



UNITED STATES DEPARTMENT *of* JUSTICE

# Laying the Foundation of Open Government: FOIA at 50

**Melanie Ann Pustay**  
**Director**

**Office of Information Policy, Department of Justice**  
**Census Bureau Sunshine Week Event – March 15, 2016**



The Freedom of Information Act (FOIA) is often described as a means for the public to know **“what their Government is up to.”**

2016 marks the 50<sup>th</sup> anniversary of the passage of the FOIA.



The FOIA was crafted in response to the very general statutory provisions for public disclosure contained within the Administrative Procedure Act (APA) of 1946.



## **Disclosure Language from the APA**

“[M]atters of official record shall in accordance with published rule be made available to persons properly and directly concerned except information held confidential for good cause found.”



Between 1955 and 1966, multiple congressional committees conducted hearings, investigations, and studies of agency information policies which culminated in the crafting and passage of the FOIA.



**On July 4, 1966** President Lyndon Johnson signs the FOIA into law, replacing the general language of the APA, stating:

*“I signed this measure with a deep sense of pride that the United States is an open society in which the people’s right to know is cherished and guarded.”*



FOIA provides any person with a right of access to federal agency records.

When enacting the law, Congress sought to strike a workable balance between the right of the public to know how their government works, and the need of the Government to protect certain information.



Public use of the FOIA has grown considerably over the years.

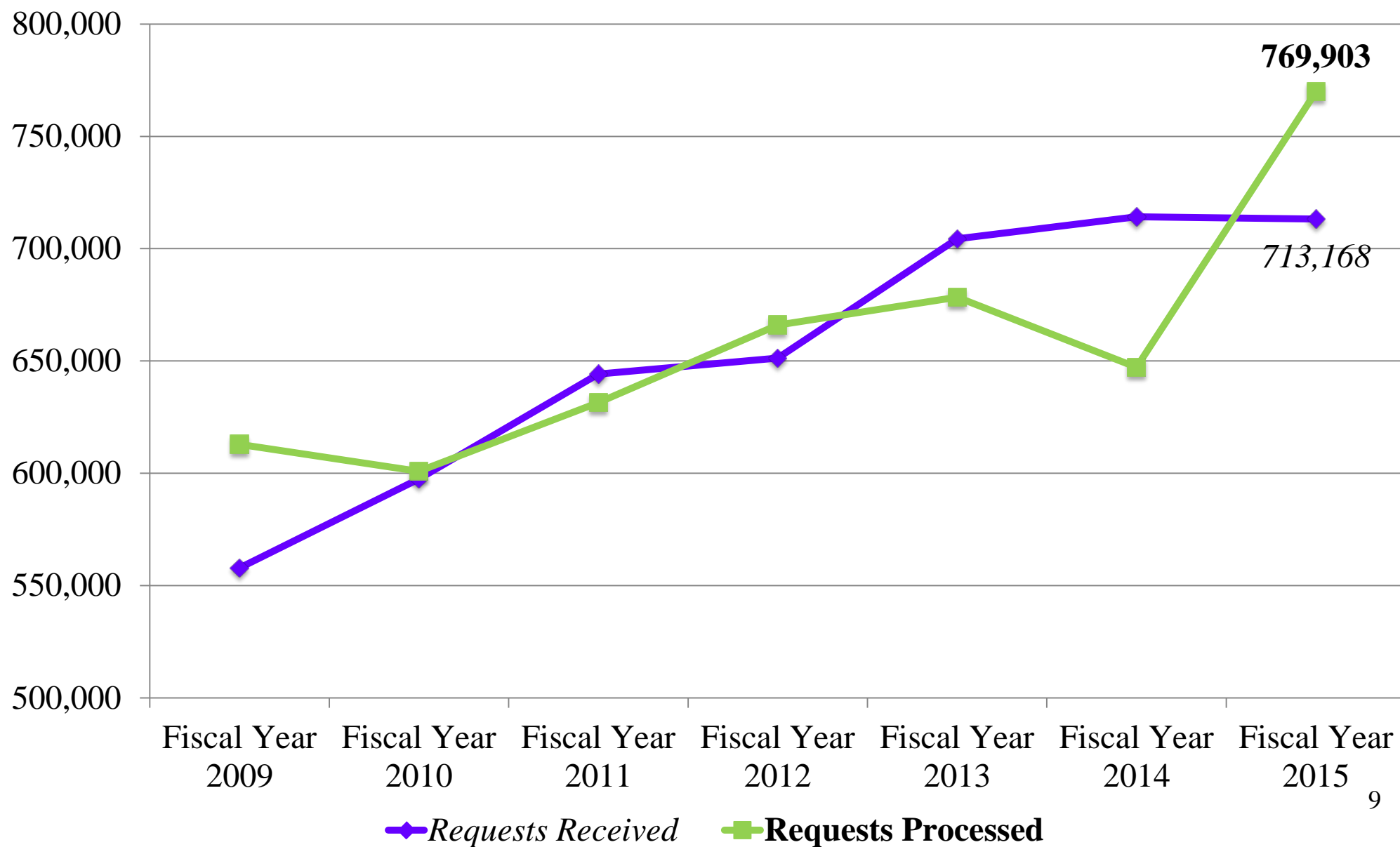
## **Requests Received at DOJ**

- Between 1966 and 1971: 535 requests
- In Fiscal Year 2015: 67,783 requests





# FOIA Statistics





Since the passage of the FOIA, the principles of access to information continue to serve as the foundation of our country's commitment to open government.



## **President's FOIA Memorandum**

“In our democracy, the [FOIA], which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government.”



Separate from his FOIA memorandum, President Obama also issued the *Open Government Directive* in December 2009 which emphasized three principles of an open government:

- 1. Transparency,**
- 2. Participation, and**
- 3. Collaboration.**



These three principles form the foundation of the **Open Government Partnership**.

Launched in 2011, OGP provides an international platform for governments and civil society partners to work together on the implementation of open government reforms.



Currently 69 participating countries, each of which must create an open government national action plan.

Participating countries have committed to a number of Access to Information efforts as a part of multiple Open Government National Action Plans.



# Worldwide ATI Initiatives

## Armenia

- Requiring local governments to create and maintain webpages to update citizens about legal actions in the community, sessions of Community Councils, public discussions and hearings.



# Worldwide ATI Initiatives

## Dominican Republic

- Create unique portal for access to information that provides instruction on how to make effective requests.





# Worldwide ATI Initiatives

## Greece

- Implementation of a new transparency program to provide improved functionality, allowing citizens easier access to documents of interest and add electronic interaction with public body publishing documents.



Over the course of three Open Government National Action Plans, the Administration has committed to numerous efforts to modernize and improve FOIA administration.



# **U.S. Access to Information Efforts**

- Professionalize FOIA Administration
- Improve Internal Agency FOIA Processes
- Improve FOIA Training
- Expand services on FOIA.gov
- Improve agency FOIA websites



Agencies have taken numerous steps to make more information available to the public in numerous different ways.

The principles of participation and collaboration are at the heart of how many agencies carry out their missions today.



These efforts have been built on the foundation of transparency set by the passage of the FOIA 50 years ago.



UNITED STATES DEPARTMENT *of* JUSTICE

---

Questions?