



Chief FOIA Officers Council

September 15, 2016
GSA Auditorium



Updates from OIP

- FOIA Improvement Act of 2016 Resources
- 2017 Chief FOIA Officer Report Guidelines
- Consolidated FOIA Portal



Guidance: New Requirements for FOIA Responses Letters

- [OIP Guidance](#) summarizes the new requirements for FOIA Response Letters, including:
 - Providing a 90-day appeal period
 - Notifications about services provided by FOIA Public Liaisons and OGIS
- [Implementation Checklist](#) includes sample language for response letters.



Updated Guidance for Agency FOIA Regulations

- Updates to [guidance](#) and accompanying [template](#) include:
 - Notifications to requesters for assistance from FOIA Public Liaisons and OGIS
 - 90-day minimum time period for administrative appeals
 - Procedures for dispute resolution
 - Limitations on assessing certain fees and exceptions
- Updates also reflect recent D.C. Circuit decisions pertaining to news media and educational institution requesters.



Additional Resources

- Updated [text](#) of the FOIA showing changes made by the FOIA Improvement Act of 2016
- OIP [Summary](#) of the FOIA Improvement Act and [Training Slides](#)
- Additional guidance forthcoming



2017 Chief FOIA Officer Report Guidelines

- [Report Guidelines](#) require agency CFOs to include steps taken to implement the five key areas addressed in DOJ's FOIA Guidelines.
- Separate requirements for agencies depending on the number of FOIA requests received in Fiscal Year 2015. This year there are three categories:
 - Small: less than 50 requests
 - Medium: 50-1,000 requests
 - Large: more than 1,000 requests



Universal FOIA Portal

- DOJ will launch the first phase of a universal FOIA portal on FOIA.gov by the end of CY 2017.
- Development will occur iteratively in phases with the goal of adding various levels of functionality in addition to central request making capabilities.





Universal FOIA Portal

- Working with technology and digital service specialists to develop an application that is flexible, interoperable, and expandable.
 - Focused on open-source and cloud-hosted tools and informed by user research and feedback.
- Development is focused on seven top-level goals that will enhance the FOIA experience for both the public and agencies by making the process more efficient for each.



Universal FOIA Portal Goals

- Consolidated, multi-agency presence on FOIA.gov.
- Guided process to assist public in finding the right agency to which they should submit their request.
- Structured request forms for each agency.
- Online tracking for submitted requests.
- Search function for all federal websites and released FOIA documents.
- Ability of agencies to update their own content.
- Robust, online-based FOIA reporting tools.



Release to One is a Release to All: Agency Questionnaire

- OIP sent a questionnaire to all agencies seeking feedback on their ability to implement the policy beginning in January 2017.
- The questionnaire asked agencies to identify:
 - Feasible timing for implementation
 - Challenges not identified in the DOJ Pilot
 - The offices that will be involved in implementation
 - Any other categories of records (apart from first-party requests) that may not be appropriate for posting



Timing of Implementation

- We received responses from 61 agencies.
- 27 agencies indicated they can implement the policy within 60 days of January 1, 2017.
- Other agencies indicated that they would need more time, ranging from 90 days to a year or more to fully implement.
- Many agencies indicated that they would like a staggered implementation, such as on a quarterly or bimonthly basis.



Offices Involved in Implementation

- Agencies identified a range of offices that will be involved in implementing the policy, in addition to the FOIA office:
 - Office of Technology/Chief Information Officer
 - Public Affairs
 - Office of General Counsel
 - Policy and Program Offices
 - Personnel Office
 - Leadership Offices



Challenges

- Many agencies indicated they do not anticipate any additional challenges to implementation, and others reiterated the challenges identified in the DOJ's Pilot.
- Additional challenges identified include:
 - Limited server space to post voluminous records
 - Appropriately prioritizing responding to new requests and posting records
 - Posting records in a manner that is useful for the public and does not lead to confusion
 - Logistical challenges for smaller offices and agencies that rely on other offices or contractors to post web content



Additional Exceptions

- First party requests are already excluded from the policy.
- Agencies identified other categories of records that may not be appropriate to post:
 - Records that are exceptionally time consuming to make 508 compliant
 - Certain investigative records
 - Records of deceased individuals
 - Salary information about agency employees
 - Confidential business information released to submitters
 - Scientific grant applications and proposals



Reporters Committee for Freedom of the Press Survey Findings

- RCFP conducted a survey of journalists on the “release to one is a release to all” policy and recently published the [results](#).
- RCFP’s Director of Litigation will provide an overview of the survey and findings.



“Release to One is a Release to All” Journalists Feedback and Discussion



Open time for members of the public to address the Council