



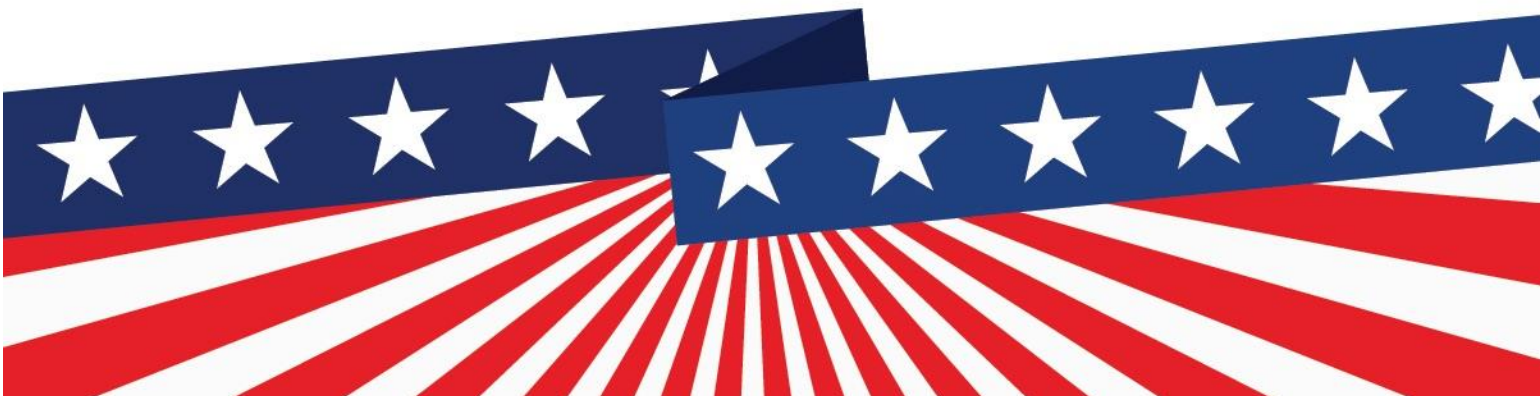
**QUESTIONS for
OGIS Open Annual FOIA
Meeting - June 29, 2022**

PUBLIC COMMENT

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PREFACE – Why this matters!

This presentation addresses twenty-three questions for the meeting Mediator to read aloud and for NARA's Office of Information Services (OGIS) and DOJ's Office of Information Policy (DOJ OIP) to answer during the core meeting (not Oral Comments) related to the OGIS 2022 Annual Ombuds Report for FY 2021.

- OGIS and DOJ OIP lack of funding; how much is needed.
- OGIS DOJ OIP compliance responsibilities and action taken (if any).
- OGIS conduct related to its statutory dual compliance and mediation missions.
- The FOIA Advisory Tech Committee Recommendation #2 requiring proactive posting of FOIA Logs.
- Office of Government Information Services Advisory Opinion No. 2020-01: Agencies Must Provide Estimated Dates of Completion Upon Request.

TRUTH, transparency, and accountability matter!

QUESTION for OGIS and DOJ OIP	#
My questions conform to the Chat 200-character limit, so each is brief.	
Questions <u>to be read aloud and answered</u> (not as part of oral public comments) are preceded by a question mark (e.g., <u>? OGIS</u>, <u>? DOJ OIP</u>.	
I asked DOJ OIP and OGIS to identify in multiple meetings the dollar funding level needed for FY 2023 to effectively perform all their statutory missions. OGIS is likely underfunded ten to twenty-fold.	1.
? DOJ OIP. Bobby, one word answer. What is the dollar funding level that DOJ OIP needs to effectively accomplish its statutory missions for FY 2023?	2.
? DOJ OIP. I am prepared to provide you 1,000 – 2,000 compliance inquiries of incontrovertible false FOIA reporting and other potential malfeasance. Are you staffed and prepared?	3.
? OGIS. Alina, one word answer. What is the dollar funding level that OGIS needs to accomplish its statutory FOIA compliance and mediation missions for FY 2023 (with full mediation when sought)?	4.
? OGIS. Why did OGIS discontinue publishing contemporaneous ADR request case logs and ADR Final Response Letters in 2016 and will you restore this? https://www.archives.gov/ogis/mediation-program	5.
? OGIS. Alina, why did you recently discontinue your name in the signature block of OGIS response letters, instead citing “The OGIS Staff and will you now provide the name or a real person?”	6.
? OGIS. Alina, why did you discontinue satisfaction surveys and how do you now validate your suspect claims that requesters are satisfied?	7.
?OGIS. Statutory basis is what for statement, “OGIS staff may need to ... consult with the Office of Information Policy at the Department of Justice, ..., before accepting the request for mediation?”	8.
?OGIS. OGIS has never engaged in mediation of my specific requests to do so. Upon what authority is OGIS refusing mediation?	9.

<p>?OGIS. Why changed in 2022 Ombuds report statutory wording from “offer mediation services” to “help resolve disputes”? Per 5 USC § 552(h)(3) OGIS “shall offer mediation services to resolve disputes.”</p>	10.
<p>?OGIS. Why changed in 2022 Ombuds “requests for mediation” to “requests for assistance?” Not the same. How many of the 2022 purported OGIS 4,100 cases went to mediation?</p>	11.
<p>?OGIS. OGIS and Agency FOIA Public Liaisons routinely refuse to engage in ADR. Why does OGIS incorrectly report the # of OGIS cases and # times FPL assistance sought ADR in lieu of engaged in ADR?</p>	12.
<p>5 USC § 552(h)(4)(A)(ii)(II), OGIS report “<u>number of times each agency engaged in dispute resolution with the assistance of the Office of Government Information Services or the FOIA Public Liaison.</u>”</p>	13.
<p>?OGIS. In my requests for MEDIATION, OGIS often says, file an appeal & the agency will address your issues. Not what Congress intended! How can OGIS count such actions in its ADR case closure figures?</p>	14.
<p>?OGIS. Recommendation No. 2020-19 “in the absence of oversight from Congress, FOIA otherwise lacks a sustaining enforcement mechanism.” Why did OGIS non-concur with “additional hearings and inquiries?”</p>	15.
<p>? DOJ OIP. I recently provided you ten compliance inquiries for Navy’s DON JAG open FY 2018 FOIA requests not included in DOD’s annual FOIA Report. False Reporting. DOJ OIP action taken is what?</p>	16.
<p>DON-NAVY-2019-000004 DON-NAVY-2018-011918 DON-NAVY-2018-002619 DON-NAVY-2018-002156 DON-NAVY-2018-002630 DON-NAVY-2018-002663 DON-NAVY-2018-001684 DON-NAVY-2018-002615 DON-NAVY-2018-011318 DON-NAVY-2018-011904</p>	17.

<p>? DOJ OIP. I recently provided you 7 compliance inquiries for NARA closed FY 2021 FOIA requests not included in NARA/s annual FOIA Report. False Reporting. DOJ OIP action taken is what? <i>See cases:</i></p>	18.
<p>NARA FY 2021 FOIA Requests that are not in FOIA annual raw data. ?False reporting: NGC-675, NGC-698, NGC-744, NGC-764, NGC-779, NGC-822, NGC-824</p>	19.
<p>? DOJ OIP. I recently provided you a compliance inquiry that NARA did not include any open FOIA requests in its FY 2021 FOIA raw data, in apparent violation of law. DOJ OIP action taken is what?</p>	20.
<p>? DOJ OIP. In violation of law, DOD has not released FY 2016 raw data & 2017 Defense Health Agency data does not contain any case numbers. DOJ OIP action taken is what?</p>	21.
<p>? DOJ OIP. FOIA.gov does not contain any NARA FY 22 Q1 or Q2 data. DOJ OIP action taken is what?</p>	22.
<p>? DOJ OIP. Will you consider my recommendation requiring Agencies to amend past reports and raw data with narrative as to how error/false reporting occurred?</p>	23.