

The Freedom of Information Act (FOIA)

Goal Leaders:

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FY2016

Background

History

- On June 30, 2016, President Obama signed the [FOIA Improvement Act of 2016](#) and the Administration [announced](#) a number of commitments and priorities to improve the FOIA process, including:
 - Utilizing the Chief FOIA Officers Council and the FOIA Advisory Committee to address the FOIA's greatest challenges;
 - Issuing new guidance on a "*Release to One, Release to All*" presumptive standard for FOIA responses;
 - Launching a consolidated FOIA Request Portal by the end of 2017; and
 - Issuing new guidance that advances the Administration's open government principles, including working toward the establishment and operation of the FOIA request portal.
- The Administration also announced the creation of a FOIA Cross-Agency Priority (CAP) Goal.
 - The FOIA CAP Goal process will be used to track progress on the Administration's commitments and key requirements of the Act.
 - In addition, the CAP Goal will be used to examine possible reform proposals, beyond those already committed to, which address improvements to how FOIA requests are administered.

Overview

Goal Statement

- Promote greater openness and timeliness throughout the Federal Government by improving FOIA processes and enhancing the requester experience.

Urgency

- For over 50 years the FOIA has been a critical tool in providing access to citizens and civil society groups wanting to know about how their government functions. In the past decade, the popularity and importance of the FOIA has been [highlighted](#) by rapidly increasing numbers of requests. In FY2015, 713,168 FOIA requests were received, a 27.8% increase from FY2009, and 769,903 FOIA requests were processed, a 25.6% increase from FY2009. To ensure that the FOIA remains as successful in the coming 50 years, it is imperative that steps be taken to continue improving the requester experience, promoting openness and streamlining processing and operations among federal agencies.

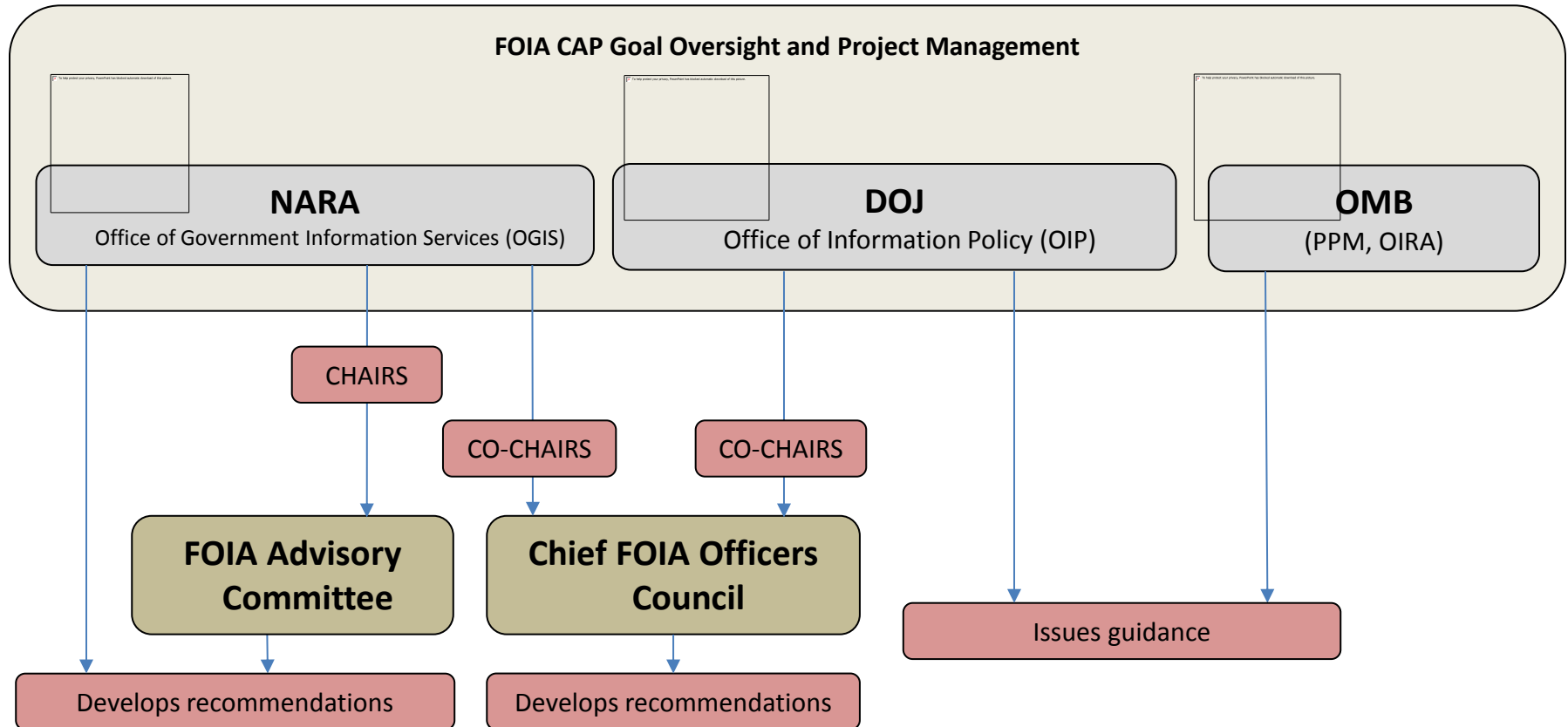
Vision

- Implement reforms that strengthen the FOIA by elevating openness and timeliness, streamlining FOIA processes, and improving the requester experience.

Action Plan for FY2017

Sub-goal	Major Actions to Achieve Impact	Key Indicators
Strategy 1: Improve Openness	<ul style="list-style-type: none"> • <i>Issue guidance on a 'Release to One, Release to All' presumptive standard, ensuring that all citizens—not just those making a request—have access to information released under the FOIA.</i> • Engage FOIA stakeholders to determine the framework around implementation of a 'Release to One, Release to All' presumptive standard. • Aid in implementation of this guidance at a government-wide level. 	<ul style="list-style-type: none"> • Percentage of eligible FOIA requests released in accordance with the <i>Release to One, Release to All</i> policy.
Strategy 2: Enhance the FOIA Customer Experience	<ul style="list-style-type: none"> • <i>Develop a Request Portal that allows a member of the public to submit a request to any agency from a single website.</i> • Employ a user-centric design in our development through key stakeholder engagements – both government and civil society – to ensure the portal improves the FOIA customer experience as well as agencies' abilities to respond to requests. • Determine how, and in what progression, to implement functionality features for the Request Portal that would improve the requester experience while strengthening collection and intake processes for federal agencies. • Finalize a contract that allows for the iterative development of the consolidated Request Portal beginning in Q2 of FY2017. 	<ul style="list-style-type: none"> • Percentage of annual FOIA requests covered by agencies that can receive requests through a consolidated portal.
Strategy 3: Improve the Timeliness of the FOIA Process	<ul style="list-style-type: none"> • <i>Improve the timeliness of FOIA responses by:</i> • Providing alternative forms of access for certain categories of records. • Reviewing the capacity of agencies to respond to FOIA requests. 	<ul style="list-style-type: none"> • Reduction in the average processing times for simple track requests. • Reduction in the average processing times for complex track requests.

Goal Team and Governance Plan



Improve Openness: Proactive Disclosure

- A *Release to One, Release to All* presumption, which would direct agencies to proactively post their FOIA responses online, is another step toward ensuring that Government is operating in the most open and transparent manner possible.

Recent Action

- On June 30, 2016, the Administration announced that the Chief FOIA Officers Council will work with OMB to provide guidance on a *Release to One, Release to All* proactive disclosure standard.
- On July 27, DOJ/OIP issued a questionnaire to agency Chief FOIA Officers to collect data on agency opinions of the proactive disclosure standard.
- On September 15, the Office of Information Policy announced the results of the questionnaire.

Milestone Summary			
Key Milestones	Milestone Due Date	Milestone status	Owner
Draft posted for public comment	Q1 FY17	Complete	DOJ
Inter-agency review	TBD	-	DOJ
Issuance of Federal Government policy establishing the “ <i>Release to One, Release to All</i> ” presumption	TBD	-	DOJ
Collect data on Release to One, Release to All implementation	TBD	-	DOJ

Enhance the FOIA Customer Experience: Request Portal

- Openness can be further advanced through the FOIA when citizens feel empowered to seek answers from their Government. For the FOIA to meet its potential, it is important that citizens have every tool at their disposal to clarify, ease and expedite the FOIA request process. It is equally important to ensure that these tools are developed in ways that assist agencies in meeting demand. A request portal that allows a member of the public to submit a request to any agency, from a single website, has the potential to both enhance the customer experience and empower agencies and citizens in ways that strengthen the FOIA long-term.

Recent Action

- Under the FOIA Improvement Act, the Director of OMB, in consultation with the Attorney General, shall ensure the operation of a consolidated online Request Portal.
- OIP has developed a list of goals and key functionality requirements for the Portal.

Milestone Summary			
Key Milestones	Milestone Due Date	Milestone status	Owner
Technical and cost proposals due to DOJ/OIP	Q1 FY17	Complete	DOJ
OMB PPM/OCIO, USDS and OSTP plan review and validation	Q1 FY17	On Track	EOP
OMB/DOJ development of financing plan	Q1 FY17	On Track	DOJ/OMB
Contract award (assuming plan approval)	Q1 FY17	On Track	DOJ/OMB
Initial prototype development	Q2 FY17	On Track	TBD
Request Portal Phase 1 deployment	Q2-Q4 FY17	On Track	TBD

Improve the Timeliness of the FOIA Process

- With over 700,000 requests received annually, it is critical that we look for creative solutions to meet this ever-increasing demand.

Recent Action

- During August, OMB met with several large federal agencies to solicit input on potential reforms to strengthen the FOIA long-term.
- On September 21, DOJ, NARA and OMB met to discuss recommendations provided by federal agencies and civil society groups.
- The FOIA CAP Goal team has decided to pursue two sub-strategies:
 - Provide alternative means of access to certain categories of records;
 - Review capacity of agency resources dedicated to FOIA processing.

Milestone Summary			
Key Milestones	Milestone Due Date	Milestone status	Owner
Agency stakeholder outreach on recommended actions	Q4 FY16	Complete	OMB
Civil society outreach on recommended actions	Q1 FY17	Complete	OMB
Collect data on request types	Q2 FY17	On Track	DOJ/NARA/OMB
Identify categories of requests that would benefit from alternative forms of access	Q2 FY17	On Track	DOJ/NARA/OMB
Analyze and assess alternative forms of access that could be provided for the categories of requests	Q3 FY17	On Track	DOJ/NARA/OMB
Develop action plans for creating these alternative forms of access	Q3 FY17	On Track	DOJ/NARA/OMB
Consider FOIA resource requirements as part of FY19 Budget process	Q4 FY17	On Track	DOJ/NARA/OMB

Key Indicators

Indicator	Timeline
Percentage of eligible FOIA requests released in accordance with the <i>Release to One, Release to All</i> policy	<i>Data will be collected in Q4 FY 17</i>
Percentage of annual FOIA requests covered by agencies that can receive requests through a consolidated portal	<i>Data will be collected in Q4 FY 17</i>
Reduction in the average processing times for simple track requests.	<i>Data will be collected in Q4 FY 17</i>
Reduction in the average processing times for complex track requests.	<i>Data will be collected in Q4 FY 17</i>

Contributing Agencies and Programs

- Every agency in the Federal Government will contribute to the implementation of the strategies advanced through the FOIA CAP Goal.
 - The list below represents just those agencies with the highest volumes of annual FOIA requests.
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| <ul style="list-style-type: none">• Central Intelligence Agency• Department of Agriculture• Department of Commerce• Department of Defense• Department of Education• Department of Energy• Department of Homeland Security• Department of Housing and Urban Development• Department of Justice• Department of Labor• Department of State• Department of the Interior• Department of the Treasury• Department of Transportation• Department of Veterans Affairs | <ul style="list-style-type: none">• Environmental Protection Agency• Equal Employment Opportunity Commission• Federal Trade Commission• General Services Administration• National Archives and Records Administration• National Labor Relations Board• Nuclear Regulatory Commission• Office of Personnel Management• Office of the Director of National Intelligence• Pension Benefit Guaranty Corporation• Securities and Exchange Commission• Small Business Administration• Social Security Administration |
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Acronyms

- **CAP – Cross Agency Priority**
- **CFO – Chief Financial Officer**
- **DOJ – Department of Justice**
- **EOP – Executive Office of the President**
- **EPA – Environmental Protection Agency**
- **FOIA – Freedom of Information Act**
- **FY – Fiscal Year**
- **GSA – General Services Administration**
- **NARA – National Archives and Records Administration**
- **OCIO – Office of the Chief Information Officer**
- **OGIS – Office of Government Information Services at NARA**
- **OIP – Office of Information Policy at DOJ**
- **OIRA - Office of Information and Regulatory Affairs**
- **OMB – Office of Management and Budget**
- **OSTP – Office of Science and Technology Policy**
- **PPM – Office of Performance and Personnel Management at OMB**
- **TBD – To Be Decided**
- **USDS – United States Digital Service**