

OIP Updates & Resources



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OIP Updates & Resources

- New OIP Guidance
- Training and e-Learning
- Self-Assessment Toolkit
- Updated DOJ Guide to the FOIA
- Court Decision Summaries
- Chief FOIA Officers Council and Committees
- Best Practices Workshops
- FOIA.gov



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OIP Guidance



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OIP Guidance: Backlog Reduction Plans

- OIP's guidance encourages agencies to create Backlog Reduction Plans (BRP)
- Provides considerations for creating successful BRPs including:
 - Leadership Support
 - Creating intention and tailored plans
 - Goal Setting and Accountability
 - Flexibility



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OIP Guidance: Executive Order on Gold Standard Science

- OIP's [blog post](#) explained the FOIA implications of Executive Order 14303, “Restoring Gold Standard Science”
- Includes a provision that requires agencies to proactively disclose certain scientific information
- Information found to qualify cannot be withheld from disclosure under FOIA Exemption 5 unless approval is granted by the Office of Science and Technology Policy (OSTP)
- However, FOIA exemptions 1, 3, 4, 6, and 7c would still prohibit its proactive disclosure



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OIP Guidance: Calculating Shutdown

- OIP's guidance instructs agencies on how to calculate processing times after the 2025 government shutdown.



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Training and E-Learning



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OIP-Led Training Courses

- OIP regularly hosts free virtual training to federal employees on a wide variety of topics.
- All trainings are hosted on Webex and require a .gov or .mil email address to register.
- OIP can also provide specialized training to agencies upon request.



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Upcoming Events and Deadlines

Keyword search Start Date End Date

4 Results Sort by

Privacy Considerations Training

Washington, DC

Tuesday, July 9, 2024 (10:00am to 12:30pm EST)

Dates of upcoming training can be found on OIP's [Key Dates](#) page.

Training slides for all offered training courses can be found on OIP's [Training](#) page.

OIP Training Material

The materials below are provided to assist agencies participating in OIP's FOIA training courses. OIP will update the materials as needed to incorporate changes in FOIA law and policy. Please contact OIP's Training Coordinator at (202)-514-FOIA (3642) with questions or feedback.

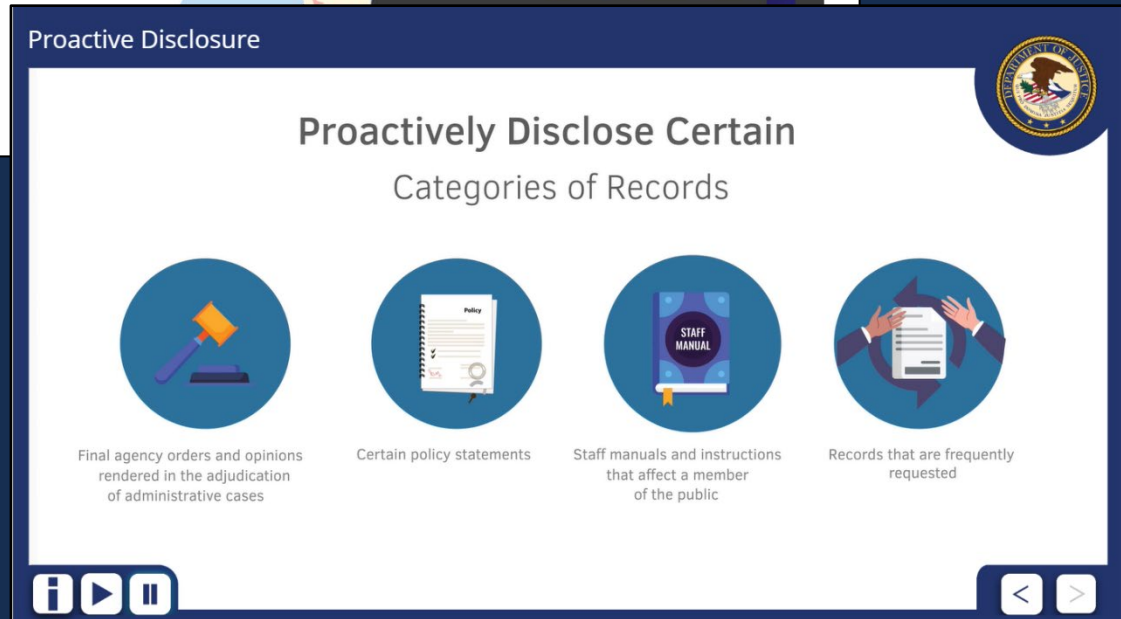
Training Materials for OIP Courses

- [Proactive Disclosures](#)
- [Advanced Proactive Disclosures](#)
- [Procedural Requirements](#)
- [Advanced Procedural Requirements](#)
- [Overview of Exemptions](#)

E-Learning Modules

In 2022, OIP released three interactive FOIA training modules:

- **Training for Executives:** A 15-minute course that provides a basic overview of the FOIA and explains how this law impacts agency leaders.
- **Training for Federal Employees:** A 1-hour course that provides a primer on the FOIA and explains how employees can assist your agency in FOIA administration.
- **Training for FOIA Professionals:** An in-depth course designed specifically for FOIA professionals and addressing the major procedural and substantive requirements of the law.



FOIA Infographic

In 2022, OIP also updated its FOIA Infographic, a one-page resource to help new employees understand what the FOIA is and how the FOIA process works at their agencies.

The Freedom of Information Act

The Freedom of Information Act, known as the FOIA, is a law that gives any person the right to request federal agency records. The FOIA also requires federal agencies to make certain types of information available to the public without the need to submit a request.



Who?

Anyone can make a FOIA request, regardless of citizenship, including:

Individuals,
Partnerships,
Corporations,
and
Organizations



What?

Any agency records can be requested, including:



Paper documents, emails, audio and video recordings, and other electronic records

When?

Generally, an agency has 20 working days to respond to a request, unless there are unusual circumstances



How?

Step 1:
A request is submitted to an agency for records

Step 2:
The agency searches for responsive records

Step 3:
Records are reviewed for disclosure*

Step 4:
Agency responds to requester and releases disclosable info

*Information can only be withheld if it falls within one of nine exemptions & we can reasonably foresee that disclosure would cause harm, or disclosure is prohibited by law.

Why?

"The basic purpose of [the] FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed."

NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 242 (1978)

FOIA at Your Agency

FOIA is everyone's responsibility. Any documents you create or maintain as part of your job may be responsive to a FOIA request. FOIA professionals at your agency will receive and respond to requests, but they may call on you for assistance in searching for responsive records and reviewing those records for release. These professionals are a critical resource. If you have any questions about the FOIA, you should contact them.

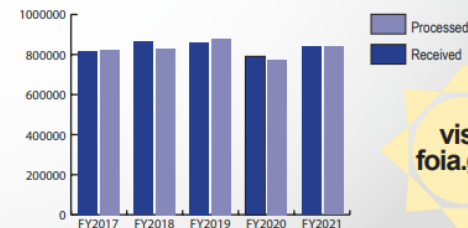


MOST CITED EXEMPTIONS:
6 & 7 (C)
- which protect individual personal privacy

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FOIA by the Numbers

Requests received and processed government-wide



visit
foia.gov



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Best Practices Workshop Series

- The Best Practices Workshop series focuses on specific FOIA topics with a panel of representatives across the federal government sharing strategies for success.
- The next Best Practices Workshop will focus on Requester Negotiation Techniques and will take place virtually on August 11. Registration is required and the link can be found on our website.



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FOIA Self-Assessment Toolkit



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FOIA Self-Assessment Toolkit

- OIP released a comprehensive update to its Self-Assessment Toolkit in 2023, fulfilling a commitment in the Fifth U.S. Open Government National Action Plan.
- The 2023 update includes modules for proactive disclosures and administrative appeals, plus additional milestones on the use of technology and requirements of the Attorney General's 2022 FOIA Guidelines.
- Fillable spreadsheets facilitate easier completion and tracking of milestone action items.



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Module 14: Proactive Disclosures

This module examines whether your Agency has an efficient and effective proactive disclosure process. Optimizing methods for identifying and posting proactive disclosures can help agencies to achieve greater efficiencies in complying with FOIA proactive disclosure requirements and can reduce the need to respond to numerous requests for the same record(s). This module has two subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Identifying Proactive Disclosures

MILESTONE		SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS			
1.A Agency publishes current descriptions of its organization and the established places and methods for obtaining information, in the Federal Register.							
2.A Agency publishes current general statements regarding the agency's methods of operation, in the Federal Register.							
3.A Agency publishes current rules of procedure and descriptions of forms or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations, in the Federal Register.							
4. Agency publishes current descriptions of its organization and the established places and methods for obtaining information, in the Federal Register.	Module	Section	Milestone	Description	Score	Completion Target Date	Date Completed
5. Agency publishes current general statements regarding the agency's methods of operation, in the Federal Register.	Module 1: Initial Request Intake and Review	A. Current FOIA Request Intake and Initial Review Process	1.A	Requesters can submit FOIA requests to your Agency electronically and the requests are automatically ingested into your case management system.	1		
	Module 1: Initial Request Intake and Review	A. Current FOIA Request Intake and Initial Review Process	2.A	Your Agency is interoperable with FOIA.gov in accordance with DOJ/OMB Guidance.	2		
	Module 1: Initial Request Intake and Review	A. Current FOIA Request Intake and Initial Review Process	3.A	Designated trained personnel, including backups, monitor all forms of request intake and can identify duplicative submissions and requests that can be closed quickly, for instance that can be satisfied with proactively released records already available.	3		
	Module 1: Initial Request Intake and Review	A. Current FOIA Request Intake and Initial Review Process	4.A	FOIA Staff enter requests into the Agency's tracking system promptly upon receipt to facilitate efficient assignment for processing.	4		
	Module 1: Initial Request Intake and Review	A. Current FOIA Request Intake and Initial Review Process	5.A	FOIA Staff in decentralized agencies quickly recognize and properly route misdirected requests within 10			

Guide to the Freedom of Information Act Updates



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DOJ Guide to the FOIA

- Comprehensive legal treatise on the FOIA available on OIP's website.
- Includes detailed discussions of the FOIA's procedural requirements, nine exemptions, and litigation considerations.
- Contains detailed analysis of the key judicial opinions issued on the FOIA.



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DOJ Guide to the FOIA

- OIP continues to make rolling updates to individual chapters, recently including:
 - Attorney Fees
- Agencies are encouraged to use the Guide in conjunction with other resources provided by OIP.



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Court Decision Summaries



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Court Decisions

- Each year the federal courts issue hundreds of decisions in FOIA cases that shape the way the law is interpreted and applied.
- To aid those professionals, and to facilitate greater understanding of the FOIA overall, OIP posts summaries of FOIA decisions to our Court Decisions page.



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Court Decisions

COURT DECISION

Smolen v. FAA, No. 22-44, 2023 WL 3818105 (S.D.N.Y. June 2, 2023) (Liman, J.)

June 2, 2023

Smolen v. FAA, No. 22-44, 2023 WL 3818105 (S.D.N.Y. June 2, 2023) (Liman, J.)

Re: Request for records concerning decision to realign responsibility for Newark sector airspace from New York Terminal Radar Approach Control Facility to Philadelphia Air Traffic Control Tower

Disposition: Granting defendant's motion for summary judgment; denying plaintiff's cross-motion for summary judgment

...

COURT DECISION

Sarama v. DEA, No. 19-1116, 2023 WL 3763742 (M.D. Fla. June 1, 2023) (Klindt, Mag. J.)

June 1, 2023

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Keyword Search

Topic

- Any -

Start Date

mm/dd/yyyy

End Date

mm/dd/yyyy

Apply Search

Displaying 1 - 10 of 3231

COURT DECISION

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Smolen v. FAA, No. 22-44, 2023 WL 3818105 (S.D.N.Y. June 2, 2023) (Liman, J.)

TOP

Court decisions
can be viewed
chronologically,
or searched by
topic, text, or
date.



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Court Decisions

- Users can subscribe to receive email updates whenever new cases are posted.

Smolen v. FAA, No. 22-44, 2023 WL 3818105 (S.D.N.Y. June 2, 2023) (Liman, J.)

Share >

Date

Friday, June 2, 2023

Smolen v. FAA, No. 22-44, 2023 WL 3818105 (S.D.N.Y. June 2, 2023) (Liman, J.)

Re: Request for records concerning decision to realign responsibility for Newark sector airspace from New York Terminal Radar Approach Control Facility to Philadelphia Air Traffic Control Tower

Disposition: Granting defendant's motion for summary judgment; denying plaintiff's cross-motion for summary judgment

- **Exemption 4:** The court holds that defendant appropriately withheld portions of two draft memoranda of understanding ("MOUs") "relat[ing] to [National Air Traffic Controllers Association ("NATCA")] bargaining unit employees' pay and other conditions of employment."

First, the court finds that "Defendant has established that the withheld information is commercial or financial in character." "The Draft MOUs contain NATCA's proposals and FAA's counterproposals with respect to the Realignment Determination." "Each of the proposals and counterproposals related to the pay and other conditions of employment of the business unit employees represented by NATCA." "Plaintiff argues that NATCA's information cannot constitute 'commercial or financial information' because NATCA is a non-commercial tax-exempt organization and the Draft MOUs do not contain quintessential commercial information such as 'sales statistics, inventories' or information instrumental to a commercial entity's operations." "Plaintiff further argues that the information cannot be 'commercial or financial' because NATCA has the exclusive right to represent all federally employed air traffic controllers and thus does not face competition from another labor organization." "Those arguments disregard the rules of statutory interpretation." "[A]n association need not generate taxable profits for its information be 'commercial or financial" "There is no qualifier that the association or organization be for profit or generate taxable income; public organizations, for example, frequently do not generate taxable income." "It



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Chief FOIA Officers Council



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Chief FOIA Officers Council

- OIP continues to co-lead the Chief FOIA Officers Council.
- For details on upcoming meetings, see the [CFO Council](#) page on FOIA.gov.
- **The Technology Committee** hosted the NexGen 3.0 Tech Showcase in May 2026.
- **The Committee on Cross-Agency Collaboration and Innovation** published a FOIA Hiring Toolkit.



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NexGen 3.0 Tech Showcase

- The purpose of the NexGen showcase series is to assist federal agencies in identifying FOIA technology solutions.
- The NexGen 3.0 Showcase intended to raise awareness of the different case process management systems leveraging advanced technology, including artificial intelligence.
- You can access the vendor responses to the request for information and the playlist of vendor demonstrations on the [NexGen 3.0 FOIA Tech Showcase](#) page on FOIA.gov.



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FOIA Hiring Toolkit

- The FOIA Hiring Toolkit Working Group of the CFO Council Committee on Cross-Agency Collaboration and Innovation is available on FOIA.gov
- Provides a variety of documents aimed to help federal FOIA professionals in the hiring process
- You can access all documents on FOIA.gov



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National FOIA Portal on FOIA.gov

Step 6 of 7

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Required

Select an option



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National FOIA Portal on FOIA.gov

- Raw Data Validation
- First Party Requests

What is the subject of your request? *Required*

Myself
Deceased Individual
All Other Subjects



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Contact Information

Email: DOJ.OIP.FOIA@usdoj.gov

FOIA Counselor Email:
OIP.FOIAcounselor@usdoj.gov



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Questions?



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