Committee’s charter for actions to improve the implementation of FOIA.

The Committee has identified and approved 22 recommendations for delivery to the Archivist as mandated by the
Committee’s charter for actions to improve the implementation of FOIA.

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Stakeholder(s):
FOIAFAC Members

Alina M. Semo:
Chair, Office of Government Information Services, National Archives and Records Administration

Jason R. Baron:
Faegre Drinker Biddle & Reath LLP

Emily Creighton:
American Immigration Council

Kevin M. Goldberg:
Digital Media Association

James R. Jacobs:
Stanford University Libraries

Joan Kaminer:
U.S. Environmental Protection Agency

Lizzette Katilius:
U.S. Securities and Exchange Commission

Chris Knox:
Deloitte

Sarah Kotler:
Food and Drug Administration, U.S. Department of Health and Human Services

Ryan Law:
U.S. Department of the Treasury

Abioye Mosheim:
U.S. Consumer Product Safety Commission

Michael Morisy:
MuckRock

Sean Moulton:
Project On Government Oversight

Suzanne J. Piotrowski:
Rutgers University School of Public Affairs and Administration

Lee Steven:
Cause of Action Institute

James R. Stocker:
Trinity Washington University

Thomas Susman:
American Bar Association

Bobak Talebian:
Office of Information Policy, U.S. Department of Justice

Patricia A. Weth:
National Labor Relations Board

Bradley White:
U.S. Department of Homeland Security

Andrew Johns:
Past Member (2018-2020 Term) Brigham Young University

Ginger McCall:
Past Member (2018-2020 Term) State of Oregon

Melanie A. Pustay:
Past Member (2018-2020 Term) Office of Information Policy, U.S. Department of Justice

Records Management Subcommittee:
In connection with its ongoing work, the Records Management Subcommittee reviewed all available Chief FOIA Officer Reports submitted to OIP annually, as well as a sample of agency annual recordkeeping self-certification reports and SAORM Reports to NARA. The Subcommittee informally pursued lines of questioning about records management training with a liaison from NARA’s Office of the Chief Records Officer. The Subcommittee also met with representatives of the Federal Records Officer Network and through them conducted an informal survey on various topics of interest including recommendations on how FOIA and federal recordkeeping practices could better be integrated. Finally, the Subcommittee reached its conclusions based on one or more public presentations by agency staff at FOIA Advisory Committee hearings held during this term, including in follow-up conversations with those individuals.

Time/Volume Subcommittee:
The Time/Volume Subcommittee focused on the current statutory time frames for responding to FOIA requests and the volume of requests received by federal agencies. The Subcommittee focused on whether any improvements could be made in either area to reduce the number of requests that agencies receive, and to reduce the amount of time it takes for agencies to respond. The Subcommittee met as a group and decided on four main activities: (1) review past recommendations relevant to time and volume and track the progress of those recommendations; (2) review annual FOIA reports to track any trends...
that may contribute to backlogs; (3) review international right-to-information statutes to determine how foreign countries deal with the issue of time and volume; and (4) survey federal agency FOIA professionals and the requester community on these areas of interest.

**Vision Subcommittee:**
The Vision Subcommittee focused on five subparts of the mission statement: (1) raising the priority of FOIA within the executive branch, (2) reconsidering the model of OGIS within the FOIA community, (3) increasing accountability for FOIA and transparency, (4) managing expectations between agencies and the requester community, and (5) stressing the need for increased and continued financial support for agency FOIA programs.

**National Archives and Records Administration (NARA):**
The National Archives and Records Administration (NARA) chartered the Freedom of Information Act (FOIA) Advisory Committee (Committee) to foster dialogue between the administration and the requester community, solicit public comments, and develop consensus recommendations for improving FOIA administration and proactive disclosures. Committee members represent a wide variety of stakeholders in the FOIA community, inside and outside of government, and the Committee serves as a deliberative body to advise the Archivist of the United States on improvements to FOIA administration.

**Kirsten B. Mitchell:**
Designated Federal Officer — Office of Government Information Services, National Archives and Records Administration

**Archivist of the United States:**
Given the Archivist’s broad charge to the Committee to chart a course for the future of FOIA, the Committee believes it is appropriate and within the scope of our charge to offer recommendations not only for components of NARA and the U.S. Department of Justice’s Office of Information Policy (OIP) to implement, but also for all federal agencies, the inspector general community, the Chief FOIA Officers (CFO) Council and Congress as important actors in the administration of FOIA.

**U.S. Department of Justice’s Office of Information Policy (OIP)**

**Federal Agencies**

**Inspector General Community**

**Chief FOIA Officers (CFO) Council**

**Congress**

**Director, Office of Government Information Services (OGIS):**
The Committee understands that the Archivist has the authority only to ensure implementation of those recommendations directed to components of NARA. However, the Director of the Office of Government Information Services (OGIS) commits to work with the Archivist to convey the Committee’s recommendations to the named components of government to which they are directed, including to OIP, federal agencies, the CFO Council, the Council of the Inspectors General on Integrity and Efficiency, and Congress.

**Council of the Inspectors General on Integrity and Efficiency**
Vision
Improved FOIA compliance

Mission
To develop recommendations for improving FOIA administration and proactive disclosures.
NARA 1. Online Access

Enhance Online Access

NARA 1.1. FOIA Websites
Assess the information agencies make publicly available on their FOIA websites.

We recommend that the Office of Government Information Services undertake an assessment of the information agencies make publicly available on their FOIA websites to facilitate the FOIA filing process, and for the purpose of informing further guidance by the Office of Information Policy on how agencies may improve online descriptions of the process.

Stakeholder(s):
Office of Government Information Services

NARA 1.1.1. Filings
Facilitate the FOIA filing process.

NARA 1.1.2. Guidance
Inform guidance on how agencies may improve online descriptions of the process.

NARA 1.2. Records Management
Require agencies to include records management-related materials as part of agency websites and FOIA handbooks.

We recommend that the Office of Information Policy issue guidance to require agencies to include records management-related materials as part of agency websites and FOIA handbooks maintained pursuant to FOIA.

Stakeholder(s):
Office of Information Policy

NARA 1.3. Standards
Collecting, describing, and giving access to FOIA-released records in standardized ways.

We recommend that agencies work toward the goal of collecting, describing, and giving access to FOIA-released records in one or more central repositories in standardized ways, in addition to providing access on agency websites.
NARA 2. Training

Improve Training

**NARA 2.1. Records Management**

*Offer targeted training in selected topics in federal records management.*

We recommend that the National Archives and Records Administration and the Office of Information Policy offer targeted training in selected topics in federal records management to FOIA officers and FOIA Public Liaisons in federal agencies, and otherwise include a FOIA module in selected records management training courses open to all federal employees.

**Stakeholder(s):**
National Archives and Records Administration
Office of Information Policy
FOIA Officers
FOIA Public Liaisons
Federal Employees

**NARA 2.2. FOIA**

*Provide FOIA training annually to agency employees as well as to new employees and contractors.*

We recommend that the Office of Information Policy issue guidance requesting agencies to provide annual mandatory FOIA training to all agency employees, as well as provide FOIA training to all new agency employees and contractors onboarding with an agency, including program-specific training if applicable. We further recommend that the Office of Government Information Services and the Office of Information Policy undertake a study of agencies’ current FOIA training requirements and content.

**Stakeholder(s):**
Office of Information Policy
Office of Government Information Services
NARA 2.3. Senior Leaders

Brief senior leaders on records management and FOIA resources, obligations, and expectations.

We recommend that the Office of Government Information Services and the Office of Information Policy assist agencies in establishing briefings for senior leaders during transition to a new administration or any change in senior leadership, for the purpose of providing a thorough understanding of their agency’s FOIA resources, obligations, and expectations during the FOIA process, as well as on matters of records management.

Stakeholder(s):
Office of Government Information Services
Office of Information Policy
Senior Agency Leaders
NARA 3. Recognition

Raise the Profile of FOIA within Agencies.

NARA 3.1. Performance Plans

Encourage agencies to include FOIA in their performance plans.

We recommend that the Office of Government Information Services and the Office of Information Policy examine the FOIA performance measures used in Agency Performance Plans and Reports to encourage agencies to include FOIA in their performance plans. We further recommend that the Office of Government Information Services submit the results of its assessment and any recommendations to Congress and the President in accordance with 5 U.S.C. § 552(h)(5).

Stakeholder(s):
Office of Government Information Services
Office of Information Policy

NARA 3.2. FOIA Requests

Collect information on standard operating procedures for the processing of FOIA requests.

We recommend that the Office of Information Policy collect information as part of each agency’s Chief FOIA Officer Report regarding standard operating procedures for the processing of FOIA requests to increase public transparency and to encourage agencies to improve their internal processes.

Stakeholder(s):
Office of Information Policy
Chief FOIA Officers

NARA 3.3. E-Records Modernization

Further develop the idea of public access to federal records.

We recommend that the National Archives and Records Administration incorporate and further develop the idea of public access to federal records, including through FOIA, as part of its Federal Electronic Records Modernization Initiative.

Stakeholder(s):
National Archives and Records Administration

NARA 3.4. Data

Ensuring that Chief Data Officers understand the how federal recordkeeping and FOIA laws apply to data within agencies.

We recommend that the National Archives and Records Administration and the Office of Information Policy each establish a liaison with the newly created Chief Data Officers Council for the purpose of ensuring that Council officials understand the importance of federal recordkeeping and FOIA requirements and how such laws apply to the maintenance of data within agencies.
Stakeholder(s):
National Archives and Records Administration
Office of Information Policy
Chief Data Officers Council
NARA 4. Technologies

_Ebrace New Technologies_

**NARA 4.1. E-Discovery**

_Provide guidance on the use of e-discovery tools._

We recommend that the Office of Information Policy provide further guidance on the use of e-discovery tools to assist agencies in meeting their obligations to conduct an adequate search of electronic records, including but not limited to email in Capstone repositories.

_Stakeholder(s):_
Office of Information Policy

**NARA 4.2. Formats**

_Release FOIA documents in open, legible, machine-readable and machine-actionable formats._

We recommend that agencies release FOIA documents to the public on their FOIA websites and in FOIA portals in open, legible, machine-readable and machine-actionable formats, to the extent feasible.

_Stakeholder(s):_
Federal Agencies

**NARA 4.3. Capabilities**

_Review technological and staffing capabilities._

We recommend that agencies conduct a comprehensive review of their technological and staffing capabilities within two years to identify the resources needed to respond to current and anticipated future FOIA demands.

_Stakeholder(s):_
Federal Agencies
NARA 5. Alternatives

*Provide Alternatives to FOIA Access*

**NARA 5.1. Frequently Requested Records**

_Establish alternative processes for access to categories of frequently requested records._

We recommend that the Office of Government Information Services and the Office of Information Policy have agencies identify common categories of records requested frequently under the FOIA and/or Privacy Act by or on behalf of individuals seeking records about themselves, for the purpose of establishing alternative processes for providing access to these records to requesters in a more efficient manner than the FOIA.

**Stakeholder(s):**
- Office of Government Information Services
- Office of Information Policy

**NARA 5.2. Dissemination**

_Disseminate information outside of FOIA._

We recommend that agencies provide for the dissemination of information outside of FOIA, including in online databases where members of the public may access commonly requested types of documents.

**Stakeholder(s):**
- Federal Agencies
CFOIAC 1. Collaboration & Innovation

Create a committee for cross-agency collaboration and innovation.

Stakeholder(s)
Chief FOIA Officers Council

We recommend that the Chief FOIA Officers Council create a committee for cross-agency collaboration and innovation to:

CFOIAC 1.1. Grants & Revenues
Research and propose a cross-agency grant program and other revenue resources for FOIA programs.

CFOIAC 1.2. Career Paths
Review and promote initiatives for clear career trajectories for FOIA professionals, building on the Government Information Specialist job series and in coordination with existing agency efforts.

CFOIAC 1.3. Transparency
Explore and recommend models to align agency resources with a commitment to agency transparency.
CFOIAC 2. Reminders

Annually reissue a FOIA memorandum.

Stakeholder(s):
Chief FOIA Officers Council
Agency Leaders
Federal Workforce

We propose that the Chief FOIA Officers Council recommend that agency leadership annually issue a memorandum reminding the workforce of its responsibilities and obligations under FOIA and encouraging the workforce to contact the agency’s FOIA Officer for assistance with the FOIA process.

CFOIAC 2.1. Responsibilities & Obligations

Remind the workforce of its responsibilities and obligations under FOIA.

Stakeholder(s):
Federal Workforce

CFOIAC 2.2. Assistance

Encourage the workforce to contact the agency’s FOIA Officer for assistance with the FOIA process.

Stakeholder(s):
Federal Workforce
FOIA Officers
CIGIE 1. E-Records

Provide access to agency records in electronic or digital form.

Stakeholder(s)
Council of the Inspectors General on Integrity and Efficiency

We recommend that the Chair of the Council of the Inspectors General on Integrity and Efficiency consider designating as a cross-cutting project or priority area the issue of how successful agencies are in providing FOIA access to agency records in electronic or digital form.
Congress 1. Oversight, Communication, Authority & Resources

Address oversight, communication, authority and resource requirements.

Stakeholder(s)
Congress

We recommend that Congress engage in more regular and robust oversight of FOIA and the long-standing problems with its implementation; that Congress hold more hearings, establish a more regular and coordinated stream of communication and inquiries to agencies around FOIA issues; and that Congress strengthen the Office of Government Information Services with clearer authority and expanded resources.

Congress 1.1. Oversight

Engage in regular and robust oversight of FOIA.

Congress 1.2. Hearings & Communications

Hold more hearings, establish a more regular and coordinated stream of communication and inquiries to agencies around FOIA issues.

Congress 1.3. Authority & Resources

Strengthen the Office of Government Information Services with clearer authority and expanded resources.

Stakeholder(s):
Office of Government Information Services
Congress 2. Funding

*Fund FOIA offices adequately.*

**Stakeholder(s)**

Congress

FOIA Offices

We recommend that Congress directly address the issue of funding for FOIA offices and ensure that agencies receive and commit sufficient dedicated resources to meet their legal obligations to respond to FOIA requests in a timely manner both today and in the future.
Archivist 1. Future

Look to the future.

Stakeholder(s)
Archivist of the United States

Additional Recommendations: Looking to the Future

Archivist 1.1. Data Strategies

Incorporate FOIA access and federal recordkeeping policies into federal data strategies.

The Archivist should continue to take a leadership role in ensuring that ongoing and future federal data strategies incorporate existing FOIA access and federal recordkeeping policies.

Archivist 1.2. AI/ML

Promote research into artificial intelligence and machine learning.

The Archivist should work with other governmental components and industry in promoting research into using artificial intelligence, including machine learning technologies, to (i) improve the ability to search through government electronic record repositories for responsive records to FOIA requests and (ii) identify sensitive material for potential segregation in government records, including but not limited to material otherwise within the scope of existing FOIA exemptions and exclusions.

Archivist 1.2.1. Queries

Improve the ability to search through government electronic record repositories for responsive records to FOIA requests.

Archivist 1.2.2. Sensitive Records

Identify sensitive material for potential segregation in government records, including but not limited to material otherwise within the scope of existing FOIA exemptions and exclusions.
Administrative Information

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Submitter:
Given Name: Owen
Surname: Ambur
Email: Owen.Ambur@verizon.net
Phone: 