



OGIS Recommendations to Improve the FOIA Process

The Freedom of Information Act (FOIA) directs that the Office of Government Services (OGIS) to recommend to Congress and the President actions to improve FOIA administration, 5 U.S.C. § 552(h)(2)(C). OGIS has made a total of 11 recommendations aimed at improving the FOIA process—five in 2012, four in 2013 and two in 2014. Seven of the recommendations are specific to actions that OGIS believes it should take (in certain cases in conjunction with agency partners and other stakeholders), while two of the recommendations focus on actions to be taken by other federal agencies. The remaining two recommend White House action.

Specifically, OGIS recommended the following actions that it had either taken or was planning to take in its role of improving the FOIA process government-wide:

- Work to encourage other departments and agencies to partner with OGIS to expand dispute resolution training for their FOIA professionals so that they can assist their FOIA colleagues in preventing and resolving disputes. (2012)
- Work with other agencies to consider how a governmentwide FOIA web portal could improve public access to government information and to save taxpayers' money by sharing agency technology. (2012)
- Facilitate the coordination of interagency communication among agencies regarding multi-agency FOIA requests by OGIS serving as the central point-of-contact for agencies in sharing information, and for relaying information to requesters as appropriate. (2012)
- Develop, with the Chief Information Officers Council, methods for agencies regarding requesters seeking their own records under the Privacy Act to improve how requesters navigate agency processes to obtain needed assistance. (2012)
- Work with the Office of Management and Budget (OMB) to create a governmentwide Privacy Act routine-use procedure to streamline the way in which agencies share with OGIS information about FOIA requests that is covered by the Privacy Act. (2012)
- Work with stakeholders from both inside and outside government to review the issues surrounding FOIA fees and fee waivers, which remain a persistent point of contention administratively and in litigation. (2013)

- Work with agencies to streamline the process of requesting immigration-related records because of the increased number of requests related to these records. (2013)

OGIS also recommended that federal agencies take the following actions:

- Encourage and support the use of dispute resolution in the agency FOIA processes to prevent and resolve disputes administratively and avoid litigation. (2013)
- Remind all staff of the importance of FOIA and recognize FOIA as a priority and everyone's responsibility by, among other actions, providing day-one training to all new employees as part of traditional agency orientation. (2013)

OGIS recommended that the White House take the following two actions:

- Issue a Memorandum to Agency General Counsels and Chief FOIA Officers that focuses on exemplary customer service for a better FOIA process with particular attention to the importance of embedding Alternative Dispute Resolution (ADR) into the FOIA process and supporting FOIA Public Liaisons in their statutory role of assisting in resolving disputes between FOIA requesters and Federal agencies, 5 U.S.C. §§ 552(a)(6)(B)(ii) and 552(l). (2014)
- Work with OGIS's parent agency, the National Archives and Records Administration, the Office of Management and Budget, and the Department of Justice on a program to ensure that FOIA requirements are incorporated into the information technology procurement process to ensure efficient and effective searches for records in response to FOIA requests for the information contained in those records, and proactive disclosure of the information or data. (2014)