UNITED STATES DEPARTMENT of JUSTICE

Updates from the Office of Information Policy

Chief FOIA Officers Council Meeting

October 14, 2020

OIP Updates

- FOIA Reporting Updates
- FOIA.gov Enhancements, Initiatives, and Interoperability
- OIP Resources

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FOIA Reporting

2020 Chief FOIA Officer Reports Summary and Assessment

- Last month, OIP issued its annual Summary and Assessment of Agency Chief FOIA Officer (CFO) Reports.
- The Summary and Assessment reflect a number of areas where agencies have achieved milestones related to the key areas of FOIA administration, while also highlighting areas for improvement.
- Agencies and the public are encouraged to review this year's Summary and Assessment, along with agencies' individual Chief FOIA Officer Reports.

Guidance for Improvement Based on 2020 CFO Report Review and Assessment

Accompanying the Summary and Assessment is OIP's Guidance for Further Improvement:

- Emphasizes the importance of timeliness when responding to requests, reducing backlogs, and adjudicating requests for expedited processing within 10 calendar days.
- Encourages agencies to consider steps highlighted in OIP's Guidance for Agency Administration in Light of COVID-19 Impacts to continue to maximize the efficiency and effectiveness of their programs.

2021 Chief FOIA Officer Reports

- 2021 CFO Report Guidelines are now available.
- Deadlines
  - **January 11, 2021** – Agencies that received more than 50 requests in FY19 must submit their 2021 Chief FOIA Officer Reports to OIP for review.
  - **February 12, 2021** – Agencies that received 50 requests or less in FY19 that choose to report should provide their 2021 Chief FOIA Officer Reports to OIP for review.
- March 15, 2021 – Agency CFO Reports must be posted in final form on agency websites.

2021 Chief FOIA Officer Report Guidelines

- The Guidelines focus on five key areas of FOIA Administration:
  - Applying the Presumption of Openness
  - Ensuring there are Effective Systems for Responding to Requests
  - Increasing Proactive Disclosures
  - Increasing the Utilization of Technology
  - Improving Timeliness and Reducing any Backlogs

2021 Chief FOIA Officer Report Guidelines

- The 2021 Guidelines include new questions on:
  - Agency FOIA Training
  - Review of Standard Operating Procedures
  - Frequent First-Party Requests and Alternative Access
  - Updates to Agency FOIA Regulations
  - Impact of COVID-19

Fiscal Year 2020 Annual FOIA Report

- Annual FOIA Report Deadlines
  - **November 16, 2020** – Agencies required to submit their Fiscal Year 2020 Annual FOIA Report to OIP for review and clearance through FOIA.gov.
  - **March 1, 2021** – Agencies required to post the final human readable and NIEM-XML versions of their Fiscal Year 2020 Annual FOIA Report on their websites.
- The Department of Justice Annual FOIA Report Handbook, recently updated, contains instructions for compiling and submitting your report on FOIA.gov.

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FOIA.gov

Enhancements Since Launch

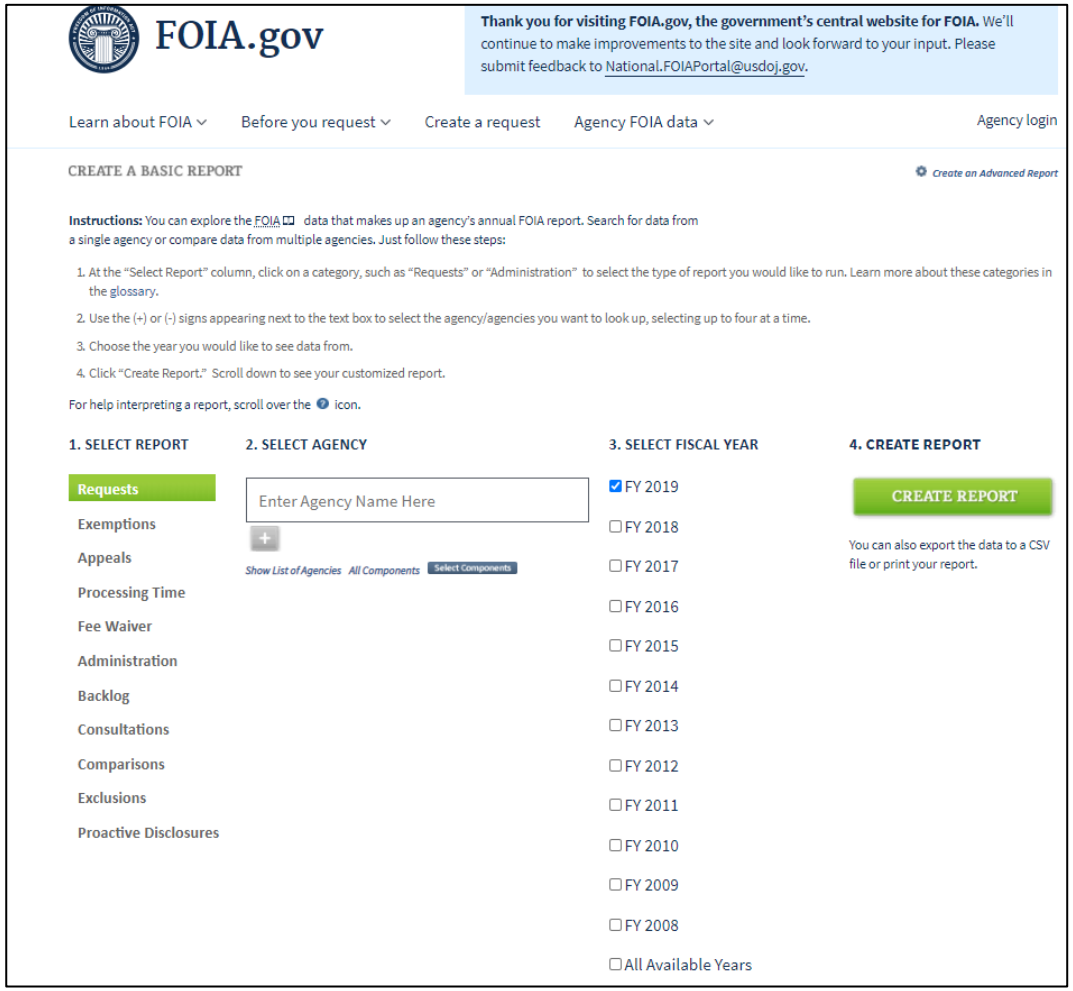
- Added new logic that requires requesters to provide at least one form of contact information.
- Improved the form in which agencies received structured requests via email.
- Added a dynamic export for all government FOIA contact information.
- Implementing full API interoperability.
- New A-Z Index for selecting agencies.
- New Annual FOIA Report Tool for agencies to submit their reports to DOJ via FOIA.gov.

FOIA.gov Upcoming Enhancements

Revamped Annual Data Page Coming Soon!

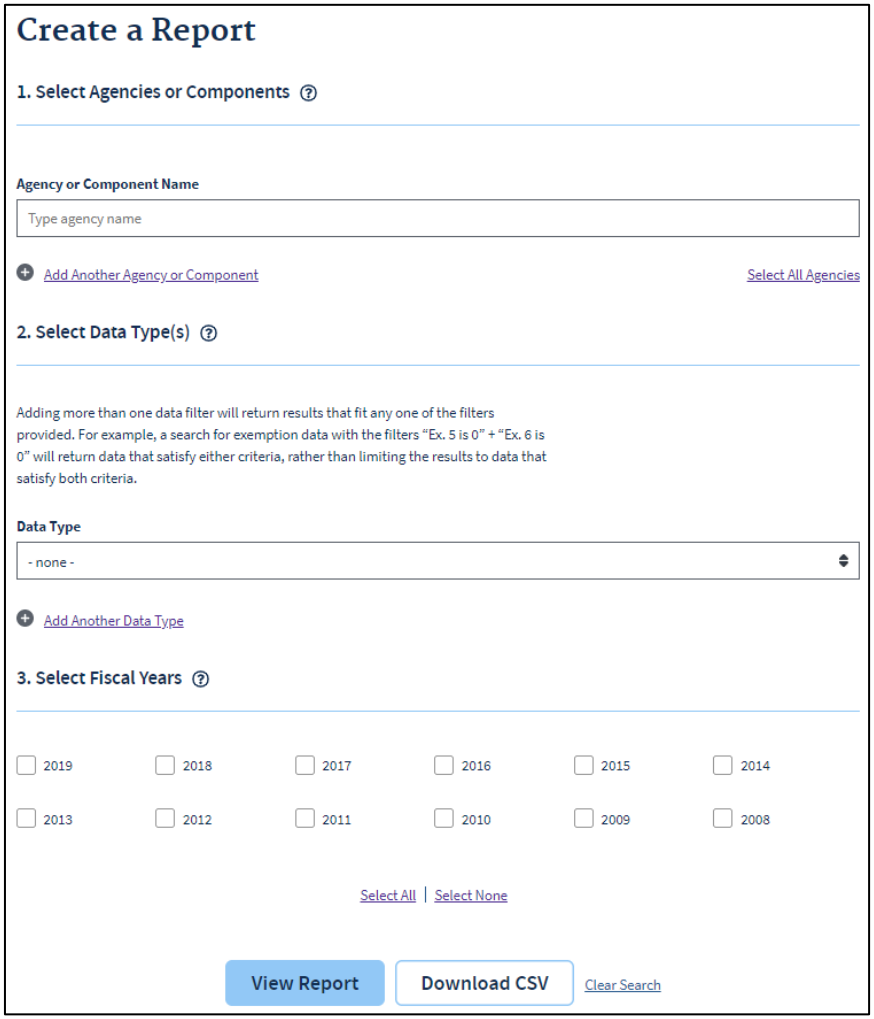
- Streamlines the user experience:
  - Combines the "basic" and "advanced" reports currently on FOIA.gov
  - Easier to search for and compare agency and component data
  - Results can be viewed in FOIA.gov or downloaded directly to a CSV. Format of the data output
  - Mobile-friendly

Current Annual Data page



[FOIA.gov - Data]

New Annual Data page, coming soon!



[Dev FOIA.gov - Create a Report]

FOIA.gov Upcoming Enhancements

ForeSee

- Implementation is in process
- Permits us to gather information about user experiences.
- Provides greater insight to how the public and agencies are using FOIA.gov, which will in turn inform future enhancements.

FOIA.gov Upcoming Enhancements

Searchability of FOIA Libraries from FOIA.gov

- Initiative to expand searchability of records posted in agency FOIA Libraries
  - Supported by the FOIA.gov Line of Business contributors
  - DOJ recently awarded 10x Phase 1 funding to explore ideas for how this may be implemented
- We welcome suggestions from CFOs and the public as we continue to develop FOIA.gov

Interoperability with FOIA.gov

- Joint DOJ/OMB Guidance for Achieving Inter-operability with the National FOIA Portal (February 12, 2019)
- Agencies with automated case management systems are required to implement an API by the end of FY21, unless granted an exception by DOJ/OMB.
- Agencies with non-automated solutions have already achieved interoperability via structured email.
- If your agency (or component) is ready to implement the API, reach out to OIP for instructions.

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OIP Resources for Agencies

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.

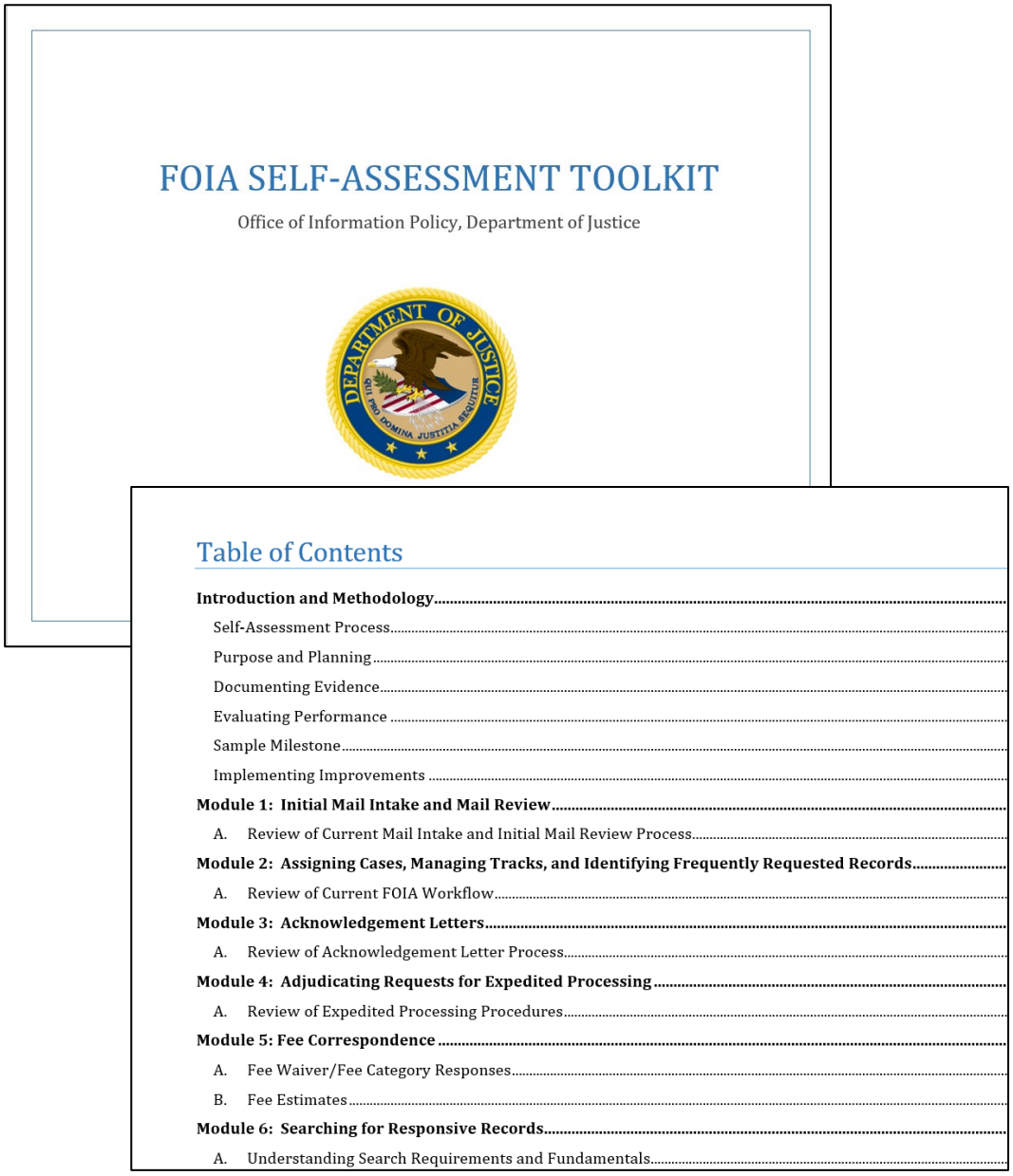
DOJ Guide to the FOIA

- OIP completed a full update in 2019, comprehensively updated every section to account for recent case law and OIP Guidance.
- OIP has continued to update individual chapters on a rolling basis.
- Agencies are encouraged to use the Guide in conjunction with other resources provided by OIP.

FOIA Court Decision Summaries

- OIP publishes summaries of all court decisions rendered in federal FOIA cases.
- These summaries are available on OIP's website, and searchable by text and topic.

FOIA Self-Assessment Toolkit



FOIA SELF-ASSESSMENT TOOLKIT

Office of Information Policy, Department of Justice

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Module 2: Assigning Cases, Managing Tracks, and Identifying Frequently Requested Records
A. Review of Current FOIA Workflow
Module 3: Acknowledgement Letters
A. Review of Acknowledgement Letter Process
Module 4: Adjudicating Requests for Expedited Processing
A. Review of Expedited Processing Procedures
Module 5: Fee Correspondence
A. Fee Waiver/Fee Category Responses
B. Fee Estimates
Module 6: Searching for Responsive Records
A. Understanding Search Requirements and Fundamentals

To assist agencies in conducting self-assessments, OIP developed a "Self-Assessment Toolkit" covering the FOIA process ranging from Request Intake to FOIA Websites.

Toolkit Modules

- Initial Mail Intake and Mail Review
- Assigning Cases, Managing Tracks, and Identifying Frequently Requested Records
- Acknowledgement Letters
- Adjudicating Requests for Expedited Processing
- Fee Correspondence
- Searching for Responsive Records
- Processing Procedures
- Consultations and Referrals
- Response Language
- Training and Employee Development
- Requester Services
- FOIA Reporting
- FOIA Website Development and Maintenance

Update to the Self-Assessment Toolkit, including new modules, coming soon!

Best Practices Workshop Series

- OIP hosts workshops focused on various FOIA topics with a with a panel of representatives sharing experiences, lessons, and strategies for success in these areas.
- Past topics have included: Backlog Reduction, Technology, Customer Service, FOIA Training, Proactive Disclosures.
- Best practices discussed at prior workshops are posted on the Best Practices Workshop Series page on OIP's website.
- We welcome agency suggestions for future topics! Please email DOJ.OIP.FOIA@usdoj.gov with subject line "Best Practices Workshop Suggestion"

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Questions?