

2020-2022 Freedom of Information Act Advisory Committee Technology Subcommittee

- D R A F T -

Recommendation No. 2022-TS3 (Part 2)

We believe that the following two (2) recommendations from the 2016-2018 FOIA Advisory Committee should be implemented, with the following revisions, within a two-year period following the release of this Report:

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2. We recommend that agencies proactively publish FOIA logs in the agency's electronic reading room (often referred to as FOIA Libraries) on an ongoing basis, at least quarterly. Agencies should allow for the full text searching of FOIA logs.

To be most useful, agency FOIA logs should contain, at a minimum, each of the following fields in either Excel or CSV format, in preference to PDF:

- a) Tracking number of the request.
- b) Date of the request.
- c) Name of the requester, provided it is not a first-party requester (i.e., someone asking for records on himself or herself) – to be most useful, the agency should publish the names of all third-party requesters; the agency should also alert requesters that they will publish the names of third-party requesters in their FOIA logs.
- d) Organizational affiliation of the requester, if identified in the request.
- e) Whether the request was processed under the Privacy Act as well.
- f) Subject matter of the request.
- g) Status of the request (pending, closed, etc.).
- h) For requests that have been closed, the date closed and the result of the FOIA request (granted, granted in part, denied, withdrawn, etc.).
- i) Fee Information
 - a. Fee category assigned to requester, if applicable (commercial, educational, news media, other).
 - b. Whether a fee waiver was requested.
 - c. If a fee waiver was requested, whether it was granted.
 - d. Amount of fees charged.
 - e. Amount of fees paid.

We acknowledge that the above elements should be included, subject to other FOIA exemptions and exclusions.

Background and Justification

In line with the Charter for the FOIA Advisory Committee, we advocate continued pursuit of technological solutions within agencies, the requester community, and the tech community, to address the proactive disclosures of government records and data.¹

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We believe that the second part of this recommendation will benefit the requester community by allowing individuals easier access to identify and obtain previously released records and thus resulting in more cost-effective and faster releases by agencies. Agencies already compile significant information on each request and by establishing standard expected categories, the FOIA logs become more useful for the public.

Requiring the regular—possibly live—production of FOIA logs presents a low-cost mechanism that will both aid requesters and potentially reduce the burden on agencies. The public will have a clear view of what is being requested and what has been released. Production of the logs also may sync up with increased proactive disclosures. Released records could be conveniently appended to each log entry after they are produced. Further, FOIA logs have become a tool of those studying FOIA processes, and the standardization would benefit this community as well.

This recommendation is an extension of the Detailed FOIA Log Recommendation from the 2016-2018 Term of the FOIA Advisory Committee. Our recommendation differs from the earlier one in the following ways: we added that the logs should be text searchable; changed the frequency of proactive posting from monthly to “at least quarterly,” deleted the different treatment for agencies that receive fewer requests, added information about fees, and acknowledge that the release of this information is subject to the assertion of exemptions and exclusions.

¹ FOIA Advisory Committee charter, under “Description of Duties”: The FOIA Advisory Committee fosters dialogue between the Federal Government and the requester community, solicits public comments, and develops recommendations for improving FOIA administration and proactive disclosures. See, <https://www.archives.gov/ogis/foia-advisory-committee/2020-2022-term>.