

Chief Freedom of Information Act Officers Council Meeting

Meeting Minutes – September 15, 2016

The Chief FOIA Officers (CFO) Council Meeting convened at 10:00 a.m. on September 15, 2016, in the GSA Central Office – Auditorium at 1800 F. Street, N.W., Washington DC 20405.

A livestream video of the meeting was also made available, and in accordance with 5 U.S.C. §552(6)(A), the meeting was open to the public.

All meeting materials are available on the Office of Information Policy's (OIP's) website at: <https://www.justice.gov/oip>.

Speakers:

Melanie Ann Pustay, Director, Office of Information Policy (OIP), Department of Justice (DOJ), Council Co-Chair

Katie Townsend, Director of Litigation, Reporters Committee for Freedom of the Press

A full list of attendees is included at the end of the minutes.

Introduction and General FOIA Updates from Ms. Melanie Ann Pustay

- The meeting was called to order at 10:00 a.m. by Council Co-chair Melanie Ann Pustay.
- Ms. Pustay welcomed everyone to the second Council meeting and stated that the focus of the meeting was hearing from the journalist community in order to factor in their views related to the “Release to One is a Release to All” presumption.
- Before turning to that topic, Ms. Pustay provided Council members with updates from OIP including an overview of newly issued guidance and further information regarding the consolidated FOIA portal.

“Release to One is a Release to All” Questionnaire

- Ms. Pustay then discussed the results of the questionnaire which sought feedback on agencies' ability to implement the “Release to One is a Release to All” policy by January 2017.
- Ms. Pustay stated that 61 agencies responded to the questionnaire with 27 agencies indicating that they could fully implement the presumption by January 2017.
- Ms. Pustay further discussed the findings of the questionnaire in which many agencies noted that they would like a staggered implementation, such as on a quarterly or bimonthly basis.
- Ms. Pustay also noted the suggestions given regarding possible exceptions to the presumption.

Remarks from Ms. Townsend on the Results of the Journalist Community Survey

- Ms. Townsend discussed the findings of her organization's survey which was launched online after the inaugural Chief FOIA Officer Council meeting in July 2016.
- Ms. Townsend explained the purpose of the survey – to obtain feedback related to the concern that the “Release to One is a Release to All” policy could remove some of the incentives journalists have to make FOIA requests.
- Ms. Townsend stated that 119 responses were received and that respondents were anonymous, 12 responses were removed.
- Ms. Townsend noted that the survey results are available on www.rcfp.org.
- Ms. Townsend explained that while some respondents indicated that the policy would hurt journalistic reporting, the overall survey indicated support of such a policy provided it included a built-in delay between releasing records to the requester and posting them for the public.

Questions

- Ms. Pustay then opened the floor to discussion. Mr. Kevin Goldberg, Legal Counsel to the American Society of News Editors, stated that his conversations with members of the American Society of News Editors largely reinforce the Reporters Committee's survey results. He expressed support for a standard delay, and provided other comments for the Council to consider.
- Other attendees commented on the presentations and the "Release to One Release to All" presumption, including expressing concerns with requiring a delay. Ms. Pustay then discussed different aspects of the presumption that will be evaluated in preparation for the guidance.

Meeting concluded at 12:00 PM.

**Chief FOIA Officers Council Meeting
September 15, 2016
Attendees**

Last Name	First Name	Agency (if applicable)
Addis	Bethlehem	DHS
Agans	Autumn	FCA
Bartlett	Michael	FMCS
Beckett	Amy	OSC
Bennett	Amy	OGIS
Bishop-Green	Jacob	DOJ
Bradford Franklin	Sharon	PCLOB
Brennan	Christopher	
Cafaro	Cindy	DOI
Chung	Joo	DOD
Crawford	Tim	EPA
Dawson	Erin	NSF
Demps-Barrett	Stacey	FMSHRC
Dickon	Rachel	FMC
Dunkin	Ann	EPA
Elston	Michael	USPS
Flagg	Ronald	LSC
Ford	Tiffany	OPM
Freeman	Donald	ED
Gamez	Maria	PBGC
Gardner	Matt	DOJ
Garner	Stephanie	EEOC
Ginsberg	Wendy	
Gottesman	Larry	EPA
Green	Claire	SSAB
Grulkowski	Bryan	State
Herrera	Katherine	DNFSB
Heverling	Angela	NMB
Hill	Kevin	DHS
Hogan	James	DOD
Holzer	James	DHS
Hussain	Jibrán	DHS/PRIV
Jacob	Fred	FLRA
Johnson	Toyia	FERC
Kaleta	Judy	DOT
Kambhampaty	Ravi	IAF

Last Name	First Name	Agency (if applicable)
Kupka	Nathan	ACUS
Kurylo	Stephen	SIGAR
Langer	William	USTDA
Laudon	Sterling	SSAB
Law	Ryan	Treasury
Lazier	Raynell	CFPB
Levandusky	Whitney	CO
Luecke	Matthew	FOMC
Mallon	Carmen	DOJ
Mancini	Nadine	OSHRC
Marquis	Michael	HHS
Morris	Alexander (Chris)	Energy
Moser	Rebecca	EPA
Nicolas	Amy	NCD
Oliver	Ramona	DOL
Perry	D. Camilla	PBGC
Piccirilli	Rosanna	FFIEC
Platt	Nancy	NLRB
Pritzker	David	ACUS
Przysucha	Martha	
Pustay	Melanie	DOJ
Raanan	Alice	
Roberts	Lindsay	DOJ
Robinson	Kellie	State
Rudolph	Maureen	USCCR
Santa	Angel	NTSB
Schecker	Larry	FCC
Shanks	Margaret	FRB
Sharrett	Kenneth	GSA
Shirazi	Lubna	DOJ
Sillah	Alecia	USAID
Smith	Gregory	ED
Spudis	M. Ann	PBGC
Stern	Gary	NARA
Talebian	Bobak	DOJ
Teti	Catherine	HHS
Townsend	Katie	
Veilleux	Diana	OGE
Waddell	Anne-Marie	USDA/FSIS
Whitener	Bryan	EAC

Last Name	First Name	Agency (if applicable)
Winston	Lynn	USAID
Yi	Charles	FDIC
Zia	Hugo	FDIC
Zimmerman	Mary Ann	SSA