



U.S. Department of Justice

Office of Information Policy

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

During 2009, 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. II 2008), amended by OPEN FOIA Act of 2009, Pub. L. No. 111-83, 123 Stat. 2184. Significantly, OIP provided comprehensive guidance and training to all agencies concerning the 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 2009, OIP published a completely revised and updated edition of the United States Department of Justice Guide to the Freedom of Information Act, a comprehensive legal treatise that discusses and analyzes all aspects of the FOIA. A summary description of OIP's FOIA compliance activities, which is required by subsection (e)(6) of the FOIA, 5 U.S.C. § 552(e)(6), is set forth below.

Policy Guidance

The primary means by which the Department of Justice encourages compliance with the FOIA is through the issuance of policy guidance. During 2009, the Department of Justice continued to provide comprehensive guidance to federal agencies, addressing a wide range of issues related to 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 *FOIA Post*, the Department's online FOIA publication. In addition, during 2009, OIP held multiple agency-wide conferences to discuss the new FOIA Memoranda and related policy guidance.

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. Two days later, on January 23, 2009, the Director of OIP sent a notice to all agencies informing them of the key provisions in the President's Memorandum and advising that they should immediately begin applying the presumption of disclosure to all decisions involving the FOIA. Additionally, OIP added a new session on the President's FOIA Memorandum to its scheduled FOIA training course for attorneys and access professionals on February 24, 2009.

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. 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.

The next day, on March 20, 2009, OIP posted on *FOIA Post* an explanatory summary of the Attorney General's FOIA Guidelines. That same day, OIP announced that it would host an upcoming training session to provide agency guidance on the new Guidelines. The following week, on March 26, 2009, OIP held a governmentwide training session on the President's FOIA Memorandum and the Attorney General's FOIA Guidelines, which was attended by more than 500 agency personnel. That same day, the slides used in the presentation were posted on OIP's website.

To further assist agencies in implementing the new FOIA Guidelines, on April 17, 2009, OIP issued written guidance and posted it on *FOIA Post*. This guidance discussed in detail new approaches to establishing an effective system to respond to requests; the net impact of the President's and Attorney General's FOIA Memoranda; the importance of viewing FOIA decisions with the presumption of openness; steps to apply the Attorney General's new foreseeable harm standard; the importance of discretionary releases; factors to consider in making a discretionary release; the importance of posting information online proactively; the need for agencies to act in a spirit of cooperation with requesters; and the new accountability requirements for agency Chief FOIA Officers.

Additionally, OIP included a discussion on the President's and Attorney General's FOIA Memoranda in its 2009 edition of the Department of Justice Guide to the Freedom of

Information Act, which is discussed below. Finally, OIP added new sessions on the President's and Attorney General's FOIA Memoranda to its scheduled 2009 FOIA training courses.

Timeline of OIP's Actions Regarding the President's and Attorney General's FOIA Memoranda	
Date	Action
January 21, 2009	President's FOIA Memorandum signed.
January 23, 2009	OIP notifies agencies of and provides initial guidance on the President's FOIA Memorandum.
February 24, 2009	OIP training session on the President's FOIA Memorandum.
March 19, 2009	Attorney General's FOIA Guidelines issued.
March 20, 2009	OIP summary of the Attorney General's FOIA Guidelines posted on <i>FOIA Post</i> .
March 26, 2009	OIP hosts governmentwide conference on the President's and Attorney General's FOIA Memoranda.
April 17, 2009	OIP issues written guidance on the President's and Attorney General's FOIA Memoranda, which it posts on <i>FOIA Post</i> .
June 2009	OIP publishes the <u>Department of Justice Guide to the Freedom of Information Act</u> , which discusses the President's and Attorney General's FOIA Memoranda.

In September 2009, OIP issued written policy guidance for the new Chief FOIA Officer Reports, now required by the Attorney General's FOIA Guidelines. In his Guidelines, the Attorney General highlighted the key role played by each agency's Chief FOIA Officer and directed agency Chief FOIA Officers to review "all aspects of their agencies' FOIA administration" and to report each year to the Department of Justice on the steps taken "to improve FOIA operations and facilitate information disclosure." OIP was given the responsibility of providing guidance to agencies on the content of their Chief FOIA Officer Reports. That guidance was issued on September 30, 2009, and 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, for the first time ever, agencies were surveyed on their use of technology in administering the FOIA. Finally, 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. To further assist agencies in preparing these reports, OIP announced in December 2009 that it would host a training session on the Chief FOIA Officer Reports in January 2010.

In 2009, OIP 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, as well as data that OIP determined would be useful to report, such as data on the numbers of backlogged requests and appeals. OIP's "Annual FOIA Report Q & As" addressed frequently asked questions

regarding the preparation of agency Annual FOIA Reports and was posted on *FOIA Post*. Additionally, on October 7, 2009, OIP hosted a refresher training session to discuss the reporting requirements for the Fiscal Year 2009 Annual FOIA Reports. OIP also notified agencies that they were required to publish their 2009 Annual FOIA Reports in an open format, in addition to the PDF or similar format traditionally used for posting agency Annual FOIA Reports, as required by the Open Government Directive issued on December 8, 2009.

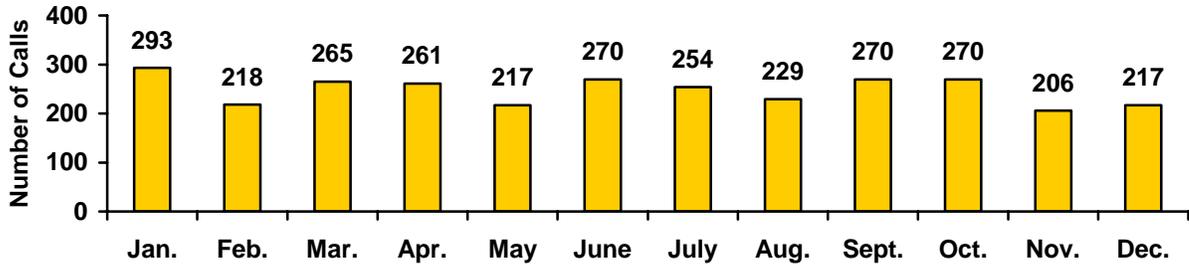
Finally, in December 2009, in order to assist agencies both in properly processing FOIA requests, and in preparing their Annual FOIA Reports, OIP created a chart of statutes that courts have found to qualify as Exemption 3 statutes under the FOIA. OIP posted this chart, which includes a description of 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 2009, 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.

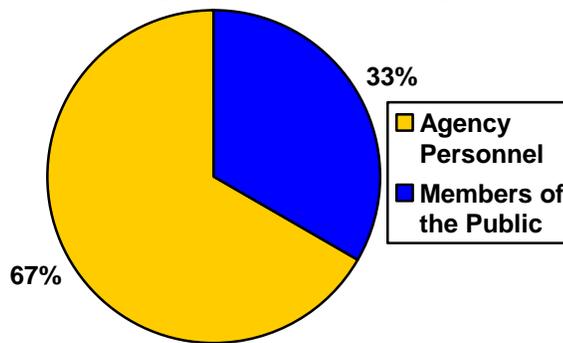
OIP provided FOIA Counselor guidance to agencies on a broad range of FOIA-related subjects, including guidance pertaining to the implementation of the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. Most of the FOIA Counselor calls received by OIP involve issues regarding proposed 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) (2009) -- and it has found that such consultations are very valuable in ensuring agency compliance with the Act. More than 2970 requests for guidance were received by OIP through its FOIA Counselor service during 2009.

**Calls to the FOIA Counselor by Month
More than 2970 Total Calls in 2009**



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 2009**



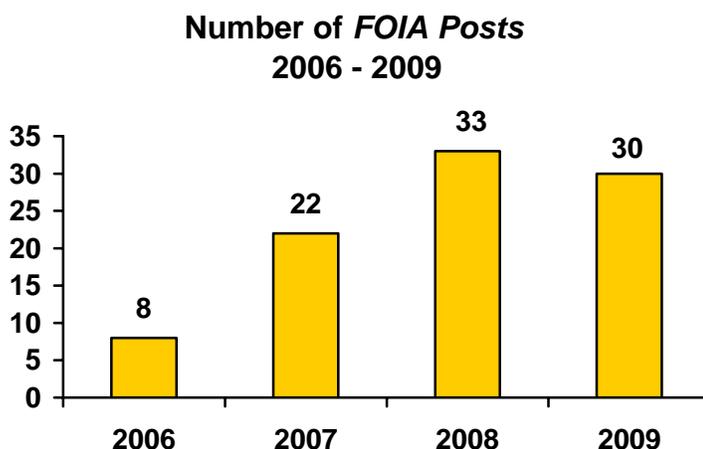
Sometimes a determination is made that a FOIA Counselor inquiry requires more extensive discussion and analysis by OIP attorneys, including supervisory attorneys. On such occasions, OIP often convenes a meeting or teleconference between agency representatives and senior OIP staff at which all factual, legal, and policy issues related to the matter presented are thoroughly discussed and resolved. In 2009, OIP was involved in a number of such supervisory-level discussions with other agencies, including the Department of Education, the Department of the Treasury, the National Endowment for the Arts, the Peace Corps, and the Social Security Administration. 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 of Justice'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. During 2009, OIP was asked to make recommendations concerning the advisability of seeking initial appellate review, rehearing en banc, or petitioning for certiorari in twenty-three FOIA cases.

FOIA Post

One of the primary means by which OIP disseminates information concerning the FOIA to government personnel is through *FOIA Post*. In 2009, the Department of Justice completed its ninth year of publishing *FOIA Post*, an online and cost-efficient replacement for OIP's longtime FOIA Update newsletter. *FOIA Post* makes use of electronic links to reference documents and other sources of information and is 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.



During 2009, OIP disseminated a variety of different items to federal agencies through *FOIA Post*. As mentioned above, in March 2009, OIP posted an explanatory summary of the Attorney General's FOIA Guidelines. OIP then used *FOIA Post* to announce a series of conferences and training sessions that were related to the implementation of the new FOIA Guidelines. As is also mentioned above, OIP disseminated through *FOIA Post* its written guidance on the implementation of the Attorney General's FOIA Guidelines, entitled "OIP Guidance: President Obama's FOIA Memorandum and Attorney General Holder's FOIA Guidelines Creating a 'New Era of Open Government.'" OIP also posted its Guidance on the content of the Chief FOIA Officer Reports, entitled "Guidelines for Chief FOIA Officer Reports to the Department of Justice Pursuant to Attorney General Holder's FOIA Guidelines," as well as subsequent questions and answers on those reports.

In addition to substantive and procedural policy guidance concerning 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.

During 2009, OIP also posted its Summary of Annual FOIA Reports, which consisted of a compilation of the annual FOIA reports filed by all fifteen federal departments and seventy-seven agencies subject to the FOIA. The summary provided information on a variety of topics, including the number of requests received, progress in reducing backlogs, disposition of requests, administrative appeals, as well as staffing levels and costs. This summary provides both agencies and the public with an overall picture of FOIA processing governmentwide. Annual Report questions and answers were also posted.

As noted above, *FOIA Post* was also used to disseminate a list of statutes that courts have found to qualify under Exemption 3 of the FOIA, which incorporate certain nondisclosure provisions contained in federal statutes other than the FOIA.

OIP utilized *FOIA Post* to provide details concerning the various governmentwide FOIA training opportunities available for Fiscal Year 2009. Significantly, OIP also used *FOIA Post* to announce the convening of a Requester Roundtable in August 2009. 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.

Finally, *FOIA Post* was used to announce the opening of the new Office of Government Information Services (OGIS), within the National Archives and Records Administration. OIP provided a description of OGIS's responsibilities as well as its contact information, for the benefit of agency personnel.

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. In 2009, OIP completed its revision of the United States Department of Justice Guide to the Freedom of Information Act, the preeminent reference document created by OIP every two years. 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. In 2009, OIP extensively revised the Guide to reflect 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. The 2009 edition of the Guide to the FOIA, prepared by the professional staff of OIP, marks the twenty-second time the Guide has been published.

Throughout 2009, OIP distributed courtesy copies of the 2009 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 at a very low per-copy cost, 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 where it can be accessed at http://www.justice.gov/oip/foia_guide09.htm.

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 2009, for the third year in a row, OIP completed and posted, two weeks prior to the statutory deadline, the Department of Justice'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 2009 maintained "a single electronic access point" for the consolidated availability of the Annual FOIA Reports of all federal agencies. As part of its governmentwide guidance responsibilities, each year OIP receives a copy of each agency's Annual FOIA Report prior to it being posted. OIP reviews each report for correctness and completeness, and works with the agencies to ensure proper reporting. Once they are finalized, OIP makes all such reports promptly available at its central electronic site. In 2009, OIP continued this practice of reviewing all agencies' annual 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." See "Update on the Implementation of the 1996 Electronic Freedom of Information Act Amendments," at 62. A follow-up GAO study published in 2004 likewise found improvements in agencies' annual reporting due to OIP's governmentwide review efforts. See "Update on Freedom of Information Act Implementation Status," at 3.

OIP's review of other agencies' Annual FOIA Reports took on additional significance in 2009 due to the fact that the content and format of the report was extensively revised by OIP in light of the OPEN Government Act and in light of OIP's determination that it would be useful to include additional data elements as well. As mentioned above, OIP provided guidance on frequently asked questions regarding the preparation of agency Annual FOIA Reports. This guidance, in part, addressed the preferred formats for 2009 Annual FOIA Reports, and provided instruction on how to calculate various figures within the reports.

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 posted under "Policy Statements" the President's and Attorney General's Memoranda on the FOIA as well as OIP's guidance to agencies issued days after the President's Memorandum. Under "FOIA Training Materials" OIP posted slides used at various 2009 training conferences, including those used at the trainings entitled "FOIA Public Liaisons Training," "Chief FOIA Officer Reports," "Overview of the Freedom of Information Act – Procedures," "Overview of the Freedom of Information Act – Exemptions," "Refresher Training on the 2008 Guidelines for Preparation of Annual FOIA Reports," and "President Obama's and Attorney Holder's FOIA Memoranda." Under "Annual FOIA Reports"

OIP posted documents relating to the preparation of those reports. OIP created a new grouping of materials pertaining to Exemption 3 and posted the chart of Exemption 3 statutes approved by the courts, which was referenced above. OIP also created a chart showing all the Exemption 3 statutes cited by agencies in their 2008 Annual FOIA Reports. Furthermore, OIP began posting 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 2009 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. 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.

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 2009, 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. OIP also made presentations designed to foster a greater understanding of the Act's administration outside the Executive Branch, including internationally.

As already mentioned, in light of the President's and Attorney General's FOIA Memoranda, OIP hosted a governmentwide conference on March 26, 2009 to provide guidance on the new FOIA Guidelines and to answer questions raised by FOIA professionals. All federal employees involved with FOIA matters were encouraged to attend this event. The following week, on April 2, 2009, OIP hosted a similar training session for Department of Justice FOIA personnel. Additionally, OIP conducted numerous other training sessions on the President's and Attorney General's FOIA Memoranda for individual agencies.

In conjunction with the Department of Justice's National Advocacy Center, OIP conducted a full range of FOIA-training programs in 2009, 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 Seattle, Washington. The "Introduction to the FOIA" course was held two times.

OIP also conducted a session in 2009 of its "Freedom of Information Act Administrative Forum," a training program devoted almost entirely to administrative matters arising under the Act. These include such issues as record-retrieval practices, multi-track queue usage, backlog management, affirmative disclosure, and automated record processing. Designed to serve also as a forum for the governmentwide exchange of ideas and information on all matters of FOIA

administration, this program regularly brings together veteran FOIA processors from throughout the government and encourages them to share their experience in administering the Act on a daily basis.

In 2009, 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 2009, this seminar included sessions on the new FOIA Guidelines, requirements for annual FOIA reports, recent FOIA decisions, and administrative and litigation considerations.

OIP also introduced two new training opportunities in 2009. First, OIP created a training program entitled "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, which OIP hosted twice in 2009, 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 for the first time a training conference for FOIA Public Liaisons. These officials report to agency Chief FOIA Officers and are responsible for assisting FOIA requesters in a variety of ways. OIP's course for FOIA Public Liaisons was designed to maximize their effectiveness in working with requesters. The Office of Government Information Services (OGIS) joined OIP at this session to discuss ways in which FOIA Public Liaisons can assist OGIS in working with requesters who have sought their services to resolve disputes.

Twenty-three professional staff members from OIP gave a total of 260 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 Agriculture, Army, Commerce, Energy, Labor, Navy, Transportation, and Treasury, as well as the Environmental Protection Agency, Federal Housing Finance Agency, and Securities and Exchange Commission. In addition, OIP provided training for components of the Department of Justice, including a special session on the new FOIA Guidelines for the U.S. Attorney's Office in Washington, D.C. OIP also reached out to all other U.S. Attorneys' Offices regarding the new Guidelines.

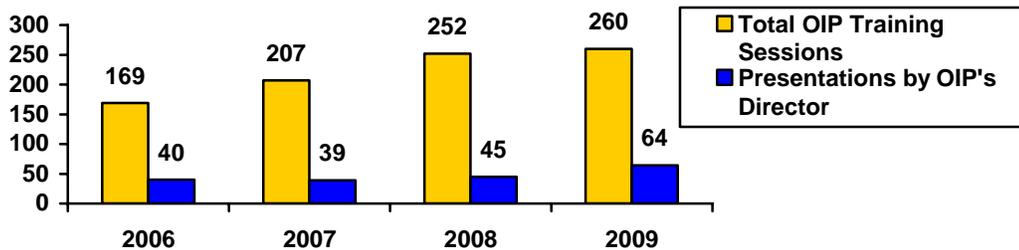
Furthermore, OIP reached out to the requester community and members of the public. OIP professionals gave training presentations at seminars hosted by the American Society for Access Professionals, an association which included members of the FOIA requester community. Additionally, OIP hosted a Requester Roundtable in August 2009 where OIP invited the requester community to share ideas for improving FOIA administration. Also, the Director of OIP gave a presentation on transparency at GSA's 48th Interagency Resources Management Conference in April 2009. This conference was attended by federal managers across the government as well as by members of open government groups.

During 2009, the Director of OIP gave a total of sixty-four 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 new FOIA Memoranda. In January 2009, she met with visitors from Mozambique to discuss how the FOIA operates in the United States. In February 2009, she met with representatives from China to discuss the procedures for disclosure of records under the FOIA. In March 2009, she gave a similar presentation to a representative from Chile. In June 2009, she met with representatives from Japan to provide an overview of the OPEN Government Act, our government's information disclosure systems, and government transparency. In September 2009, the Director gave a presentation on the President's and Attorney General's FOIA Memoranda as part of the Sixth International Conference on Information Commissioners, which was held in Oslo, Norway. In October 2009, she spoke with a delegation from Spain about how the FOIA operates in the United States. That same month, the Director also gave a presentation at an international conference sponsored by the Federal Institute of Access to Public Information, held in Mexico City, on the history of transparency in America. Finally in 2009, the Director served as a member of an international working group convened by the Organization of American States (OAS) to draft a model open government law for the Americas.

The number of trainings and briefings provided by OIP has steadily increased over the past few years.

**Number of OIP Trainings,
Public Presentations, and Briefings
2006 - 2009**



Inter- and Intra-agency Coordination Activities

During 2009, OIP actively continued its inter- and intra-agency coordination activities centered on the implementation of the FOIA. Given its important role in assisting agencies in implementing the President's and Attorney General's FOIA Memoranda, OIP held a number of meetings and conferences both within the Department of Justice and across the government to provide guidance on the new FOIA Guidelines, as discussed in detail above.

In 2009, OIP also continued its inter-agency coordination activities stemming from Executive Order 13,392. Specifically, OIP coordinated ongoing reports from seven Department of Justice components who met the criteria for submitting Backlog Reduction Plans.

Finally, during 2009, 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 corrective 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 2009, OIP responded to nineteen congressional inquiries pertaining to FOIA-related matters. OIP also handled thirteen written complaints 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 Disciplinary Actions

During 2009, 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.