



Sued into Oblivion

Foreseeable Harm Standard

DOJ Office of Information Policy
(DOJ OIP) Misinformation

PUBLIC COMMENT

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Copy to:
Attorney General Merrick Garland
United States Associate Attorney General Vanita Gupta



PREFACE – Why this matters!

This supplements my public comment, [Foreseeable Harm Standard. DOJ Office of Information Policy \(DOJ OIP\) Misinformation + Navy Misconduct and Idiocy](#)

<https://www.documentcloud.org/app?q=%2Buser%3Arobert-hammond-106693%20>

The clear language of the statute, its legislative history, DOJ policy, and case law mandate that the agency not simply state they have considered the foreseeable harm (as DOJ OIP has recently opined) but clearly articulate what that harm is, and it cannot be speculative.

This is extremely important because as articulated (earlier) on DOJ OIP's website Vol. XV, No. 2 under OIP Guidance "Applying the foreseeable Harm Standard Under Exemption 5" DOJ states:

- "In short, it be shall the policy of the Department of Justice to defend the assertion of a FOIA exemption only in those cases where the agency reasonably foresees that disclosure would be harmful to an interest protected by that exemption."
- FOIA Update: OIP Guidance: Applying the "Foreseeable Harm" Standard Under Exemption Five | OIP | Department of Justice , <https://www.justice.gov/oip/blog/foia-update-oip-guidance-applying-foreseeable-harm-standard-under-exemption-five>

ATTORNEY GENERAL MEMO +
CHIEF FOIA OFFICERS COUNCIL APRIL 21, 2022
TRANSCRIPT
FORSEEABLE HARM.

Along with Attorney General Merrick Garland's memo of March 15, 2022, Subject: Freedom of Information Act Guidelines, I am attaching the official meeting transcript of the April 21, 2022 Chief FOIA Officers meeting. I have corrected transcription errors to my comments but have not verified the remaining content. The following statements by Vanita Gupta and Bobby Talebian apply.

DOJ United States Associate Attorney General Vanita Gupta:

“The attorney general reinforced this commitment during Sunshine Week by issuing new FOIA guidelines that I hope all of you have seen. The guidelines cover many issues, and I just want to summarize a few highlights.

The new guidelines strengthen our commitment to administering the FOIA with a presumption of openness. Importantly, the Attorney General's new guidelines emphasize the FOIAs requirement that **even where an agency could technically withhold information based on an exemption, the agency should nevertheless disclose the information unless the agency can identify a foreseeable harm or legal bar from disclosure.** And to further reinforce this requirement, the guidelines provide for the first time that agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when applying FOIA exemptions. Agencies are also strongly encouraged to make discretionary disclosures of information where appropriate.”

DOJ OIP Director Bobby Talebian:

“Now we've received questions on this point and in particular, how agencies should articulate this standard in their administrative response letters. Agencies can use the language that is in the memo itself, advising requesters that they have considered the foreseeable harm standard when reviewing records and applying exemptions. Of course the language is applicable when agencies are or had the opportunity to review records for disclosure.”

HOW AGENCIES MAY BE SUED INTO OBLIVION.

Any agency that merely states in a determination letter that the agency has considered the foreseeable harm standard rather than articulating that harm for each exemption will be deemed in litigation as having violated the FOIA and case law. You will lose.

Rather than merely stating that the agency has considered the foreseeable harm standard, the agency must **articulate** what that foreseeable harm is, and it cannot be speculative.

As Attorney General Merrick Garland says in his March 15, 2022 Memo:

“Information that might technically fall within an exemption should not be withheld from a FOIA requester unless the agency can **identify** a foreseeable harm or legal bar to disclosure. In case of doubt, openness should prevail.”

TRUTH, transparency, and accountability matter!

Attachments:

- A. Attorney General Memo of March 15, 2022, Subject: Freedom of Information Act Guidelines
- B. April 21, 2022 Chief FOIA Officers Meeting Official Transcript
- C. Hammond Posted Public Comments

ATTACHMENT A

**Attorney General Memo of March 15, 2022,
Subject: Freedom of Information Act Guidelines**



Office of the Attorney General
Washington, D. C. 20530

March 15, 2022

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: THE ATTORNEY GENERAL

SUBJECT: FREEDOM OF INFORMATION ACT GUIDELINES

For more than fifty years, the Freedom of Information Act (FOIA), 5 U.S.C. § 552, has been a vital tool for ensuring transparency, accessibility, and accountability in government. As the Supreme Court has explained, the Act's "basic purpose . . . is to ensure an informed citizenry," which is "vital to the functioning of a democratic society [and] needed to check against corruption and to hold the governors accountable to the governed." *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978). The guidelines set forth below update and strengthen the federal government's commitment to the fair and effective administration of FOIA.

A. The Presumption of Openness

1. As amended in 2016, the Freedom of Information Act provides that a federal agency or department (hereinafter "agency") may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates; or (2) disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A)(i).

2. Information that might technically fall within an exemption should not be withheld from a FOIA requester unless the agency can identify a foreseeable harm or legal bar to disclosure. In case of doubt, openness should prevail. Moreover, agencies are strongly encouraged to make discretionary disclosures of information where appropriate.

3. When an agency determines that it cannot make full disclosure of a requested record, FOIA requires that it "consider whether partial disclosure of information is possible" and "take reasonable steps necessary to segregate and release nonexempt information." *Id.* § 552(a)(8)(A)(ii).

4. To help ensure proper application of the foreseeable harm standard, agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

5. In determining whether to defend an agency's nondisclosure decision, the Justice Department will apply the presumption of openness described above. The Justice Department will not defend nondisclosure decisions that are inconsistent with FOIA or with these guidelines.

6. Although the fair and effective administration of FOIA requires that openness prevail in the face of doubt, Congress established nine exemptions to protect, for example, national security, personal privacy, privileged records, and law enforcement interests. *Id.* § 552(b). As the Act makes clear, however, the "burden is on the agency to sustain" a decision to withhold records under those exemptions. *Id.* § 552(a)(4)(B). Nor may agencies withhold information based merely on speculative or abstract fears or fears of embarrassment.

7. The Justice Department's Office of Information Policy stands ready to provide guidance to agencies making FOIA determinations in close cases and to provide support and training as agencies work to implement this guidance. With respect to specific FOIA litigation, agencies should consult with the relevant Justice Department attorney assigned to the case.

B. Proactive Disclosures

1. The proactive disclosure of information is also fundamental to the faithful application of FOIA. Proactive disclosures enable information about federal government operations to be more readily available to all.

2. FOIA requires agencies to proactively disclose certain categories of records, including previously released records that have been requested three or more times or that "have become or are likely to become the subject of subsequent requests." *Id.* § 552(a)(2)(D)(ii).

3. In making proactive disclosures, agencies should post records online as soon as feasible. Agencies should also continue to maximize their efforts to post more records online quickly and systematically in advance of any public request.

4. The Justice Department has strengthened its efforts to encourage proactive agency disclosures, including by – as the Government Accountability Office (GAO) recommended – providing more specific criteria regarding how relevant metrics should be reported in agency Annual FOIA Reports.¹

C. Removing Barriers to Access and Reducing FOIA Request Backlogs

1. Agencies should continue their efforts to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs. For example, the Justice Department's Executive Office for Immigration Review has long required individuals to file FOIA requests to obtain official copies of their own records of immigration court proceedings. We are now changing that policy, and I encourage all agencies to examine whether they have

¹ See U.S. DEP'T OF JUST., DEPARTMENT OF JUSTICE HANDBOOK FOR AGENCY ANNUAL FREEDOM OF INFORMATION ACT REPORTS (2021), <https://www.justice.gov/oip/page/file/1438431/download>.

similar or other categories of records that they could make more readily accessible without requiring individuals to file FOIA requests.

2. It is equally important to ensure that the public can readily find information that the government makes available. Records should be posted online quickly and systematically. In addition, agency FOIA websites should be easily navigable, and records should be presented in the most useful, searchable, and open formats possible. As we continue to improve our FOIA programs, improving the organization and presentation of disclosed materials should be a core part of our efforts to efficiently provide government records to the public.

3. FOIA.gov continues to serve as the government's central website for FOIA administration. The Justice Department is committed to continuing to build on the functionality of the site to better serve requesters and agencies. Together with the Office of Management and Budget, the Justice Department issued joint guidance in 2019 to ensure full interoperability of FOIA.gov.² Agencies should ensure that they are complying with FOIA.gov's interoperability requirements and are regularly updating their information on FOIA.gov.

4. Timely disclosure of records is also essential to the core purpose of FOIA. Agencies must have effective systems in place for responding to requests in a timely manner. The Justice Department encourages Chief FOIA Officers to undertake a comprehensive review of their FOIA programs to ensure that searches, reviews, and productions of records are conducted as efficiently as possible.

5. Agency FOIA professionals should continue to work with FOIA requesters in a spirit of cooperation. Each agency should actively work with requesters to remove barriers to access and to help requesters understand the FOIA process and the nature and scope of the records the agency maintains. Agencies should also ensure that they promptly communicate with requesters about their FOIA requests. As the Justice Department has emphasized in guidance for more than a decade, agencies should communicate electronically with FOIA requesters to the greatest extent possible, including by accepting FOIA requests and subsequent administrative correspondence electronically.

D. Ensuring Fair and Effective FOIA Administration

Ensuring fair and effective FOIA administration requires support from agency leadership, proper training, and a full understanding of FOIA obligations by the entire agency workforce.

1. I urge agency Chief FOIA Officers to undertake comprehensive reviews of all aspects of their agencies' FOIA administration, with a particular focus on the concerns highlighted in this memorandum. In accordance with FOIA and the Justice Department's FOIA Guidelines, agencies should report to the Justice Department each year on the steps they have taken to improve FOIA operations and facilitate information disclosure at their agencies. 5 U.S.C. § 552(j)(2)(D). The Justice Department's Office of Information Policy will offer specific guidance on the timing and content of such reports to ensure that they inform current and

² See *Guidance for Achieving Interoperability with the National Freedom of Information Act (FOIA) Portal on FOIA.gov* (February 12, 2019).

emerging FOIA challenges and risks, including, as the GAO recommended, the number of requests for which unusual circumstances apply and the effect of litigation on overall FOIA request processing and backlog.

2. In conducting assessments, Chief FOIA Officers should carefully review backlogs of requests and evaluate the allocation of agency resources to FOIA operations.

3. The FOIA Improvement Act of 2016 established a Chief FOIA Officers Council to develop recommendations for increasing compliance and efficiency in responding to FOIA requests, and to identify, develop, and coordinate initiatives for increasing transparency and compliance with FOIA's requirements. The Council has served as a helpful platform for understanding common challenges, advancing new FOIA initiatives, and identifying and sharing best practices. I encourage new agency Chief FOIA Officers to participate on the Council for the benefit of their own agencies and to improve government-wide FOIA administration.

4. The federal government could not process the hundreds of thousands of FOIA requests that are received every year without its dedicated FOIA professionals. FOIA professionals deserve the full support of their Chief FOIA Officers and all their agency colleagues.

5. Successful FOIA administration also requires proper training and a commitment to FOIA compliance by agency personnel. Simply put, FOIA is everyone's responsibility. I encourage each agency head to provide regular and proper training to your workforce that explains the importance of FOIA and every individual's role in administering it. The Justice Department's Office of Information Policy has issued several guidance documents and articles on the topics discussed in this memorandum, including resources to assist you with ensuring proper training and compliance with FOIA. See <https://www.justice.gov/oip>. I urge agencies to consult these resources.

6. The Justice Department understands the challenges agencies face in responding to the high number of requests they receive each year. The Department stands ready to work constructively with your agencies, with Congress, and with the FOIA requester community to improve processing capacities, reduce backlogs, and make government more transparent, responsive, and accountable. I encourage your agencies to take advantage of the government-wide resources the Justice Department has made available as you work to comply with your FOIA obligations.³

* * *

Transparency in government operations is a priority of this Administration and this Department. We stand ready to work with each of you to make real the Freedom of Information Act's promise of a government that is open and accountable to the American people.

³ This memorandum, which supersedes previous Attorney General memoranda on this subject, is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers, employees, agents, or any other person.

ATTACHMENT B

**April 21, 2022 Chief FOIA Officers Meeting
Official Transcript**

Top



National Archives OGIS Operations

Due to the COVID 19 pandemic, we are experiencing delays in receiving postal mail. To ensure a more timely response to your inquiry, please contact us via email at ogis@nara.gov.

Read more on how NARA is addressing COVID-19 (coronavirus) www.archives.gov/coronavirus .

Transcript

Chief FOIA Officers Council Meeting (Virtual Event)

Thursday, April 21, 2022

10:00 a.m. - 12:00 p.m. (ET)

Michelle [producer]: Ladies and gentlemen, welcome, and thank you for joining today's Chief FOIA Officers Council Meeting. Before we begin, please ensure that you have opened the WebEx participant and chat panels by using the associated icons located at the bottom of your screen. Please note, all audio connections are currently muted, and this conference is being recorded. You are welcome to submit written questions or comments throughout the meeting, which will be addressed at the Q&A session of the meeting. To submit a written comment, select all panelists from the dropdown menu in the chat panel, then enter your question in the message box provided and send.

To make a comment via WebEx audio, please click the raise hand icon on your WebEx screen, which is located above the chat panel on the right. This will place you into the question queue. If you are connected to today's meeting via phone audio, please dial pound two on your telephone keypad to enter the question queue. If you require technical assistance, please send a chat to the event producer. With that, I will turn the meeting over to Alina Semo, Director, Office of Government Information Services at the National Archives and Records Administration. Alina, please go ahead.

Alina Semo: Thanks, Michelle. Next slide, please. Good morning, everyone. Thank you for joining us today for our virtual Chief FOIA Officer Council Meeting. I hope everyone has been staying healthy, safe, and well. I am Alina Semo, Director of the Office of Government

Information Services, OGIS, and co-chair of the council. Let me introduce my co-chair Bobby Talebian, Director of the Office of Information Policy at the Department of Justice. Bobby? Bobby, you're on mute.

Bobby Talebian: No amount of practice helps with that. Thank you, everyone. Good morning. Thank you for joining us either via WebEx or the livestream for our meeting today. We're looking forward to a great agenda.

Alina Semo: Agreed, Bobby. Thanks. We're excited about our agenda today. In a couple of minutes, Bobby will be introducing the Associate Attorney General of the United States, Vanita Gupta, who will provide opening remarks. Next, you will hear welcoming remarks from Archivist to the United States, David Ferriero. I am sad to report that this will be David's last CFO council meeting as he retires at the end of this month, after a long and illustrious career, having spent the last 12 or so years as the 10th archivist of the United States. On behalf of the CFO council, I want to thank David for all of the support he has given us. We will definitely miss his extraordinary support for improving the FOIA process.

Bobby Talebian: I also personally want to thank you, David, for all your support of FOIA and the CFO council, and congratulations on your retirement. After our welcome remarks, Alina and I will each provide an overview of the work we've been doing in our offices and share some updates. Then you'll next hear from the council's two committees, the technology committee and the committee on cross agency, collaboration and innovation. We'll have the two co-chairs of both committees join us later this morning, along with a few members of the committees.

I also want to make sure we put a plug in, once you see the committee's great work, hopefully that'll inspire more volunteers. So we're always looking for more volunteers. If you'd like to volunteer for one of the committees, please reach out to either Alina or myself.

Alina Semo: Thanks, Bobby. During the course of the meeting, we will pause to check in to see if there are any questions from our agency FOIA colleagues that come in via chat. So please feel free to send in your questions or any comments. We are also simultaneously live streaming today's meeting on the NARA YouTube channel, and we will be monitoring the chat functions both on WebEx and YouTube. So we want to encourage our agency colleagues to please chat any questions or observations or comments you may have, and we will read them along the way as appropriate. An important reminder, if you are on WebEx, please be sure to chat to all panelists to ensure your comments are seen by everyone who's participating on the panelist side. Bobby.

Bobby Talebian: Thank you Alina. As we have in our prior meetings, we've reserved time today at the end of the session for public comments. We'll be opening up the telephone lines at the end of the meeting for the last 15 minutes for any oral questions or comments from the public. We ask that you limit your comments to three minutes to ensure everyone gets equal

opportunity. Once your three minutes expire, the event producer will mute the line so that we can move on to the next commentator or other questions or comments pending in the chat.
Alina.

Alina Semo: We are monitoring the chat on WebEx and on the NARA YouTube channel, as I mentioned earlier, and we will read out loud any appropriate questions or comments we receive from the public during the public comment period. I also want to note, we have received several written comment submissions in advance of today's meeting. We have posted them on the CFO council webpage on the OGIS website. I also want to note that the chat function in both WebEx and the NARA YouTube channel is not, I repeat not, the proper forum to submit extensive public comments. The chat function on both platforms should be used to ask clarifying questions or provide brief comments or questions that we will consider reading out loud at the end of today's meeting.

You may submit public comments at any time by emailing cfo-council@nara.gov, and we will consider posting them on the OGIS website. The chat function on both platforms should be used to ask clarifying questions or provide brief comments that I mentioned earlier, that we will read out loud at the end of the meeting, if appropriate. Finally, a reminder that the council meeting is not the appropriate venue for concerns about individual FOIA requests or individual issues, with regard to FOIA. If you need OGIS assistance, you may request it by emailing us at ogis@nara.gov.

Bobby Talebian: Thank you. With our housekeeping rules wrapped up, it is my distinct pleasure to introduce our first welcoming remarks from the Associate Attorney General of the United States, Vanita Gupta. I want to thank the Associate for her time this morning and all of her support for FOIA.

Vanita Gupta: Thank you, Bobby, for that warm welcome. Good morning, and thanks to all of you for joining us today for this meeting of the Chief FOIA Officers Council spring meeting. On behalf of the Department of Justice, I want to welcome back the chief FOIA officers and all of the agency FOIA officials who manage the day to day administration of the FOIA. During the department's Sunshine Week event last month, we were really proud to recognize many of the FOIA professionals at your agencies for their exceptional service to FOIA administration. I also want to welcome the members of the public that are joining us today.

Throughout my career outside of government, I have personally relied on the FOIA's disclosure mandates and have seen firsthand the really critical role that the FOIA plays in ensuring government transparency in public participation. Your continued feedback is critically important to us because it's really through the FOIA that journalists, advocates, and ordinary residents remain informed well enough to make real, our ideal of a democracy governed by the people and for the people. At DOJ, we take very seriously our responsibility of encouraging

government-wide compliance with the FOIA. The attorney general reinforced this commitment during Sunshine Week by issuing new FOIA guidelines that I hope all of you have seen. The guidelines cover many issues, and I just want to summarize a few highlights.

The new guidelines strengthen our commitment to administering the FOIA with a presumption of openness. Importantly, the Attorney General's new guidelines emphasize the FOIA's requirement that even where an agency could technically withhold information based on an exemption, the agency should nevertheless disclose the information unless the agency can identify a foreseeable harm or legal bar from disclosure. And to further reinforce this requirement, the guidelines provide for the first time that agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when applying FOIA exemptions. Agencies are also strongly encouraged to make discretionary disclosures of information where appropriate.

The new guidelines also emphasize ways that agencies can help the public get information faster and in a more accessible format, such as by posting online proactive disclosures of matters of public interest as quickly as possible, making websites searchable and easy to navigate, and updating information on FOIA.gov, which is the federal government central website on the Freedom of Information Act. The guidelines encourage agencies to look for ways to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs. Agencies are encouraged to closely examine whether FOIA searches, reviews, and productions are being handled as efficiently as possible, and whether there are categories of records that can be readily accessible to requesters without requiring a FOIA request.

Finally, the Attorney General's guidelines highlight the important role that we on the Chief FOIA Officers Council serve to ensure that the FOIA is being administered efficiently and effectively. The successful Next Generation FOIA Tech Showcase event in February and the follow-up workshops for agencies on FOIA technology in March are just two examples of the way that this council can provide a valuable forum for agencies to share their experiences in best practices in administering the FOIA.

We have a great agenda today, and I look forward to hearing about the progress of the council's two committees. As I close, I just want to also repeat how grateful I am to the members of the council and to the dedicated FOIA professionals who work tirelessly to administer the FOIA. We know that the last couple of years during the pandemic have made your jobs harder and the department stands ready to help you. Together we can ensure that the government is open, transparent, and accountable to the people we serve.

I'm now going to hand the event over to David Ferriero, who needs no introduction, the Archivist of the United States. But before I do, David, I just want to congratulate you on your upcoming retirement most well deserved after serving over 12 years as our country's archivist.

You have led the National Archives with a deep, deep commitment to the principles of transparency, accessibility to the public, and open government. We are deeply grateful for your leadership and vision. David, the floor is now yours.

David Ferriero: Thank you, Vanita, and thank you for those kind words. I join you from the National Archive flagship building in Washington, which sits on the ancestral lands of the Nacotchtank peoples. You might wonder about the purpose of land acknowledgement statements as it is one I often repeat in my public remarks. The National Archives, and indeed other archives, libraries, museums, and universities have a particular obligation as cultural and educational institutions to create historical representations that are true and factual. Land acknowledgement statements are one way of doing that. Chief FOIA officers, as senior officials who play a crucial role in overseeing and ensuring compliance with a statute that is the bulwark of our democracy, the Freedom of Information Act.

While Congress passed FOIA nearly 56 years ago, the declaration of independence preserved and proudly displayed here in the National Archives mentions public records, which are at the heart of FOIA. A list of grievances against King George III, America's founding fathers noted that he convened legislative bodies in places from the depository of their public records. Today, thanks to technology, physical distance is no longer the barrier it was when our nation was founded. The National Archives is committed to digitizing 500 million pages of records and making them publicly available online by October 1st, 2024. So anyone with a computer can access them. We are well on our way at more than 170 million today.

At the same time departments and agencies across the government are working hard to move toward a fully electronic government. Today, most records are born digital. The issues posed in managing and making available such mammoth amounts of information are challenging, yet present abundant opportunities for creative solutions. FOIA professionals have spent much of the past two years seeking creative solutions to the challenges presented by a global pandemic. Indeed, today's meeting of the Chief FOIA Officers Council marks the seventh time the council has convened in the virtual space to share updates and collaborate on ideas for administering FOIA.

Finally, this is my last meeting of the Chief FOIA Officers Council. I retire at the end of next week and Deputy Archivist, Debra Steidel Wall, will be the acting Archivist of the United States while the president nominates and the Senate confirms my replacement. The National Archives mission and strategic goals remain unchanged. We will continue to drive openness and cultivate public participation, hereby strengthening our nation's democracy. Thank you, Chief FOIA Officers and members of the public for all the work that you do every day to make the FOIA work efficiently and fairly, thereby strengthening our nation's democracy. Thank you. Back to you, Bobby.

Bobby Talebian: Thank you so much, David. Next, we'll move on to the next slide. And we can move on to the next slide. Thank you, again.

Today, I would like to start our meeting by providing some updates from OIP. Of course, as the Associate Attorney General mentioned, we have new Attorney General FOIA guidelines. So I wanted to highlight at a high level some of the other points that are made in the guidelines. I will then cover FOIA reporting and data as well as some new training opportunities and resources, reminders about FOIA.gov, and also I wanted to highlight a few of the recent government accountability engagements on FOIA and lessons we can all learn from those engagements. Next slide.

As the Associate Attorney General mentioned, the Attorney General's guidelines were issued during this past Sunshine Week, and I'll go over some highlights. First and foremost, I want to ask that we all please be sure to share these guidelines and make sure that all of our FOIA professionals across the government have seen them and review them. OIP will provide guidance on implementing the guidelines, but agencies should review each section in relation to your FOIA administration. Please reach out to us if you have any questions before the guidance is issued. You can reach out to me directly, or you can reach out to our FOIA counselor service, 202-514-FOIA. As addressed in the guidance, OIP will also issue new Chief FOIA Officer reporting guidelines that incorporate the new AG FOIA guidelines. Next slide.

So there are four main sections of the new Department of Justice FOIA guidelines. I'll highlight some important points from each section. First and foremost is the section that addresses applying a presumption of openness, providing a presumption of openness that considers the likelihood of foreseeable harm and discretionary releases when making disclosure determinations. New in the guidelines, the Department of Justice is asking agencies as the Associate mentioned to confirm that they have considered the foreseeable harm when considering exemptions.

Now we've received questions on this point and in particular, how agencies should articulate this standard in their administrative response letters. Agencies can use the language that is in the memo itself, advising requesters that they have considered the foreseeable harm standard when reviewing records and applying exemptions. Of course the language is applicable when agencies are or had the opportunity to review records for disclosure.

The next section of the guidelines prioritizes proactive disclosures, which has long been an area we have tried to continuously build on as a key way of promoting open government. Among other things the guideline encourages agencies, particularly when records are frequently requested to post those records on their website as soon as feasible. Next slide.

The next section of the guidelines focus on removing barriers to access in a number of different ways. First by asking agencies to examine if there are ways information could be provided to the public outside of FOIA more efficiently. This is the area we may focus on in the upcoming Chief FOIA Officer reports. In addition to proactive disclosures, the guidelines note that FOIA websites should be navigable and records should be easy to find. We do have guidance on agency FOIA websites on our guidance page of OIP's website. We'll continue to keep this as part of the CFO reports. However, this is an area we continue to study and plan to provide further guidance on in particular with regard to agencies posting of records in their FOIA libraries.

Timely disclosures are another key element from removing barriers and access to Agency Chief FOIA Officers, and Agency Chief FOIA Officers are asked to undertake a comprehensive review of their FOIA programs to ensure that searches, reviews, and productions of records are conducted as efficiently as possible. We have several resources that are available for agencies to review their programs, including our self-assessment toolkit, which is on the resources page of our website. We'll provide further guidance on this as well. Finally, the guidelines emphasize good communication. We have multiple guidance articles on this, and of course it is a key part of our guidance recently on mitigating the challenges of the pandemic. I urge everyone to consult these resources. Next slide.

Finally, the guidelines focus on fair and effective FOIA administration and emphasize the role, the important role of the Chief FOIA Officer. Chief FOIA Officers are asked to assess their FOIA administration and the allocation of resources for FOIA. As noted OIP will issue new Chief FOIA Officer guidelines this year. The AG guidelines also reemphasize our longstanding principle that FOIA is everyone's responsibility. Everyone in an agency has a role to play and it is important that everyone has proper training to understand how to meet their important FOIA obligations. Excuse me, to that end, I'm excited and I'll go over it in just a bit, new e-learning modules that will help agencies accomplish this. Next slide.

I also want to touch base on reporting. I want to thank all the agencies for their annual and Chief FOIA Officer reports. I know, and we know firsthand at the department, the amount of resources and time that goes into providing these reports, which is really important to making sure that our administration of FOIA is transparent and that we can continue to improve on FOIA administration. The FOIA reports, data is all on FOIA.gov and as you can see this fiscal year, we're back to having high demands of requests, received and processed, as well as agencies continuing to proactively post lots and lots of records that are required to be posted under subsection (a)(2) of the FOIA.

We're looking forward to soon issuing, we're finishing up our summary of the annual FOIA reports, which will provide a detailed breakdown of every part of the annual FOIA report. So, please stay tuned for that. We'll also issue by this summer the summary and assessment of our

Agency Chief FOIA Officer reports. We'll be in touch with your agencies as we have in the past on the assessment to make sure that everything has been scored correctly. Next slide.

As I said, we're really excited to have final, are finalizing, and we'll be soon releasing next month, we will release the first two modules, standard e-learning modules that provide the tailored training to the entire government workforce. Certainly these resources can be used by your agencies to fulfill the Attorney General's guidelines of ensuring proper training is provided to all the workforce.

[The] first two modules being released by next month include an executive briefing course for senior executives and the important role that they play both in understanding their obligations with FOIA, but also providing support to their agencies in FOIA administration. FOIA then for federal employees, which is a primer for all agency personnel of the FOIA and their involvement in search and some review of records.

Finally, we'll have a detailed FOIA for FOIA professionals that will provide training on all aspects of the FOIA from the procedural requirements to exemption applicability. All of these will be provided in a format that can be uploaded in your learning management systems. We are also looking to have it made available online for agencies that don't have learning management systems. So please stay tuned for more updates. We hope that these will be very helpful resources to you and your agencies. Next slide.

Of course, with training OIP continues to provide comprehensive FOIA training. We have a number of trainings that we're hosting this summer. Registration typically opens one month in advance for these courses. So please, if you are interested, please register as soon as they open up. They do tend to fill up. We also provide tailored training. So if you want us to provide more tailored training to your agency or groups of agencies, we're happy to put things like that together as well. Again, please contact us either by phone or email.

We are also excited to working with DHS, putting on a FOIA summit on May 4th, which will include a series of panel discussions on some of the emerging issues, recent emerging issues, including agencies and how they're modifying their FOIA plans and process in light of the COVID-19 pandemic and our re-entries. Best practices for leveraging FOIA data, to strengthen FOIA programs, a more detailed review of GAO FOIA reports and recommendations, and FOIA litigation trends. Next slide.

I also want to make sure to provide a reminder of agencies interoperability obligations. So as we've had agencies now become interoperable, we want to make sure that you're continuing to monitor your contact information and information about your agency on FOIA.gov. As that information changes, please make sure that your account agency manager is updating that so that it reflects on FOIA.gov. Also, in particular with all the work in the area of technology and agencies going to new case management systems, if you are changing case management

systems, please make sure that you are integrating that and making the changes necessary on FOIA.gov. Of course, please reach out to us. For any matters regarding FOIA.gov, you can email us at the national.FOIAportal@usdoj.gov, and we will be happy to work with your agency on your obligations. Next slide.

We're also very excited to be really close to being able to launch on FOIA.gov, our designated page for the CFO council. Currently OIP and OGIS are posting on two different pages on our websites. We will have the CFO council page be in a prominent location on FOIA.gov, which is the government centralized website for FOIA, but also will hopefully help and should help with duplication efforts and the resources for maintaining and posting all the information on the website. Next slide.

Finally, I wanted to, as I said, review, and just highlight some of the recent government accountability office engagements. There have been three reports that have been issued by GAO over the past few years. Most of the time GAO focuses on select agencies, I think there [are] lots of lessons learned that we can all take and take aways that we can take from these reports for our own FOIA administration. January 2021, GAO issued a report examining exemption three statutes. Of course, exemption three is not an exemption that agencies can not apply when the elements of the statute are met.

However, OIP provides a number of resources I wanted to highlight for agencies to help with the application of exemption three, so that we can ensure that we are properly applying that to the information that we're protecting. First on our OIP resources page, we have a list of exemption three statutes that courts have found that qualify under exemption three. So if you see that statute on that list, we know that we have support, that is a proper exemption three statute.

Next, we have a running list every year of the statutes that have been cited in agencies annual FOIA reports. And during the annual FOIA report process when we validate your annual FOIA report, we conduct an analysis of new exemption three statutes that appear to ensure that we believe that they are proper exemption three statutes. So if you see an exemption three statute on this list, you can be assured that not only is it cited by another agency, but it has undergone preliminary analysis by OIP. Of course our FOIA council service is always available if you have any questions about a specific statute or whether material fits within a specific exemption three statute.

Second, in March 2021, GAO conducted an engagement and produced a report on FOIA's proactive disclosures. These are the proactive disclosures that are required by subsection (a)(2) of the FOIA. The main takeaways from these reports were agencies documenting procedures to ensure that they're implementing these proactive disclosure requirements and also accurately tracking the proactive disclosures for their annual FOIA reports. In response to GAO's

recommendations we have, last year, updated our annual FOIA report handbook to provide more detailed guidance on how to track these proactive disclosures, including different examples of how different types of records should be tracked or reported. Next slide.

Finally, the last GAO report, which was just issued January 2022, focused on agencies FOIA administrations during the pandemic. Some of the key takeaways, the agencies that GAO looked at, they found that they were adjusted and adapting to the pandemic in several ways, including by adopting many of the principles in OIP's guidance, which focused on maximizing efficiencies and effectiveness of your FOIA program the best way you can, using interim releases and multi-track processing, good communication with the requesters, reassessing technologies, and using proactive disclosures.

GAO's recommendations in this report largely focused on backlog reduction plans and particularly plans that define performance goals, performance measures, planned actions, milestones, and the responsible office and officials for implementing the backlog reduction plan. OIP is also implementing one of the recommendations regarding our reporting metrics, which we'll see in the upcoming chief FOIA officer report guidelines, focusing on metrics that concern unusual circumstances and the impact of litigation on FOIA. Next slide.

So I can briefly pause if there's any questions before we move over to our next presentation by the technology committee.

Alina Semo: I'm just going to ask Martha Murphy, our Deputy Director from OGIS, are there any questions in chat that have come in while Bobby has been presenting?

Martha Murphy: There have been no chats from agency personnel that have come in yet. Only public comments at this point.

Alina Semo: Okay. Great. Thank you. Bobby, next slide, Michelle, please. I believe I get to go next.

Bobby Talebian: Yes. Sorry.

Alina Semo: Before we ...

Bobby Talebian: Yes. Sorry-sorry Alina

Alina Semo: Before we turn it over to the technology committee. I just have a few-

Bobby Talebian: [inaudible 00:31:08] hand it over to Alina with OGIS.

Alina Semo: I have a few comments that I just wanted to go over. So next slide please, Michelle.

First I want to talk to everyone today again, about estimating dates of completion, EDCs. It's something that I've spoken about in the past and as I shared in my testimony before the Senate Judiciary Committee last month, we have continued to observe a sharp increase in the number

of submissions for OGIS dispute resolution related to delayed FOIA requests. In our role as the FOIA Ombudsman, we saw the number of requests for OGIS assistance involving delays jump 73% in fiscal year 2021. That in itself may not be surprising given the extraordinary times we have been experiencing for the last 25 months, but what was more surprising to us is that for 85% of these requests for our assistance involving delays, a requester asked for and was unable to obtain an EDC, 85%. That's a lot. Next slide please.

As we discussed at our CFO council meeting last fall, OGIS issued an assessment on FOIA's requirement that agencies provide a requester with an estimated date of completion upon request in the earliest days of the pandemic. And we highlighted our efforts to make sure that they didn't get lost in the shuffle since we published them in March of 2020, but they definitely bear revisiting again today. Next slide, please.

Our assessment found that agencies were challenged even before the pandemic began to provide EDCs and that agency responses to such requests were mixed. Next slide, please. We also issued an advisory opinion, stressing the importance of compliance with FOIA's EDC requirement and ... Next slide, please. We also issued a FOIA Ombuds observer, providing requesters with tips for obtaining an EDC, and all of these can be found on our OGIS website. I've included the links on each one of these slides. And by the way, the entire PowerPoint slide deck that we're previewing today, that we're running through today, is available on the OGIS website under the Chief FOIA Officer Council part of the webpage.

What OGIS has been observing is that the pandemic has taken what was already a significant issue and it has compounded it. Increasingly as OGIS staff worked on requests for assistance involving delays, we are hearing from agency FOIA staff that they are unable to provide an estimated date of completion for a variety of reasons. The struggle to estimate processing time may point to opportunities to improve how your agency processes FOIA requests.

At last November's CFO council meeting I called upon chief FOIA officers to consider ways to ensure that FOIA professionals have the necessary resources to provide EDCs to FOIA requesters. I am reissuing that call today. FOIA leadership, please consider ways to support your FOIA staff as we all emerge from pandemic operations, particularly with regard to backlog management. Specifically, we encourage you to look at our assessment and identify tools that could assist your frontline staff in more easily providing an EDC. As we said in our assessment, support from agency leadership is crucial to their success in meeting FOIA statutory requirements, including providing EDCs upon request. Chief FOIA officers who are required under FOIA to support efficient and appropriate compliance with FOIA and recommend improvements to implementation, are in the best position to ensure such support.

We also want to hear from all of you about what you are experiencing. What are the obstacles to providing an EDC? What new challenges are you facing on the front lines, as you're dealing with requesters who are asking for EDCs? And I just want to remind everyone, it is in your agency's

best interest to provide an EDC. As we explained in our advisory opinion, agencies that do not provide an EDC, actually face an increased litigation risk. And as we've always reminded everyone, an EDC is just that, an estimate. It's not a set in stone, but it is also the perfect opportunity to communicate. It's an opportunity to set expectations and open negotiations with the requester. Bobby, anything else you want to add to EDCs?

Bobby Talebian: Yes. Yes. Thank you, Alina. I just want to echo everything that you just said, and we do have guidance on estimated date of completions. I'll actually just post it in the chat from those who are on WebEx. And I can't agree anymore on the importance of providing these estimates. And it goes back to also the importance of communication with requesters. I think that's one of the silver bullets of being able to have a happy requester or have a happy agency and avoid litigation.

In our guidance we have, as OGIS assessment has, also has a number of different ways you can come up with an estimated date of completion, because we do understand it's challenging depending on where you are in the FOIA process. And then I'll also just say, that if you are having a challenge in providing estimated dates, whether it be for category of request, types of requests or individual requests, you can always reach out to us on our FOIA Council Servers, and we'd be happy to help you formulate that estimated date. But I think the worst thing we can do is not provide one. Thank you, Alina.

Alina Semo: Thanks Bobby-

Bobby Talebian: Sorry about the agenda snafu.

Alina Semo: Thanks very much. No problem. Next slide please.

So this is one of my favorite pictures I like to run whenever I have the opportunity. It is the last time that at least I remember, being in the McGowan Theater at [the] main archives building in downtown D.C. when we were all together meeting in person. So this is the picture of the third term of the FOIA Advisory Committee.

One of several ways that OGIS tries to improve the administration of FOIA, is through our work on a FOIA Advisory Committee, which I Chair and on which Bobby has been serving as an active member. The FOIA Advisory Committee was established in accordance with the U.S. Second Open Government National Action Plan that was released on December 5th, 2013. And we run the Committee with the purpose of helping OGIS identify procedures and methods for improving compliance with FOIA. The Committee serves to provide recommendations to the Archivist of the United States for improving FOIA. We have had three complete terms so far, 2014 to 2016, 2016 to 2018, and 2018 to 2020. And we are currently in our fourth term, 2020 to 2022. We're in the home stretch with two more public meetings coming up.

Four subcommittees co-chaired by a government and non-government member, legislation, process, classification and technology have all been actively engaged and meeting on a regular basis. A number of recommendations have already been passed this term and a few more remain to be discussed at our next meeting. So far this entire term we've been virtual, hence the picture that I still love to have up there. Next slide, please.

OGIS has created a terrific recommendations dashboard in order to keep track of the great work the Committee has done since its inception in 2014. The link is up here, please visit the dashboard when you have a chance. And as I just mentioned, the current term of the Committee has already passed a number of recommendations, but since the final report has not yet been finalized and presented to the Archivist, we are holding off on updating the dashboard until everything has been finalized. So please turn your attention back there, hopefully by the end of June and we will have everything updated. Next slide, please.

Please tune in if you want to see the FOIA Advisory Committee in action. You can register through Eventbrite via our web page at archives.gov/ogis, or you can tune in via the NARA YouTube channel. The last two meetings of the FOIA Advisory Committee are taking place Thursday, May 5th, 2022 and Thursday, June 9th, 2022 is our final meeting of this current term. Both sessions will start at 10:00 AM and will run through approximately 1:00 PM.

I also wanted to call attention to the fact that we will be holding our OGIS Annual Public Meeting on Wednesday, May 18th, starting at 10:00 AM. By that time we anticipate having our annual report published on our website and ready for your review. And we will feature highlights from the report during the public meeting. Next slide, please.

I just want to let everyone know that as the Archivist announced at our April 7th committee meeting, there will in fact be a fifth term of the FOIA Advisory Committee. Very exciting. Once our charter is approved by GSA and signed by the Archivist, we will put out a call for nominations for committee members, both government and non-government for the 2022 to 2024 term. So please be on the lookout for that, follow our blog post and our Twitter account for more information. Next slide, please.

This is our contact information. Please follow us on our blog post and Twitter accounts. And if you have any questions, feel free to reach out to us. And I'm going to ask Martha very briefly if there are questions that have come in during my presentation, that have come in during chat from any FOIA professionals.

Martha Murphy: Yes, we got a question about DOJ training modules. Can DOJ go ahead and provide agencies with system specs ahead of the May release, so we can begin working with our internal IT and plan for rolling out to employees?

Bobby Talebian: Thank you, Martha and thank you for that question. Yes, we can absolutely get that. And what we'll do is we'll try to advertise that through our contact list.

Martha Murphy: Great. And then we just got a comment about EDCs. Guidance on the how's and best practices to calculate an EDC cannot be circulated to agency FOIA professionals and discussed enough. Pardon me. Can we consider FOIA Ombudsman blog posts on how to calculate EDCs in the near future, particularly as more and more agency employees return to the office. Thank you.

Alina Semo: Thank you for that comment, Martha. And yes, we will continue discussing it. I think it's a very important topic and we will definitely focus our attention as we continue to spot the issues. So thank you very much. Martha, that's it for any other comments?

Martha Murphy: That's it from our agency folks. Just to clarify for the public, we will be doing public comments at the end. We're focusing on comments from agency professionals relating specifically to the topics that we've come up with, or we're talking about during the meeting for right now.

Alina Semo: Thanks Martha. Okay, Bobby, back over to you.

Bobby Talebian: Thank you. Alina. With that, now I'd like to introduce Michael Sarich and Eric Stein, the Co-Chairs of the Technology Committee for all the great work that they've been doing.

Michael Sarich: Good morning. I'm Michael Sarich, the Director of the Veterans Health Administration FOIA program and I'm very happy to have my co-chair Eric Stein.

Eric Stein: Good morning, everyone. Next slide please.

Just a little bit of background about the Technology Committee. We've been around for a few years and our initial origins are shown on the slide here, so we won't go through that. But I do want to highlight, we've spent the past few years growing a group of about 40 members from about 20 different departments and agencies and we really focused a lot on the deployment use of technology in agencies and demystifying technology. People hear technology, it's a little overwhelming, and yet it's such a big part of our lives, especially in the pandemic, post pandemic world. Little did we expect a few years ago that we'd be going to full remote and the technology issues and challenges that we're faced with now.

So we have an excellent committee, wonderful engagement among the members and where we've moved into a new phase of the committee. We initially had a series of charters that we'll talk about, and working groups, seven groups. And we are now in the process of a next phase of the committee and we'll go through those different working groups later in the presentation.

We're also going to highlight and discuss the NexGen FOIA Tech Showcase. And that was an event where we worked to connect FOIA professionals with the private sector to achieve a few objectives. One was to expose government FOIA professionals to the different technology and options that are out there and available specifically for case processing, doing search functions,

leveraging machine learning and artificial intelligence or AI. Also it presented an opportunity with many agencies that will be losing their FOIA case processing system and FOIA online, to seek other opportunities that are there and see what's available as they gather their requirements.

Some of the work that the committee does, is to even help frame FOIA professional's questions on where to start with the technology issue. Is it about the software that they use to do FOIA case processing? Is it about the user experience or customer experience from using a FOIA website? Is it about searching archives of records? Is it about the integration of IT applications?

So the technology committee when we started Mike and I as co-chairs a few years ago, we cast a wide net and we continue to do so. So our first plug, if anyone here is interested in joining us and please contact OGIS or OIP or you're welcome to contact me and Mike also. We welcome FOIA professionals from federal agencies. It is a very inclusive group.

For those of you as the chief FOIA officers being mindful of our audience, there's a lot of different technical issues throughout the FOIA community and we've learned that one size does not fit all with technology solutions. So, as we continue to raise awareness of issues, sometimes raising awareness is the starting point. Sometimes that actually is enough to help us put different FOIA professionals in touch with one another to help work together. We are a body and a forum that is seeking to provide practical solutions, highlight and identify best practices, and try to find ways to work better, especially in this age that we're in, where a lot is data driven and so much is reliant upon technology.

So in a moment, we will go through our NexGen FOIA Showcase, but just want to highlight again, we have about 40 members from 20 agencies and even if any of you as the chief FOIA officers think you may have employees who are interested in joining us, we meet at least once a month, working groups meet once or twice as well, so it's a pretty nominal time commitment. And I think it's a big return on investment for a time commitment such as that.

We have a public website available both on the OGIS and OIP websites. So the links are available here. And I just also want to add before we move on, we really, really take feedback seriously. We receive it from whether it be private industry, federal agencies, or the public, anything that's come to us, we have shared with the committee and we do want to emphasize the importance of transparency as a group that's working to help improve transparency in the government. Our most recent meeting even included a very brief discussion of the Attorney General memo, guidance that was recently issued and how can we leverage technology in our working groups to help achieve the vision in that document? Next slide please.

All right. So you've heard mentioned the NexGen FOIA Showcase. This was a multi month effort where we worked to provide a forum for government professionals to meet with the private sector. Just a private sector, the private sector, different companies, different technology,

different capabilities. Here's how the event worked. We sent out, actually I said we, I believe it was the National Archives sent out a request for information or an RFI so that it was open to all different companies to participate. And what we asked companies to do was to create a paper, laying out their capabilities of their technology, focused around a few different areas, search capabilities, case processing, machine learning and artificial intelligence and so forth. And after that two page paper, the agencies that, sorry, the companies that submitted the papers were invited to produce and create a five minute video. And with that five minute video, we screened them and then we had a two day event where 18 different vendors were able to present their five minute videos and then take questions from government FOIA professionals for 25 minutes.

It was two days, we had hundreds of people register, I want to say about four or 500 folks register. And having attended all the sessions myself, the average participant rate was about 150 to 250 FOIA professionals per session. And this worked, I think, because there were bite size chunks, about 30 minutes per company, five minutes to stream the video live, 25 minutes for Q&A, and then it ended. I'm very fortunate we have a member of our Tech committee here, Gorka, who's going to walk us through in a minute, some more details about the NexGen FOIA Showcase and more specifics about how those two days unfolded and then a follow up event from the Department of Justice as well.

I just wanted to point out that on this slide here, we provide information, a link about the FOIA Tech Showcase. The papers that were submitted by those companies are publicly available. In the name of transparency, we shared all those papers, and you can also go and see the five minute videos. So whether you missed the event or you're thinking about new technology with your agency for FOIA case processing or search features, you can go and watch those videos anytime, because they're posted on NARA's YouTube channel. So with that, I do see that Gorka has joined us here. So if we go to the next slide, please.

Gorka Garcia-Malene: All right. Wonderful. Thank you, Eric. And thank you. Thank you, Mike. Can you hear me?

Eric Stein: Yes, we can Gorka, over to you.

Gorka Garcia-Malene: All right. Lovely. Well, apologies. It's been a little bit hard to log on, but here I am. And what I want to do, is thank you all for the opportunity to discuss two first of a kind, FOIA events that were organized by DOJ, NARA and this Technology Committee.

The Technology Committee continues to explore new ways of helping the FOIA community with technological solutions that will render our work more efficient, more effective and more accurate. So for example, I co-chair a working group that seeks to have agencies identify the best FOIA review platform for their agency. Now, as we all know, especially those folks that are involved in FOIA technology, not all platforms fit the needs of every agency. So what we've all gone through in the technology committee is this grueling due diligence process that involves

searching just the web for any off the shelf solutions that might work, whether it's a FOIA specific solution or not. So first you go through the process of looking for a platform that'll help you, and then you realize that you don't really even understand your needs. So what the Technology Committee is doing is putting together work that will help the FOIA community understand what their needs are, get the right stakeholders involved early on, and then to take some of the lift off of that due diligence process, because this is a daunting process looking for the right solution.

So the Technology Committee, in conjunction with OGIS at the National Archives and the Office of Information Policy at DOJ, hosted an event. Again, the first of its kind. It was a two day event in which 18 companies were given 30 minutes each to showcase their products to the federal agencies across the government and to address any questions they might have. So it wasn't just a straight presentation and cut to the next presentation. We gave the audience an opportunity to interact and interact they did.

Now these were companies, we did a lot of research and we gave as many companies as possible the opportunity to come with prepared presentations, all very professionally done and to answer the audience's questions. So ostensibly right there, we have this resource where people can go and understand what the universe of products are, at least as of the time of the presentation. And those took place, those presentations took place on February 9th and February 10th. Now those videos are graciously being hosted on the NARA website and in fact, they're linked in this slide. So if you want to take a look, that's a great place to go.

And the key going into this first of a kind event, the NexGen FOIA Tech Showcase was understanding that agencies have different needs. There are agencies, for example, that process a great number of forms. They're all the same, in every form you redact fields of three and 17. And for that, AI is fantastic. There are other agencies that rely heavily on e-discovery, for example. So what we did is we organized those two days into presentations that focused on those specific needs. So some videos touched on companies that focused on e-discovery, others on case processing tools, others on redaction tools, AI, we covered it all.

And so the goal here of course, is to provide this information to the FOIA community so they can better understand the universe of products out there. I feel like a lot of the people that come to us for help, don't really understand what's possible. And so before they commit to a new one platform, they can take a look at this wonderful resource, these videos that are hosted by NARA and better formulate their requirements before they head out into the wilderness and try to find a product that fits their needs. Now, the key here was the event was so successful, we had so much interaction with the audience, with all of these FOIA agencies that had very nuanced questions. Questions that were very particular to their needs, national security redactions and these types of things, that we felt it best to prepare a follow-up event.

And so on March 31st, we organized a panel of speakers. Like in the first event, we had great participation from the audience. I think for the follow up, we had 267 registered attendees. And the level of engagement was, again, extraordinary. We had some questions queued up for ourselves, just in case we heard crickets when we opened up the mics, but the audience jumped in immediately. And so they had questions on general strengths and weaknesses of various platforms, but more specific questions about how can you customize a particular commercial off-the-shelf solution to maximize productivity in your given agency. They had questions about e-discovery, data exporting from your systems to a new [inaudible 00:57:29] solution, questions on customer service, how to manage downtime, which is a huge question that we have when you're relying on a third party to manage your entire system, your entire program.

And so these events proved extremely successful. I believe that Mike and that Eric are thinking about doing this again, because these are wonderful resources, but we understand that the market evolves. These companies are constantly improving and new companies are coming online all the time. So thank you for the opportunity to highlight these two wonderful events and thank you to OIP and to OGIS for helping us organize them.

Michael Sarich: Well, thank you, Gorka, very much.

Gorka Garcia-Malene: Thanks, Mike.

Michael Sarich: Sure. Well, thank you very much, Gorka. Next slide please. Just to start off here, I think Gorka's presentation speaks to the real strength of our committee, which is the incredible commitment that our members have to bringing these tools and resources to the larger FOIA community.

I'm going to highlight some of our current efforts now. And one of them is one that actually Gorka works on, so he could comment as well. We cover the FOIA Advisory Committee to ensure that we're not duplicating work and where there's synergies, we can leverage those and amplify the work of both groups in order to get tools into the hands of the dedicated FOIA professionals across the federal family. And yet [as] Ms Gupta has said, these folks are working extraordinarily hard and anything that we can do to lighten [the] load a bit, even just a little, can be critically important. So I'm going to give a quick readout on how the Tech Committee has worked to do just that.

And these are our seven previous working groups. First up is the 508 Compliance and Collaborative Tools Group. Part of this group focused on what is the necessary effort, but unfortunately that's often a pain point for FOIA programs and this group served to bring ideas related to 508 compliance to a wider community and explore the inter agency collaborative tools and their impact on the FOIA process. One of the great benefits of these working groups is it provides, as Eric mentioned at the start, a forum or afford an opportunity for FOIA officers and

FOIA professionals that can share similar challenges and together we can overcome those similar challenges. And we've seen a lot of progress in a number of areas, just based on these groups of dedicated professionals getting together.

On the Artificial Intelligence front, we provide forums on AI for FOIA professionals. This group is formerly led by Nick Wittenberg, and we all know that AI has the potential to transform robotic process automations or operations other like routinized redactions and through things that the courts are increasingly allowing us to do like technology assisted review or TAR. We're looking to explore new and add additional forms that we'll get into in next slide as we talk about the evolution of these workinggroups.

FOIA Classified Information work groups is obviously protected by B-1, so I can't share any of that information because it's strictly classified. I'm just kidding. The work in the intelligence community is difficult, especially in the pandemic setting where the ability to go into a skiff or secure facility to process these FOIAs and meet the statutory deadline. The challenges that these folks have worked through tirelessly through the COVID-19 pandemic is really incredible and kind of an unheralded story in the FOIA community.

FOIA Searches provided a great working paper at the end of FY 21 and something that they did, which I found incredibly interesting is that they used survey methodology to help determine best practices for requesters and for groups. They found that there's a significant gap in the understanding of agencies' abilities to search some of their electronic archives and databases. It's not a one size fits all, as we talked about earlier with the cost processing tools and other tools, technology pieces that different agencies have. It varies across the federal family. Strategies and tools that we use really vary. There's no one size fits all. You can't go to one agency and then expect that the next agency is going to have the same thing, because resources vary across the federal family. And searching email is a great example, it is still a challenge for many folks and FOIA Searches Working Paper helped put people on the right path to move forward in that area.

FOIAonline and FOIAXpress. As we all know, FOIAonline, the popular program, is sunseting, and agencies will be looking for tools. This group kind of collapsed with FOIAonline and FOIAXpress, and we'll have new life, as we'll talk about here in just a second in the next slide, as the FOIA IT Platform Group, led by Gorka and Virginia Burke from the Peace Corps. So we're looking forward to continual help of agencies that are looking to move into new cost products or a new way to process their FOIAs. And the FOIA NextGen Showcase will hopefully be helpful for that, and for future meetings a forum like that should be helpful as well.

And then, finally, the Video Review and Redactions Group; much like the Search Group, the Video Review and Redaction Group published a well-received paper and shared the findings there. Chief among those was a call to work with your IT groups and your agency when you begin to acquire video technology and understand the agencies have an affirmative obligation

to produce video records in a timely manner. This new technology that comes in, we want to make sure that we're working with our partners in, for example, in CIO shops, to make sure that we think about or are mindful that, as we create these federal records, then people are going to appropriately request them and it's going to fall to us, it's our obligation, to make sure that we're processing them in a timely manner and releasing those records.

So that's kind of a look back, if you will, in some of the great work, and each of these working groups are filled with dedicated 40 professionals, 40 plus folks, that are coming together to share stories, to share ideas and to share solutions for the wider federal family. So we can move to the next slide, please, we'll talk about some of the upcoming enhanced working groups that we have, and we'll kick it to Eric to talk about the Search AI Group.

Eric Stein: Great, thanks, Mike. So, just to reiterate, the charters from our previous working groups are all still available on the website, on the public website, so are those papers that Mike just mentioned. So those are available to the public, they're not just available for federal agencies. As we continued to do our work as a larger technology committee, we realized that there was... We kind of took certain working groups to their limits, or there were opportunities to combine certain groups and to look at new areas. With technology emerging and evolving, we wanted to make sure that we were staying contemporary as much as possible.

So the first working group listed here is the Search and AI Working Group. We are very happy, each of these groups, I believe, have chairs now, so... and a lead point of contact from different agencies to bring diverse perspectives and also to have FOIA professionals pursue their passions in these areas and help address the challenges as well, so another call: if any of these... If your agency has background expertise or is just interested in any of these areas, please contact us, either to learn or help us learn, because a lot of it is, as Mike said, it's a forum to collaborate, but we also have to figure out which questions to ask, and it's through those questions and that curiosity we tend to really make a lot of progress.

So Search and AI, Artificial Intelligence, are... They're looking at search challenges throughout large volumes of data and records, electronic records, and the different tools that are out there. Each of these working groups are working on new charters that will be publicly available in the months ahead. So we combined our Search and AI Groups in the previous slide onto this one, into one group, and they'll be looking at... So much is data-driven now, moving forward, how to look at leveraging AI, which agencies are doing it, or how do you even get started if your agency is interested, and that includes asking for the resources needed to maybe acquire new technology. Mike, over to you.

Michael Sarich: Sure, thanks. Another area of key concern, as we mentioned with the sunset of FOIAonline and other enhancements and improvements in commercial off-the-shelf products, is FOIA IT Platforms. Firstly, every federal agency that processes FOIAs uses some sort of electronic case processing tool and some sort of tracking database to help

facilitate the annual DOJ Reports to OIP that need to happen and to track their work and to make sure that they're responding appropriately and building administrative case files and the like, making sure that FOIA shops have the ability to evaluate and identify and learn, as Gorka mentioned, not just doing a Google search and then trying to figure it out, is part of the FOIA IT platforms mandate, moving forward. And we're really pleased that, as I mentioned, Gorka and Virginia will be working on that and be able to provide agencies with actionable tools and evaluative measures to be able to look at these FOIA [inaudible] processing systems and see where that work goes, we're really excited to see where that goes in the coming year. And so, with that, we'll take it over to Data Working Group, Eric?

Eric Stein: Sure. That Data Working Group, I mentioned data with the Search and AI Group, well, Search and AI are looking at kind of how to find records and data and information; the Data Working Group is going to look at the different data reports that are available from different systems, how to make data-driven decisions for FOIA leadership and maybe just recommendations about data in general, data standards and so forth. So this is a new group, a completely new area, there's a lot of interest in data, and while data, of course, is foundational and important for artificial intelligence and searching, this group is going to look at metrics, data, reports, and how to better inform FOIA professionals and their leadership on their capabilities and what's needed to be successful in the future. Mike.

Michael Sarich: Thanks. And I'm going to take IT integration and 508 compliance. There's several working groups, but kind of similar challenges, as we look to see the amount of integrating, first on the IT integration piece, for FOIA professionals to be able to work in a collaborative environment in terms of getting records from the IT systems, and then the dual challenge, the appropriate challenge, that many agencies have in terms of 508 compliance with posting that data.

Bobby mentioned earlier about proactive disclosures and general interest in proactive disclosures. Well, a big piece of that is 508 compliance, making sure that the records that you do post proactively are available for those of all abilities. So finding that information on the IT integration piece and FOIA professionals being able to go out and grab it, produce it and then publish it, to make that information available and transparent to, as we all do, illuminate the operations of the federal government, is a key piece. So those two groups will have a big lift ahead of them, and fortunately, on the 508 compliance piece, will be able to pick up the work of the previous working group and kind of roll it on and look through some new tools in the coming year. And then for the Classified Group, Eric?

Eric Stein: Sure. So we have not been able to meet in person because of the pandemic, so we're looking forward to having our... This is one of the groups that carries over from our previous list of working groups. We've done as much as we could in an unclassified environment, but we look forward to getting together this year in person or through secure coms to discuss some of

the challenges facing the classified records and work that's done on classified networks and systems. So we're looking forward to seeing what this group can come up with, we have, like I said, not met in person, and one thing I did want to mention about the Technology Committee, I see we're running short on time here, so we've got just under five minutes left; we do meet virtually, so... And then we'll continue to do so, so that's the plan. And that has been pretty effective and I think that, with the exception of maybe the Classified Working Group, our meetings are virtual, so Mike, over to you for best practices.

Michael Sarich: Sure, and quickly on technology best practices, agencies are always looking for ways to optimize their operations, and those include things that we've seen like the increased use and ubiquity of Zooms and Microsoft Teams and other tools. Keeping in mind that those are often, whenever someone presses record, like on this meeting, we're creating a record and the public has a right to receive those records under the FOIA, so understanding how to properly, on the one hand, educate everyone in the agency as part of our roles as FOIA professionals, to educate our teammates say hey "You're creating a record, this is going to be subject to the FOIA, so proceed appropriately and accordingly." Same with challenges that folks may have in large-scale, for example, Excel productions; that's come up quite a bit in terms of: how do I get all of these rows appropriately redacted and so they can't be unredacted and so the people can't find the metadata in there? And how do we do that?

And, again, what happens in these working groups, which is so powerful, is you have groups of similarly situated FOIA professionals with the same challenges. So that's why we encourage folks, if you have an interest in technology, to please come join us, because it's a great opportunity to talk about similar challenges that you have and get workable solutions, either in that immediate meeting or through the incredible network of FOIA professionals on the larger committee, to really solve challenges that you face every day in your practice. And we're really excited, and we'll kick it over to Eric on the FOIA Reference Modeling Group, but I think we'll have some comments here on this with OGIS as well in terms of what we're looking to accomplish on the FOIA Reference Modeling Group with MITRE.

Eric Stein: Yes, just for the sake of time here, we will have a charter for each of these, including the FOIA Reference Model Working Group, and this is a project where we're going to be partnering with MITRE on developing certain standards for FOIA technologies, so I would encourage everyone to check out our website when that charter comes out, we'll be happy to have additional members of the committee join to help our existing members. So, next slide, please.

All right. So just as we wrap up here, we have several things underway. We want to plan for future Tech Committee events, and that includes sessions and topics for FOIA professionals. We did an Artificial Intelligence 101 session a year or two ago. There's a follow-up session for NextGen. So we're looking for different ways to provide practical opportunities for FOIA

professionals to collaborate and also learn from one another, and sometimes it's also just raising the issue and teeing up an issue so the committee can explore it. We're updating our public website and we're soliciting feedback, so if there is any feedback, please send it to OIP or OGIS or to me and Mike. And anything sent to OIP and OGIS are forwarded to us, so thank you, Bobby and Alina, and we're always looking for new members. So, Mike, are there any closing comments from you? Otherwise, I'm going to say, "Thank you, everyone." Mike?

Michael Sarich: Yeah. I'd like to echo that as well, and huge thanks to the real power of our committee, which is our members. The membership that we have is incredible and, as Eric mentioned, the lift isn't all that great, but the contributions are vital. So if you want to have a voice in how technology proceeds in FOIA and you're a FOIA professional, by all means, please join us. We have incredible partnerships with Alina and Bobby and their teams, it's just a great group to be associated with, and I'm really grateful for everyone's continued work and efforts on the FOIA Tech Committee, so thank you, guys, all.

Eric Stein: And thank you, Gorka, for today's presentation, so back over to you, Alina and Bobby.

Alina Semo: Thanks. Thanks, Eric and Mike. Martha, I understand we have an agency question?

Martha Murphy: Yeah, it's real quick. Do you have any participants who work for a state or local agency?

Eric Stein: No, we do not.

Michael Sarich: No, we do not at this time have at any state or local at the... But I think, if anyone on a state or local has a question or kind of a contribution, maybe best practices they want to share, we'd be delighted to hear and communicate with them on that topic, I'm sure.

Alina Semo: Okay, great. Thanks very much, Martha. Thanks again, Eric and Mike, great job. Keep up all the great work. We really are very, very grateful for everything you're doing, and technology is where it's at, so hopefully we'll have some more volunteers knocking down our doors to join the various working groups.

Michael Sarich: Thanks so much.

Alina Semo: All right, thanks very much. So, moving on to the next part of our agenda, I am very pleased to introduce our Co-Chairs of our COCACI Committee. Michelle, next slide, please. Oh, I'm sorry, there's the follow-up slide, very important, if you want to get in touch directly with Eric or Mike, there are their email addresses, so we talk to them directly. So now next slide, Michelle.

Okay. So I want to introduce our Co-Chairs of the Committee on Cross-Agency Collaboration and Innovation, COCACI. It's really a mouthful, but we have chosen to keep that acronym, it seems to have stuck. So I'm really pleased to present Michael Bell from US Department of

Transportation and Abi Mosheim from US Consumer Product Safety Commission, so over to the two of you.

Abi Mosheim: Thank you so much, Alina, and thanks, everyone, for joining us today. My name is Abi Mosheim and I'm here with Mike Bell, my Co-Chair on COCACI. Mike, are you there?

Michael Bell: Oh! I'm sorry, I thought you were going to start your introduction, so I was just...

Abi Mosheim: Yeah, I just wanted to introduce you first.

Michael Bell: Yeah. Well, thank you, I'm not going to say too much about the Committee to start off with, I don't want to step on anyone's toes, because we've got Abi and our subcommittee chairs are going to talk a lot about what's going on. I'll just say that we're a young committee, we just celebrated our first anniversary, so we're still really in the beginnings of our work, and so we would love volunteers as well. We cannot promise all the cool computer stuff, the technology, we've got a lot of spreadsheets and slide rules and... I don't know, we're the people committee, so you're going to see that we're working with a lot of the job descriptions and what goes on in the office. So we would love to have you contact any of us, or NARA, and we would love to have you, and I will turn back to Abi for the introduction about what we do.

Abi Mosheim: Oh, great, thank you very, very much. Yeah, like Mike said, we're in our second year of existence and we are joined by so many dedicated FOIA professionals on our three subcommittees, which we'll talk about today, and we'll also hear from our subcommittee co-chairs today. We always welcome new members to help us brainstorm solutions to those everyday problems that face FOIA offices. You can find more information about us on the OGIS website. Mike and I will also put our email addresses into the chat, so if you're interested in joining, have questions about membership, we meet on the second Tuesday of every month, and currently virtually, and that looks like it'll continue for a while. So please, please, feel free to join us and even just sit in on a meeting to see what we're all about. So Mike and I are joined today by our subcommittee co-chairs. Next slide, please.

And that is Nicole Rementer and Madeline Van Nostrand, they are with the GIS Subcommittee. Madeline could not be with us today, but Nicole will be presenting on her subcommittee. Chantay Stanley is with the Pandemic/Virtual FOIA Offices Subcommittee, and Brandon Gaylord is with the Resources Subcommittee; he could not be here today either, but I'll be reading his slides for him and, hopefully, I will do at least almost as good a job, as he does a great job telling everyone about the Resources Subcommittee. Next slide, please.

So, as I said, we have three subcommittees, and there's the Government Information Specialist Professionalism Subcommittee; they review and promote initiatives for clear career trajectories for FOIA professionals, building on the GIS Job Series in coordination with existing agency efforts. And there's the Pandemic/Virtual FOIA Office Subcommittee; we review lessons learned from the pandemic to transform FOIA offices, so that they thrive in virtual and hybrid

environments. And then the FOIA Resources Subcommittee, which provides information on accessing revenue streams and resources that particularly benefit smaller agencies. Next slide, please.

So COCACI has been up to a lot in our first two years. We're working on charters and mission statements, which we should have up on OGIS website in the next few weeks. A couple of our subcommittees are drafting surveys, which they hope to have out in the next month or so. And the Resources Committee in particular is organizing a best practices workshop for the end of the calendar year, and we will tell you more about that now, but let me hand it over to Nicole to tell you all about the GIS Subcommittee. Nicole?

Nicole Rementer: Thanks so much, Abi. Can we go to the next slide, please? Good morning, my name is Nicole Rementer. I am an Attorney-Advisor in the National FOIA Office at the Environmental Protection Agency. I co-chair the Government Information Specialist, or GIS, Professionalization Subcommittee, along with Madeline Van Nostrand. And next slide, please.

It should be no surprise that the FOIA professional is at the heart of the government's successful implementation of this statute and its underlying policy values. In 2012, OPM created the Government Information Specialist Series, or the 306 job series. It was created to specifically address the work performed by FOIA and Privacy Act professionals and recognize the professional nature of FOIA work. In the last decade, however, federal records technology and other cross cutting issues have made FOIA work even more complex than the days of Sharpie markers and whiteout tape, and so has the typical career trajectory of a FOIA professional.

As recommended by the 2018 to 2020 term of the FOIA Advisory Committee, the GIS Professionalization Subcommittee was established to look at what FOIA professionals do and what they want in support of their career development, if and what obstacles are preventing FOIA professionals from furthering their career in FOIA, and what different agencies are doing to support their FOIA professionals. To guide our work, we set our mission statement: to advocate for the advancement of the GIS profession through transparency and standardization across the federal government. Perhaps one day people will respond to the question, "What do you want to be when you grow up?" with, "A government FOIA professional!" Next slide, please.

In support of our objectives, the subcommittee plans to focus its work in the following five areas: first, recruitment strategies, these are in no particular order, also hiring and retention strategy, uniform pay scale assignments, key competencies for FOIA professionals, and FOIA professional certification testing. Next slide, please.

Since our report out from the last Chief FOIA Officer Council Meeting, we have finalized the Subcommittee Charter and our short-term deliverables. We held regular meetings to tackle and brainstorm the development of our first deliverable, a survey of federal employee FOIA professionals to gather baseline data on what the typical FOIA professional confronts in their

career development and job satisfaction, including supports and obstacles. To help ensure this survey effort provides quality data on this very important issue, the subcommittee has consulted with multiple specialists to advise on best practices and pitfalls to avoid in conducting surveys. Next slide, please.

The next steps in our effort will be to wrap up the survey development and disseminate the survey to FOIA professionals, government-wide; our target is summer of this year, 2022. We will then examine the survey responses, and then we also plan to conduct interviews with leaders and experts on an ongoing basis and continue to gather information to support our objectives. Thank you so much for your time and attention to hear about the great work my colleagues on the GIS Subcommittee have been doing, and we appreciate the Council's support of our efforts. For my FOIA professional colleagues, I hope you will complete the survey when it comes out. And Abi, I will now turn it back to you.

Abi Mosheim: Thank you, Nicole. And now we are going to hear from Chantay on Pandemic/Virtual Subcommittee.

Chantay Stanley: Next slide, please. Good morning, my name is Chantay Stanley and I am the chair of the Pandemic/Virtual FOIA Office Subcommittee. Next slide, please.

The Pandemic/Virtual FOIA Committee mission is to analyze and review the capability of FOIA professionals to effectively work from a virtual environment during the pandemic and post-pandemic. The Committee will compile best practices in order to improve the virtual work experience for FOIA professionals. Next slide, please.

The long-term goal is to compile a list of best practices and lessons learned from a survey in order to sustain a virtual work environment during and post-pandemic. At this time, the Committee is generating questions to send to FOIA professionals for feedback, and applying changes to the Committee's Charter, which will be published. The Committee's planned deliverable is a list of best practices and lessons learned, focusing on the most effective procedures for the transition to a virtual environment that can be used during and post-pandemic. Thank you, and back to Abi, please.

Abi Mosheim: Thank you so much, Chantay. And now I will read out for our Resources Subcommittee, next slide, please.

Next slide, please. Okay. So, as I said, Brandon could not be with us today, but I will be filling in for him. He is the Resources Subcommittee Chair. Next slide, please.

So the purpose of the Resources Subcommittee is to identify opportunities for standardization of a variety of resources, including procurement of vehicles and technology, for example, that should be made available to FOIA offices to increase efficiency and ease of use across government agencies, especially smaller FOIA requester service centers. Next slide, please.

They have three main objectives: to identify and highlight resources that are already standardized; compile reference materials and training sessions to help agencies explore new and existing resources; and identify opportunities for resources to be standardized to increase efficiency and ease of use across government agencies. Next slide, please.

They are really looking forward to conducting a best practices workshop at the end of this year to inform the FOIA professional community on best practices and innovative methods for using and sharing resources. So anyone who is interested in participating in that or helping Brandon and his Subcommittee prepare for that, definitely get in touch, because that's going to be very exciting. If you have successfully implemented scalable, shareable resources, they would love to hear from you, and you can contact them at the cfo-council@nara.gov email address. So even if you're just thinking about it but you're not sure, definitely get in touch. I know that that subcommittee meets, I would say, once a month, and they're picking up the pace to about two times a month now to get ready for that workshop, so definitely drop them an email if you're interested in getting involved. Next slide, please. And with that, I will hand it back over to Mike.

Michael Bell: Great. Thank you, Abi, I appreciate it. And thank you to all the subcommittee chairs and members who have done all this great work over the last year. Like we said at the very beginning, our COCACI Committee is only about a year old, we celebrated our first anniversary meeting back in March, and the one thing we wanted to do was just start off with a clear direction, because we know that, once you get started down a path, it's hard to correct the course once you're way down the path. So we really have spent this last year brainstorming, trying to come up with good ideas and trying to see exactly what the FOIA community could benefit from. So we really think that the issues that we're covering from the three subcommittees, they're going to be important, not just to FOIA professionals, but also to the requester community, because it goes both ways, you can't have one without the other.

We see the passion from some of our requesters out in the community and in the FOIA professional ranks. We have to match that, we have to respect that and to make sure that we treat their needs as well, so I think what we come up with on our committees are going to be beneficial to everyone. When it comes to GIS, everyone is going to benefit from having the best people in Government Information Specialist slots. It's really tough to recruit, develop and then keep those kind of people. Just last week, I was interviewing someone for a recent grad Pathways position, which I actually learned about that program a lot from our Resources Subcommittee and from some research that they did, and I thought that might benefit our office. And this is a really sharp girl, she graduated college in three years, grad student in International Business. And I'm trying to tell her the benefits of why to start out in FOIA, because it was something that she never gave a thought of. As Nicole said, she didn't really dream about being a FOIA professional when she was growing up or even in college.

So I was just telling her some of the benefits about some of the technology, as we are trying to pick up technology in the government, but you can use some of the best software out there and it really gives you good experience working with these kinds of systems. And just telling her how she would learn a lot about the government, and if she's interested in finances, we receive a lot of requests in our office regarding travel and budgets and things like that, so trying to sell her on that. But then, finally, I just wanted to convince her that, if you take this position, I will consider [it] a success if, two years from now, I recommend you for another government job somewhere else in the government and you get it and it's just a start to your career. So the GIS subcommittee is really going to try to find a way to get those good people into the government, and I think we could all use tips on that, I know before our committee, I could as well.

And then with the Virtual Office and Pandemic Subcommittee. We're all starting to go back into the office now at some level, some more days than others. And no office will be the same as it was before the pandemic or even during the pandemic; we're changing again. And this subcommittee is really coming up with ways that: what should we take from...that we learned in the pandemic, and then translate it now as we're going into this hybrid sort of role that all offices are? So this is going to be something they're really going to look at and try to get feedback on what works best and what will translate over, because we learned, and one of the ones we were discussing was, there's different levels or... I won't say levels, but some people are going back, say, one day a week; some people can still work remotely 100%.

And that may create some inequities between offices when they're trying to compete for FOIA professionals. You can lose a good person if they want to work somewhere that has 100% telework, while your office, they have to come in for one or two days a week. So these are issues that we want to look at so that FOIA offices can address it ahead of time and have a good plan on how to deal with it.

And the Resources Subcommittee, I already mentioned how they helped educate me already on the Pathways program. With FOIA, Resources were so important because so much of what we're asked to do is unfunded and we have to find ways to scrimp and save and find ways to do all that. And some agencies have it easier than others; the larger agencies they can find the money and the resources, like we're very lucky at DOT, we were able to acquire FOIAXpress last year for our entire department, all 11 operating administrations. Some of the smaller offices can't do that because they just don't have the resources. It's almost like baseball, which has just started; you have the New York Yankees that can spend \$240 million on the team. And then unfortunately I'm a fan of the Baltimore Orioles, and we look for spare change under the seats to fund our team. Now, while that's okay in baseball, we want to make sure all FOIA officers have the equal opportunity to get the resources that they need to succeed. That's what this subcommittee is going to do. It's going to try to show everyone how to get those resources and just educate them on what's out there.

Second bullet here is laying the groundwork. That's what we're doing right now. We've really been working behind the scenes right now. As Teddy Roosevelt would say, we're in the speak softly phase of our operation. We're really trying to prepare before we actually do anything. As you learned from some of the subcommittees, we are about to start maybe the big stick phase as we start reaching out to government people, agencies, and professionals, to try to get information, really hear what you guys are thinking out there and what you guys need from us before we get too far down the line, because that's how we're going to guide what we do over the next several years, which is probably what this community is going to last.

You heard about the surveys. There's a really good way that we can get broad statistical information, really get some numbers out there. We can probably create some pie charts and graphs out of it, so we really appreciate it if you could answer that if you receive one of the surveys, but then we're also going to dive deeper into interviews. Our team's going to go out there. We're going to speak to you in person. We'd love to meet with you virtually, or in your office, just some way to really then go deeper than what the survey is going to ask. That's going to be coming out as well before the end of the year.

We're going to have some resource workshops as you saw. That's going to be good to have some interaction. We're going to try to show what we've already learned. We're going to get out there and just let people know what we're doing and get feedback as we go. Actually, I'm going to go a little rogue now because during the meeting, I just thought, I'm going to lobby, so I'm going to give you ASAP people a warning, ASAP leadership. We're going to lobby for, maybe we should have a town hall meeting or something during the national training conference. You can give us a little side room or something. We can therein listen to both requesters, professionals, everyone, if they have any ideas, or maybe even a table outside where all the software people sit, or who knows, maybe I'll just, if they don't allow that, I'll just sit in the hotel bar all day and talk to people about FOYA.

But that's an idea maybe we'll do, because we really do ... What we're going to do next is just try to listen to everyone out there. Be prepared to hear from us. Volunteer if you'd like to take part, but we really do want to hear your voices as we move forward in this...I think we're going to see a lot of good work coming out, because we've got a high bar with the technology committee. I joked about their computers earlier, but we really want to be as productive as they've been. We think that what we're focusing on is really going to benefit the FOIA community. That is all I have.

Oh, I see Abi's popped back in, or is going to take questions with me if there's any out there?

Abi Mosheim: Yeah.

Michael Bell: Okay. Yeah. Any questions that popped up during our presentation?

Alina Semo: Martha, I'm going to ask whether you've seen any chat questions that have come in, either on WebEx, or on our YouTube channel.

Martha Murphy: Nope. Nothing that came in regarding this presentation. Thank you.

Alina Semo: Hopefully, your great presentation has inspired lots of volunteers. I just want to thank both of you for the great work you've been doing. My favorite line though, today, is going to be Nicole's. I'm really going to be striving to look for people who want to grow up to become GIS's. I think that's just great. It's something I'm actually particularly passionate about. I'm very excited about all the opportunities. Mike, by the way, I believe you owe Michael Sarich a drink, or the other way around. We ended up having to swap our agenda and you let the technology committee go first.

Michael Bell: Right. Exactly.

Alina Semo: He owes you a drink. That's how it goes. At the training conference, please be there. You'll be seeing both Mike's taking a drink. Anything else you guys want to add? Or, should we say goodbye?

Abi Mosheim: I don't have anything. I would just say goodbye. Again, we'll put our email addresses into chat. Feel free to drop us an email. We look forward to hearing from you.

Alina Semo: Okay. Thank you.

Michael Bell: Exactly. Thank you all.

Alina Semo: Thank you so much for all your time today.

Abi Mosheim: Take care.

Alina Semo: All right.

Martha Murphy: Alina, we did have one question come in towards the end.

Alina Semo: Yes.

Martha Murphy: It was similar to the other. Can local county employees volunteer to be with this group, or is this restricted to federal FOIA professionals?

Abi Mosheim: I don't believe it's restricted to federal FOIA professionals. We would welcome local and state FOIA professionals to take part. I think it would only enhance the discussions and lead to more robust solutions to all the problems that we face. Definitely.

Alina Semo: Abi, I'm just going to interject and say I would respectfully disagree only because this committee is chartered under the Chief FOIA Officers Council, which is designed for federal chief FOIA officers. That said, we certainly would welcome input from folks who work at the state, federal or local level. I mean at the state or local level rather. I think we could really benefit from those experiences. We definitely want to hear from them. Hopefully, perhaps

during the survey period, they may be able to give input, but I'm not sure we're going to be able to accept a volunteer. Bobby, can you chime in on that and tell me if you agree or disagree with that? Bobby, you're on mute.

Bobby Talebian: That's right. You didn't even hear my thank yous as well. Formally, we wouldn't have the outside executive branch agencies, members as part of the council, the committee, but that said, we've had engagements both at the committee level and at the council level with public and civil society. I think similarly, we could have engagements in local and state officials, and cross collaborate. Hear from them. They can hear from us. It's something that we can consider maybe as part of a separate engagement part of a meeting, if there's interest. If there is interest, please reach out to us and then we can maybe coordinate something like that. There's no such thing as too much knowledge.

Abi Mosheim: Yeah.

Bobby Talebian: But I also want to thank Mike, Abi, Nicole, and Chantay, and also the entire COCAI committee on all the great work on these really three important cross-cutting issues. I know agencies are looking forward to the progress in this committee and will find the work very helpful, valuable. Thank you so much.

Abi Mosheim: Thank you. Take care.

Alina Semo: Michelle. Next slide please.

Bobby Talebian: All right. With that, we have now reached the public comment section of our meeting. As we promised, we were leaving time for that at the end of the meeting. We look forward to hearing from any members of the public who have ideas, comments that they would like to share regarding the committee's work. I also want to remind everyone that you may also submit written comments. Please email them to CFO-council@NARA.gov. Any oral comments will be captured in the transcript of the meeting, which will be posted as soon as it is available. Alina?

Alina Semo: Thanks, Bobby. We just want to remind our commenters, to please limit your comments to three minutes. Once your three minutes expires, our event producer will mute your line and move on to the next commenter. We will also be asking Martha if there are any comments in chat that have come in that can be read out loud during this public comment section. With that, I'm going to ask Michelle, our event producer, if she could provide instructions for our listeners for how to ask a question or make a comment via telephone.

Michelle [producer]: Absolutely. Ladies and gentlemen, as we enter the public comments session, as Alina indicated, please limit your comments to three minutes. Once your three minutes expires we will mute your line and move on to the next commenter. In terms of how to get into the public comment queue, please, if you are joined via WebEx, please press the right

hand icon, which is located right above the chat panel on the WebEx window. This will enter you into the queue. If you are joined to today's meeting via regular phone audio, please press pound two on your telephone keypad to be recognized.

Alina Semo: Okay, thank you Michelle, for that. At this time, Michelle, do we have anyone queued up on our telephone line?

Michelle [producer]: Yes we do. I'm going to unmute the first caller.

Alina Semo: Thank you.

Michelle [producer]: Caller, your line is unmuted. You have three minutes for your public comment.

Chad Garland: Thank you. My name is Chad Garland. I'm here in my personal capacity on a matter of public concern regarding FOIA compliance and transparency, namely a defense department policy that violates the FOIA rights of federal, civilian, and military personnel, and particularly the staff of Stars and Stripes Newspaper, who are members of the free press. At least five DOD memos sent to FOIA professionals since 1991 state that while any person may file a public records request, a "representative of a federal agency" may not. DOD has not defined representative federal agency, nor has it cited any statute regulation or directive that does, but these memos apply that phrase to Stars and Stripes personnel without qualification. These memos have been cited to deny employees personal rights on an unknown number of requests over the past 30 years, but well more than a dozen.

In March last year, a new DOD memo provided that while Stars and Stripes reporters may file the FOIA request as individuals, their request must be denied if they fail to show proof that their federal employer gave them permission to make a request not on its behalf. Let that sink in. DOD says that because Congress expressly granted FOIA rights to any person, certain persons must get agency approval to file FOIA requests in their capacity as persons. The FOIA doesn't authorize such identity based rules, but DOD claims that the statute requires this policy and that it has no discretion. Were that true, it would affect far more federal employees, if not all of them, as the FOIA's terms apply government wide. Agencies would have published implementing rules to that effect in the federal register, but DOD hasn't even published its policy there, nor does it enforce its policy equally against all DOD employees, despite regulations requiring that only laws and directives affecting all DOD employees will affect Stars and Stripes personnel.

Rather, DOD unabashedly singles out Stars and Stripes reporters who differ from all other DOD employees in that regulations require that they be treated as members of the free press, not government officials. Yet DOD has told me outright that it considers them agency representatives exclusively because of their press status. Any other federal employee may make a FOIA request in a personal capacity, DOD has said, but not those who self-identify as members

of the press, whether in their requests, or otherwise. As it's designed and implemented, this policy is clearly discriminating against federal employees for how they use their first amendment rights, and it must be rescinded. To ensure FOIA compliance and transparency, I think all agency rules should affirm that when invoking FOIA, federal employees must be treated as any person asserting their private rights, unless the request explicitly states otherwise. I've submitted written comments to provide further details. Thank you.

Michelle [producer]: All right. Thank you, sir. Your three minutes has expired. We're moving to the next caller in [the] queue.

Alina Semo: Before we get to the next caller, Michelle, I just want to acknowledge Mr. Garland. Thank you for your comments. We did receive your written comments. I believe they came in today. We will review them and post them as soon as we possibly can. Thank you again for your comments. Michelle, I'm sorry. Go ahead please.

Michelle [producer]: All right. We're about to unmute the next caller in [the] queue. Mr. Hammond, you may go ahead. Your three minutes will start.

Robert Hammond: Yes. Can anybody hear me okay?

Michelle [producer]: Yes.

Robert Hammond: Hello?

Michelle [producer]: Please go ahead.

Robert Hammond: Okay, I'm going to jump all into it.

Michelle [producer]: Yes sir, please go ahead.

Robert Hammond: I'm going to jump right in to seven recommendations that I've made. There are more that have not been published, but the first one is to post the contemporaneous FOIA logs. Second, is OGIS review records in camera and release them. Third OGIS, be able to do binding arbitration. Fourth is require amending past annual FOIA reports and raw data. Those are massively false every year. DOJ knows it. You got to amend the last report and put that up there too so everybody can see how bad they are. Number five, DOJ, OIP and OGIS refer egregious cases to the office of special counsel. Number six, OGIS do statistically significant samples of FOIA raw data. They just sample a few records every year. Number seven is increased funding and authority for both OGIS and DOJ OIP. In support of these recommendations, I refer to DC district court, 16-421-KBJ, overseen by now Supreme Court Justice, Ketanji Brown Jackson.

This specific issue I want to talk about, is Walter Reed's FY 2013 annual FOIA report raw data, to BUMED, and there are seven other FOIA requests in that litigation. It involves, apparently, false official statements and declarations, admitted alteration of records during the litigation,

admitted destruction of records, materially false quarterly and annual reports. Those are apparent. In my May 27th, 2014 and September 15th, 2014 appeals of a b5 denial of my April 1st, 2014 FOIA request to Navy BUMED seeking Walter Reed's FY 2013 FOIA report raw data, and forwarding correspondence I say, "this FOIA request and my appeal have bearing on the accuracy of FOIA reporting the annual FOIA report to the United States Congress, and potentially on the integrity of FOIA processing." DOD then added b6, b7, they removed b5, in withholding to the whole log, and they stated they'd remove b7 and b6, had been reduced from 53 to 15 cases, and that log was going to be released.

It has never been released despite a court order. The after the fact, materially altered log, in addition to b6, contains b4, b5, and b7. They were never cited in any Vaughn index, or Defense memo. After eight years and six years of litigation, I still do not have those raw report data to show you how much Walter Reed, Navy, and DOD were cooking the books. What I have is a materially altered 16-page FOIA processing log that does not comport with the 17-page log cited in DODs Vaughn index, which Walter mandated...

Michelle [producer]: Mr. Hammond, thank you so much for your comments, sir. Your three minutes have expired. I appreciate your comments.

Robert Hammond: [crosstalk 01:49:40] Thank you. I'm calling back in.

Michelle [producer]: We're moving on to the next caller. [inaudible 01:49:46] please go ahead. You have three minutes. Go ahead and unmute your line on the WebEx audio screen. You have three minutes. All right. I think [inaudible 01:50:11] is having some issues with her audio.

Alina Semo: Okay. Thanks Michelle.

Michelle [producer]: [inaudible 01:50:19] have you muted [inaudible 01:50:21]? We can't hear you. All right. I think [inaudible 01:50:25] had issues with her audio, so we're moving on.

Alina Semo: Okay. We'll come back to that caller. I'm just going to take this opportunity to ask Martha if we have any comments that need to be read out loud?

Martha Murphy: We had a couple comments related to... I think probably best answered by our tech committee. We had one commenter say that they would like for the public to be allowed to attend the next tech event, as the public has an interest. I don't know if Eric or Michael would like to speak to that issue a little bit and why those were events that were kept to FOIA professionals.

Eric Stein: Sure. Hi Martha. I think the event ... In general, the tech committee works to empower FOIA professionals and seek solutions within federal agencies. That said, we're collaborative and like to seek opportunities to work with different groups. We did so with the NexGen FOIA showcase to partner with other agencies in the private sector to see what's available following federal acquisition rules and so forth. I think if there are opportunities for us

to engage with the public more, we can explore that, definitely. In the meantime, if you have any ideas or recommendations, please send them in to us. Let us see what's possible and definitely want to be as collaborative as possible. I think we would benefit. I think Abi mentioned, it's very collaborative to get outside perspectives, just finding ways to make sure we can both achieve the mission of the group that we have, and also seek as much outside engagement and participation as possible. I hope that answers the question.

Martha Murphy: Thank you. That's all I've got for right now, Alina.

Alina Semo: Okay. Thanks. Michelle, back to callers. Do we have any other callers queued up?

Michelle [producer]: Yes, we do have an additional caller in [the] queue. Caller, you may go ahead. Your three minutes start now.

Robert Hammond: Yes, this is Robert Hammond. I want to continue. I got a Vaughn index. It cited a 17-page log, then I got a 16-page log. That dog don't hunt. The logs that are entered into evidence contain dated alterations to FOIA requests as late as 30 September, 2014. That's a year after the close of fiscal year '13. It's after DOD's reports were finalized, after I sought the records, after my administrative appeal, and apparently during litigation. Three dated alterations cite litigation, which was filed on March 2nd, 2016. Are those alterations to the log - the static finalized FY 2013 processing log - also post litigation, in addition to ones that were admitted to have been altered. The DOJ handbook states, "... each agency is ultimately responsible for the accuracy and completeness of its annual FOIA report." DOD states, in litigation, "immaterial because the FOIA provides no private cause of action or remedy for any inaccuracy or incompleteness of annual FOIA court data." Chief FOIA Council, what say you?

In violation of law, DOD has still not released its FY '16 raw data and the '17 Defense Health Agency data does not contain any case numbers. The FOIA Improvement Act requires FOIA raw data to be posted. I've been seeking this stuff through specific FOIA requests for years, and I can't get it. What happened is the original Walter Reed and Navy BUMED static records? After first stating that they never received reports from Walter Reed, BUMED now states that they destroyed them. Records BUMED reportedly destroyed were subject to FOIA and NARA GRS required preservation and remain so.

How do altered records get into litigation? Who knew what, and when? The Appeal Authority is also agency counsel. I'm not a lawyer, but I don't think you should alter official static final report records or destroy them when sought under FOIA or altered Vaughn index material. DOJ, OIP, I have a recommendation for things to refer to special counsel. This may be one. I sent numerous correspondences to Walter Reed's FOIA officer, chain of command, and those holding responsive records to preserve them for judicial review. DOD admits destroying records, including certified mail records after I sought them, and apparently post litigation start. DOD's response again, immaterial, FOIA does not require preservation of records. Huh?

CFO Council must clarify that agencies cannot knowingly destroy records sought under FOIA and cite the violations of federal statute for doing so. Then there are material misrepresentations that agency counsel emailed documents to plaintiff counsel when he did

not. Unlike DOD, I preserve every record. If material facts ...

Michelle [producer]: Thank you so much for your comment, sir. Your three minutes have expired. Thank you.

Robert Hammond: Okay. Calling back in. Thanks.

Bobby Talebian: Thank you. I just want to say, with regard to reporting, I want to defend the departments work on this, and especially my teams, particularly the amount of resources that go towards data validation. I'm very incredibly proud of our team and also agencies for the amount of resources that we put into making sure that the data is accurate as much as possible. I don't think there's possible a hundred percent accuracy with data ever, but we continue to strive to making sure that we can validate and make sure we have the cleanest data that statistically, insignificant for any kind of data validation errors. I will say that every time [inaudible 01:56:31] had done an engagement, they rely on the data in FOIA.gov. In doing so, they do a vetting to make sure that it's reliable and accurate to rely on. As you said, this isn't the forum for specific requests. I can't speak to any of the specific requests, but of course, I know that myself, my office and OGIS have made ourselves available for the specific inquiries and we try to be as responsive as we can. I thank the caller. Just wanted to provide those comments.

Alina Semo: Okay. Thanks, Bobby. Martha, I just wanted to do one last check in. Any other comments or questions on the WebEx chat, or the NARA YouTube chat?

Martha Murphy: Mr. Hammond put in a request to give a comment to Ms. Gupta without understanding that she actually did not stay onto the meeting, but perhaps I can put it to you, Bobby. Basically, the question was whether [the] DOJ FOIA compliance mission should actually move to GAO. This would not necessarily be publishing annual reports, but GAO would audit and assume the FOIA compliance function.

Bobby Talebian: Well, I would say GAO already has an audit functioning. As the associate mentioned, as the AG mentioned, we're very proud of our unique role in ensuring the effective and efficient administration of the FOIA, and are proud to do all the things that we need to ensure our guidance, our training, and our advice to agencies is applying the FOIA with a presumption of openness, and that agencies are fully, faithfully applying the law as it is in the statute and case law, and DOJ policy. I think our roles are complementary as is our role with OGIS.

Alina Semo: Okay, thanks very much, Bobby. I know we're at 12:01 PM. We've scheduled this meeting to go through noon. We've gone through our 15 minutes of public comments. I want to thank all of our public commenters. I just, again, want to remind everyone, we have posted an extensive amount of comments from public commenters on our FOIA website, on our Chief FOIA Officer Council portion of the OGIS website. I want to invite everyone that's participating today to please go read all of those comments with attachments.

At this point, we're going to be wrapping up. We very much hope to see you again later this fall for another CFO council meeting. Bobby and I haven't mapped out exactly when that's going to

be, but please stay tuned for further announcements on an exact date and time, as well as registration information. I want to thank all of you again for joining us today. I hope everyone and their families remain safe, healthy, and resilient, and take care of yourselves. Bobby, over to you.

Bobby Talebian: Thank you Alina. Thanks everyone for joining us for a really great meeting today. Both the agencies and members of the public, on the WebEx and livestream, but a special thanks, of course, to all of our presenters who did a great job today, [a] really informative session and meeting of the committee. Special thanks again to the FOIA professionals who are volunteering their time to the two committees. Another last minute plug, please, if you're interested, volunteer. And also, let us know if there is something you'd like to see the committee address, or some type of...something you'd like...An item you'd like us to address at the next CFO council meeting in the fall. We're always looking forward to a lot of great engagement. Hope everyone stays happy, healthy, safe, and has a great, great rest of a great summer. Thank you all.

Alina Semo: All right. Take care everyone.

Michelle [producer]: That concludes our conference. Thank you for using event services. You may now disconnect.

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ATTACHMENT C

Hammond Posted Public Comments

Sample Hammond public comments are hyperlinked below.

- Public Comments Submitted to the Chief FOIA Officers Council <https://www.archives.gov/ogis/about-ogis/chief-foia-officers-council>
- OGIS Annual Open Meeting Public comments <https://www.archives.gov/ogis/outreach-events/annual-open-meeting>
- FOIA Advisory Committee <https://www.archives.gov/ogis/foia-advisory-committee/public-comments>
- Document Cloud – Relevant & Current <https://www.documentcloud.org/app?q=%2Buser%3Arobert-hammond-106693%20>

#	Hammond Public Comments. Document Cloud Alphabetical (25 per page on web, not alphabetical)
1	2022- 2024 FOIA Advisory Committee Bylaws - Recommended Changes
2	2022- 2024 FOIA Advisory Committee Inaugural Meeting. DOJ OIP OGIS Grossly Underfunded
3	All Panelist Chat to June 9 2022 FOIA Advisory Committee Meeting. OGIS DOJ Funding + Miss
4	DOD FOIA Misconduct Part IV. FY 2018 Appeals Disappeared + DOJ OIP & OGIS Underfunded, Thus Ineffective
5	DOD FOIA Misconduct Part V. Navy FY 2018 Appeals Dispositions Bases Not Reported
6	DOD Massive False FOIA Reporting. Part 1. Letter to SECDEF, Complaint to DOJ OIG
7	DOD MASSIVE FALSE REPORTING PART II + Still Interested Abuse. Updated July 27, 2022
8	DOD Massive False Reporting Part III. 5-year Late Acknowledgements Unusual Circumstances Abuse +
9	DOD' Cites Change to CFR 32 CFR part 286.4 as Unlawful Basis for Omitting OGIS Mediation Rights
10	DOJ OIP (Inaccurate) CFO Report Assessment 2022
11	DOJ OIP Compliance Inquiries
12	Failure - FOIA Compliance Oversight & Funding. Part 2. No Joking Matter
13	FOIA Line-Item Budgets Now. Let the citizens be heard. Retire FOIA Bob.
14	FOIAonline - Recommended System Changes
15	Foreseeable Harm Standard. DOJ OIP Misinformation + Navy Misconduct and Idiocy?
16	DOJ OIP Improper and Unlawful Standard Glomar Responses With Implicit (b)(1) & (b)(7)
17	Hammond FOIA Public Comments Posted to Document Cloud
18	Hammond Questions Comments for September 8 2022 Meeting. OGIS and DOJ OIP Lack of Funding w.attach1
19	Hammond Recommendations and Chat Comments to 4.7.2022 FOIA Advisory Committee Meeting
20	HOT! Semo OGIS. Budget Numbers do not Comport w. NARA Published Budgets!
21	Mandatory Right to OGIS Dispute Resolution - OGIS Malfeasance 20220616
22	Moot Appellate Determinations
23	NARA FOIA & Financial Malfeasance \$789,730 + Alteration of Records and Loss of Public Trust
24	NARA FY 2022 Data Stripped From FOIA.gov
25	NARA, PLEASE FUND OGIS!! (PART 1). Robert Hammond September 9, 2021 Speaker Notes

26	Navy FY 2018 Appeals Dispositions Bases Not Reported
27	OGIS & DOJ OIP Misstate Recommendation to Post FOIA Logs - Why
28	OGIS Funding and Case Accountability Logs
29	OGIS Negligence Generally & Improper June 29, 2022 FOIA Meeting
30	OGIS Posting Policy for Public Comments
31	Posting FOIA Logs. Tech Committee Recommendation #2. FOIA Ombudsman Inaccurate Citation
32	Preserve FOIAonline Records + Decertify FOIA.gov + Audit NARA + Post FOIA Logs
33	QUESTIONS for June 29, 2022 OGIS Annual FOIA Meeting v2
34	Response to Hon. David S. Ferriero June 10 2021 Comments to FOIA Advisory Committee
35	Sample FOIA Template to Combat Agency Misconduct 20220616
36	Senator Grassley - DOJ OIP'S Position Doesn't Pass the "Common Sense Test"
37	Senators Unite to Slam FOIA Compliance + POGO
38	Subpoena Threat and Congressional Demand for OGIS to Release Records. OMB Kills Recommendations
39	Sued into Oblivion. Foreseeable Harm Standard
40	Violations of the ADA in FOIA Redactions, Simple Solution