



OFFICE *of* GOVERNMENT
INFORMATION SERVICES

Freedom of Information Act (FOIA) Advisory Committee

June 9, 2022

<https://www.archives.gov/ogis/foia-advisory-committee/2020-2022-term/meetings>



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Welcome

Chat Tip

Chat “All Panelists” otherwise the Committee members and/or OGIS staff will not see your comments.



National Archives Identifier 208383217



Acting Archivist Welcome

Debra Steidel Wall

Acting Archivist of the United States





Administrative Updates

Alina M. Semo

Director, Office of Government
Information Services
and Chair, FOIA Advisory Committee





Final Report & Recommendations

The work of the 2020–2022 term of the FOIA Advisory Committee resulted in **21** recommendations.



Classification Subcommittee Recommendation No. 2022-01

The Office of Information Policy should issue guidance to agencies that they use the internationally recognized “Neither Confirm Nor Deny” (NCND) instead of *Glomar*.

Responsible for Implementation: Office of Information Policy



Classification Subcommittee Recommendation No. 2022-02

Agencies should report annually on agency use of
“Neither Confirm Nor Deny” / *Glomar*.

Responsible for Implementation: Federal Agencies



Classification Subcommittee Recommendation No. 2022-03

Agencies should post on their FOIA websites information about “Neither Confirm Nor Deny” /*Glomar* responses.

Responsible for Implementation: Federal Agencies



Classification Subcommittee Recommendation No. 2022-04

A relevant organization should study “Neither Confirm Nor Deny” /*Glomar* usage.

Responsible for Implementation: To be determined



Classification Subcommittee Recommendation No. 2022-06

Executive Order 13526 should be amended to require that in cases where information withheld under FOIA or other access requests for reviews does not contain the markings specified in the governing Executive Order, agencies must add these markings.

Responsible for Implementation: The White House



Classification Subcommittee Recommendation No. 2022-06

The Archivist of the United States should request that the Inspector General of the Intelligence Community conduct a review of agencies' compliance with Executive Order 13526 §§ 1.6 and 2.1, particularly as it relates to initial marking of classified information; and how agencies handle classified information responsive to FOIA or other disclosure requests where markings are omitted.

Responsible for Implementation: The Archivist of the United States



Technology Subcommittee Recommendation No. 2022-07

The Office of Information Policy should encourage agencies to post on their FOIA websites certain information beyond what is required by law.

Responsible for Implementation: Office of Information Policy



Technology Subcommittee Recommendation No. 2022-08

The Chief FOIA Officers Council should establish a working group within two years to determine best practices for release of records in native format, including metadata.

Responsible for Implementation: Office of Information Policy & Office of Government Information Services



Technology Subcommittee Recommendation No. 2022-09

The Chief FOIA Officers Council working group should study and recommend resolutions to challenges between FOIA and 508 compliance.

Responsible for Implementation: Office of Information Policy & Office of Government Information Services



Technology Subcommittee Recommendation No. 2022-10

Federal agencies should endeavor to provide regular and proactive online publication of searchable FOIA logs containing certain information in Excel/CSV format.

Responsible for Implementation: Federal Agencies



Process Subcommittee Recommendation No. 2022-11

Records relied on by any agency that affect eligibility for benefits or adversely affects an individual in proceedings should be made automatically available and not require first-person FOIA practice.

Responsible for Implementation: Federal Agencies



Process Subcommittee Recommendation No. 2022-12

Agencies should amend any regulations, directives, policies, and guidance to provide individuals, regardless of whether they have legal representation in agency proceedings, access to records about themselves.

Responsible for Implementation: Federal Agencies



Process Subcommittee Recommendation No. 2022-13

Agencies that receive frequent first-person requests should identify the most commonly requested records and develop a plan for processing such records that leverages technology, promotes efficiency, and good customer service.

Responsible for Implementation: Federal Agencies



Process Subcommittee Recommendation No. 2022-14

A comprehensive assessment of the Department of Homeland Security (DHS) processes, workforce, and existing technology should be initiated as it relates to Alien (A) files responsive to FOIA requests.

Responsible for Implementation: Department of Homeland Security



Legislation Subcommittee Recommendation No. 2022-15

Congress should give OGIS the authority to make binding decisions.

Responsible for Implementation: Congress



Legislation Subcommittee Recommendation No. 2022-16

Congress should give OGIS the authority to review records *in camera*.

Responsible for Implementation: Congress



Legislation Subcommittee Recommendation No. 2022-17

Congress should create a direct line-item appropriation for OGIS.

Responsible for Implementation: Congress



Legislation Subcommittee Recommendation No. 2022-18

Congress should increase OGIS's budget.

Responsible for Implementation: Congress



Legislation Subcommittee Recommendation No. 2022-19

The Archivist of the United States should commission a feasibility study, incorporating input from requesters and agencies, to more deeply explore the costs and benefits of these recommendations and refine the proposals to aid Congress in drafting legislation.

Responsible for Implementation: Archivist of the United States



Legislation Subcommittee Recommendation No. 2022-20

The Archivist of the United States should restore OGIS as a direct report.

Responsible for Implementation: Archivist of the United States



Legislation Subcommittee Recommendation No. 2021-01

The Archivist of the United States should ask Congress to expand public access to federal records in congressional support offices by creating disclosure procedures modeled after FOIA.

Responsible for Implementation: Archivist of the United States & Congress



FOIA Advisory Committee

Public Comments

<https://www.archives.gov/ogis/foia-advisory-committee/public-comments>



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FOIA Advisory Committee

Mark your calendars!

The first meeting of the 2022-2024 term is

Thursday, September 8, 2022



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