem.digital.gov/), <https://designsystem.digital.gov/>.

²⁶ U.S. Securities and Exchange Commission, [FOIA Feedback Survey](https://www.sec.gov/forms/foia_feedback#no-back), https://www.sec.gov/forms/foia_feedback#no-back.

clear and determine whether the page is aligned with and meeting pre-defined goals and benchmarks.

One of the most important aspects in analyzing user experience is to first define success measures for the library/reading room. These success measures can help to establish goals and objectives for the reading room, what tasks users should be able to accomplish, and how to assess whether the reading room meets those goals. Consistently capturing this data can help make informed decisions about the content and organization of the reading room.

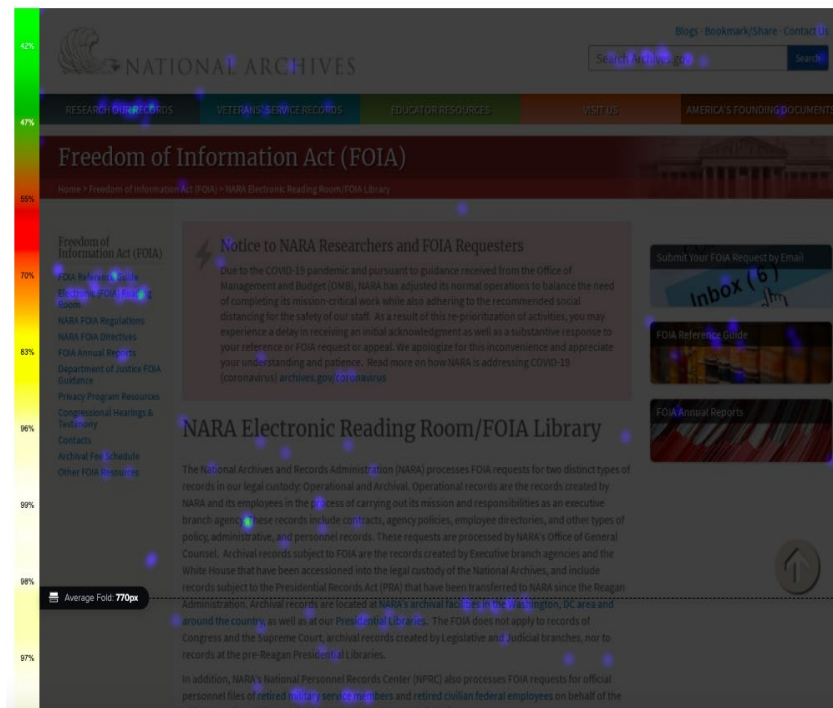
Good user experience aligns the goals of the agency with the needs of the requester. Agencies should consider designing and developing user personas as a way to identify how various stakeholders use the library/reading room. User personas are realistic representations of key audience segments that are based on both qualitative user research and quantitative data. For example, NARA developed a set of user personas to establish a more robust and data informed understanding of the individuals that engage with digital properties at the National Archives.²⁷ By identifying the personas that an agency works with most often and referring to them when developing new and better ways to serve the public, the agency can work to better inform and prioritize developments and enhancements to improve customer experience and user interactions with the library/reading room.

An agency may use various tools to create, develop, update, and maintain websites including:

- **Heat Map Analysis:** provides a visual overview of visitor activity on a web page to help understand how users navigate the page. Heat maps and page recordings can show patterns, determine if people are finding what they need, what links are being clicked, and if they move to the search box or navigation for help.
- **A/B Testing:** allows testing for multiple versions of an idea and compares which performed best.
- **Data analytics:** tracking library/reading room metrics such as page visits, length of time on page and bounce rate, can help determine the audience and the most frequently accessed documents.
- **User Interviews:** helps agencies understand what users need and what they seek on a web page.
- **Journey Mapping:** visualizes a user's path from the start to finish.
- **User Testing:** observes users in action provides important information about how users navigate and use the web page.

²⁷ National Archives and Records Administration, [National Archives Digital Personas](https://www.archives.gov/files/digitalstrategy/persona-composite.pdf), <https://www.archives.gov/files/digitalstrategy/persona-composite.pdf>.

Figure 6: Example of heat map of the National Archives and Records Administration’s Freedom of Information Act (FOIA) Reading Room showing the most amount of activity and clicks on the page.



Best Practice 13: Discuss and define success measures for the agency’s FOIA library/reading room to establish goals and objectives.

Best Practice 14: Use data and user feedback to optimize usability of FOIA libraries/reading rooms.

Best Practice 15: Partner with the agency’s web team to conduct User Experience (UX) analysis.

Federal Data Strategy

The Office of Management and Budget (OMB)’s Federal Data Strategy focuses on leveraging data to better serve the public.²⁸ Recognizing and setting priorities for managing government data as a strategic asset can help agencies identify the most valuable data assets and ensure that as much data as appropriate is released to the public in a timely manner.

The launch of the Chief Data Officers Council (CDO) in 2020 ensures a governmentwide focus on the use and access of data. The 2018-2020 FOIA Advisory Committee recommended that

²⁸ Federal Data Strategy, [Welcome - Federal Data Strategy](https://strategy.data.gov/), <https://strategy.data.gov/>.

OGIS and OIP each establish a liaison with the CDO Council to ensure that Council members “understand the importance of federal recordkeeping and FOIA requirements and how such laws apply to the maintenance of data within agencies.” These liaisons provide an opportunity for Chief FOIA Officers to connect with agency Chief Data Officers to discuss methods, procedures, and shared challenges.

The creation of a centralized data office within an agency can help leverage data across the agency, ensure that it is cross-referenced with FOIA, and create a centralized location for requesters. It has the added benefit of eliminating silos and creating opportunities to optimize analytics around the use of data. This requires collaboration and support from all offices within an agency, to evaluate the FOIA program in a holistic way, recognize the importance and obligations under FOIA, and provide rationale for proactive disclosures.

Looking ahead, conversations around the centralization of FOIA across agencies and the government have the potential to provide a better experience for users and requesters. The ability to search within a centralized data repository such as resources.data.gov would be more efficient and effective for requesters, and could provide the public with more insight into the work of individual agencies as well as the government as a whole.

Best Practice 16: Collaborate with the agency’s Chief Data Officer to ensure that they understand the importance of FOIA.

Best Practice 17: Leverage the agency’s centralized data office.

Best Practice 18: Provide on agency websites an inventory of agency data and the method of organizing the data [in accordance with the Office of Management and Budget (OMB) [Supplemental Guidance on the Implementation of OMB Memorandum M-13-13 “Open Data Policy – Managing Information as an Asset”](#)] to increase the likelihood of specific, narrow, and tailored requests. (*The 2016-2018 term of the FOIA Advisory Committee recommended this as a Best Practice.*)

Challenges

Many agencies we surveyed cited resources, time, budget, staff, and competing priorities as challenges to posting documents to electronic libraries/reading rooms. The high volume of requests received by many agencies makes it difficult for FOIA offices to balance competing priorities of processing requests and posting documents online.

Additionally, making documents available online comes with challenges to ensure documents are complete, accurate, and do not reveal sensitive information. We have observed that some agencies are concerned that posting certain documents or records may invite more questions or

requests; however, the overall goal for agencies is to ensure documents are publicly available, while meeting FOIA requirements, and helping requesters find information they need.

Leadership support and collaboration across the agency is essential for a successful FOIA program. Many agencies report that component offices have their own autonomy, which can make it difficult to keep apprised of the work being done across other offices. It is therefore important for FOIA offices across the agency to openly communicate and be aware of work being done in other areas of the agency. This insight can help determine what the public is interested in, what offices might expect in terms of requests, and can help create support for the FOIA program across the organization. Open communication between agency leadership, the FOIA office and the Public Affairs office can also ensure that the FOIA program avoids stepping into the realm as the sole messenger of the agency through documents posted in agency reading rooms.

Conclusion

Posting documents online in an electronic library/ reading room is essential for meeting FOIA's requirements and ensuring requesters have access to the information they need. While no two agencies are alike, and each has challenges unique to their organization and subject matter, there appears to be a shared sense that customer service is a priority, and that it is the agency's responsibility to assist the public to the best of their ability. A successful library/reading room benefits both the agency and the public.

To reach the goal of providing access to documents and information to the widest possible audience, there are several best practices FOIA programs can implement to create the best possible customer experience in an online environment. These include: optimizing usability of the reading room to focus on the needs and goals of the user; designating an IT employee to work with the FOIA office and collaborate with the agency's Chief Data Officer; and conducting thorough user experience analysis to align the needs of the agency with the needs of its stakeholders.

Agencies should regularly consult OIP guidance for resources, training, and the latest best practices specific to FOIA.²⁹

²⁹ U.S. Department of Justice, [OIP Guidance](https://www.justice.gov/oip/oip-guidance), updated October 7, 2020, <https://www.justice.gov/oip/oip-guidance>.

Methodology

Among the agencies responding to the 2018 RMSA survey (conducted in 2019), OGIS identified 25 federal agencies to contact to learn more about the process and procedures in place at their respective organizations. The agencies contacted included all 15 Cabinet-level departments and their components, four independent agencies that process the next largest number of requests from requesters who are *not* seeking information about themselves (so-called first party requests), and seven smaller agencies represented on the FOIA Advisory Committee between 2014 and 2020.

An introductory blog post on the FOIA Ombudsman blog announced the assessment and its goals and objectives.³⁰ OGIS identified and contacted agency FOIA officers or FOIA Public Liaisons in April 2020 with a request to respond to survey questions through email, phone, or an online survey tool. Eighteen agencies responded.

Among the questions posed to Federal agencies about their electronic reading rooms included: What are the workflows and procedures for preparing documents for FOIA reading rooms? What metadata standards are used when posting documents online? What metrics are used to evaluate the use of documents in FOIA reading rooms? How does the agency communicate with users? What challenges are faced?

List of agencies contacted:

15 Cabinet-level departments and their components:

- Department of Agriculture
- Department of Commerce
- Department of Defense
- Department of Education
- Department of Energy
- Department of Health and Human Services
- Department of Homeland Security
- Department of Housing and Urban Development
- Department of the Interior
- Department of Justice
- Department of Labor
- Department of State
- Department of Transportation

³⁰ Office of Government Information Services “[Assessing FOIA Reading Rooms](https://foia.blogs.archives.gov/2020/03/18/assessing-foia-reading-rooms/),” The FOIA Ombudsman Blog, March 18, 2020, <https://foia.blogs.archives.gov/2020/03/18/assessing-foia-reading-rooms/>.

- Department of the Treasury
- Department of Veterans Affairs

Four independent agencies that after the Cabinet-level departments process the next largest number of requests from requesters who are not seeking information about themselves:

- National Archives and Records Administration
- U.S. Securities and Exchange Commission
- U.S. Postal Service
- Central Intelligence Agency

Six smaller non-Cabinet-level agencies that we selected because of their representation on one or more terms of the FOIA Advisory Committee:

- Administrative Conference of the United States (2014-2016, 2016-2018)
- Consumer Financial Protection Bureau (2014-2016, 2016-2018)
- Consumer Product Safety Commission (2018-2020)
- Environmental Protection Agency (2014-2016, 2018-2020)
- Food and Drug Administration (2016-2018, 2018-2020)
- National Labor Relations Board (2018-2020)

Meredith Doviak, Community Manager of the National Archives Catalog, conducted this assessment on temporary assignment to OGIS as part of a National Archives and Records Administration Cross-training Program.