

# CHIEF FOIA OFFICERS COUNCIL



**Public Meeting**

**Wednesday, April 17, 2024**

**10:00 a.m. - Noon ET**

**Bobby Talebian and Alina M. Semo, Co-Chairs**



# Welcome and Housekeeping



Use Webex chat for housekeeping and procedural matters only. Please submit substantive comments to: [www.foia.gov/chief-foia-officers-council/public-comments](http://www.foia.gov/chief-foia-officers-council/public-comments)



The YouTube chat function is not on. Please submit comments to: [www.foia.gov/chief-foia-officers-council/public-comments](http://www.foia.gov/chief-foia-officers-council/public-comments)



Oral public comments will be heard at the end of today's meeting.



The meeting will be recorded and posted online at: <https://www.foia.gov/chief-foia-officers-council>



The meeting will start at 10:00 a.m. and end at 12:00 p.m. ET.



General Services Administration

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**Open Government Secretariat  
Chief FOIA Officers Council**

April 17, 2024

# US Government Roles

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**WHITE HOUSE OFFICE OF  
SCIENCE AND  
TECHNOLOGY POLICY**

Policy Leadership



**GENERAL SERVICES  
ADMINISTRATION**

Domestic Implementation  
Management



**DEPARTMENT OF STATE**

&

**USAID**

International Implementation  
Management



DANIEL YORK

Director,  
Inter-Govt Coordination /  
NAP 5

MEET  
THE GSA  
TEAM



YVETTE GIBSON



ALEXIS MASTERSON

NAP 6



LAURA SZAKMARY



COURTNEY ANDERSON

MSF / Community  
Engagement



ARTHUR BRUNSON



AVIS RYAN

FACA / Website

# What We Do

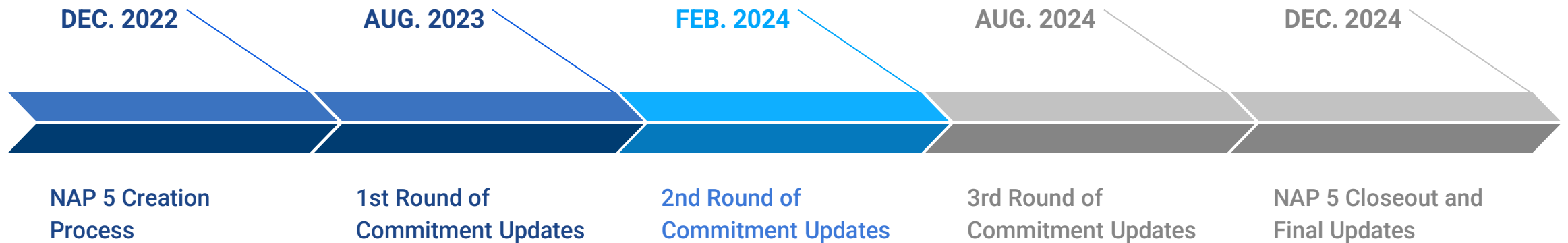
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The GSA Open Government Secretariat serves three primary roles:

- 1 Nation Action Plan [\(NAP\) 5 Implementation](#):** Coordinate with federal partners to track and report progress on NAP commitments.
- 2 Nation Action Plan (NAP) 6 Development:** In coordination with White House OSTP, Department of State, and USAID, co-create the 6th US Open Government NAP with Civil Society Organizations through an open and transparent process and which advances the ideals of a more inclusive, responsive, and accountable Government.
- 3 Stakeholder Engagement:** Coordinate with federal government and public stakeholders groups:
  - Federal Stakeholder Engagement
  - Public Stakeholder Engagement
  - Host & Maintain an Open Government [public website](#)

# NAP 5 Commitment Updates

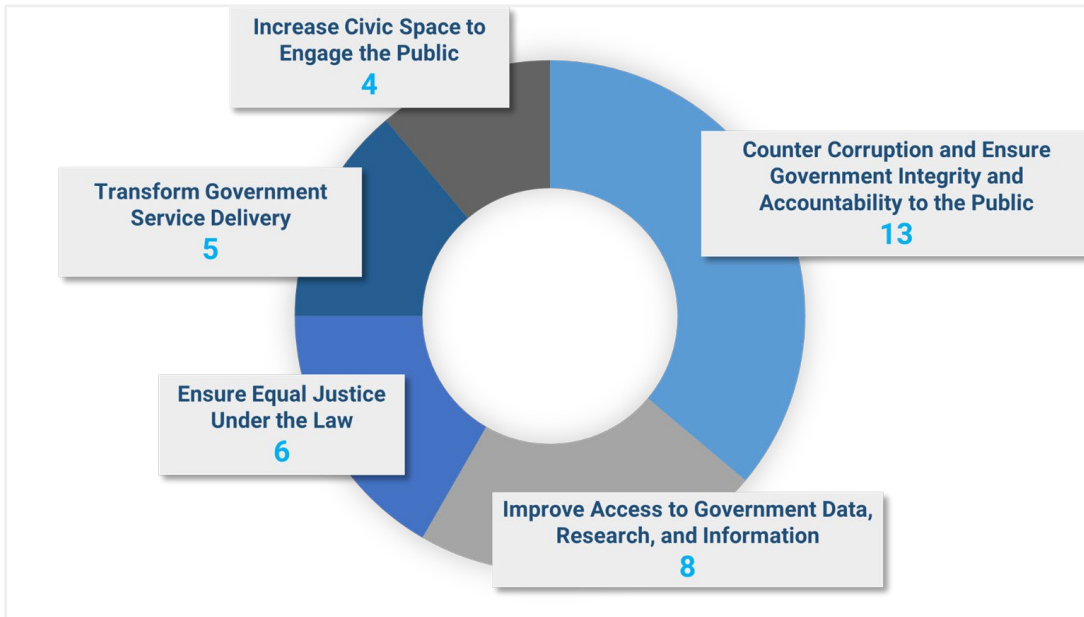
## Process



<u>70 Sub-Commitments</u>	Aug. 2023	Feb. 2024
Sub-Commitments Missing Updates	13	0
Sub-Commitments Missing <u>POCs</u>	10	0

**Updates went live to the public on March 27, 2024**

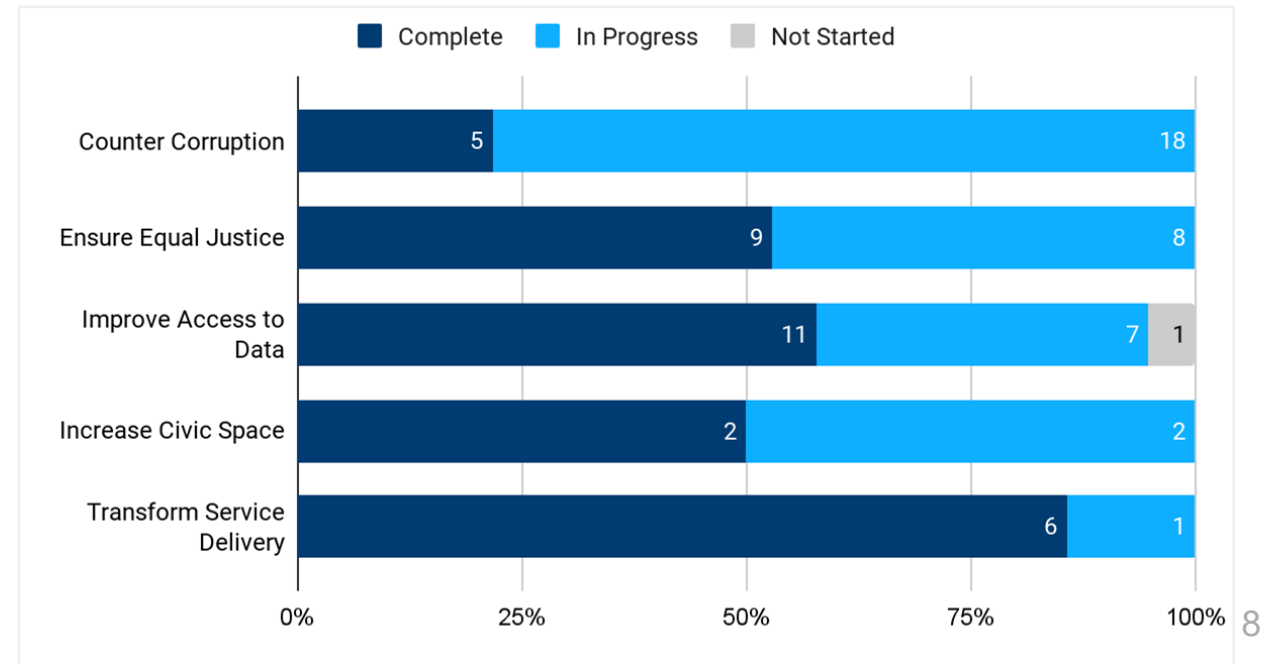
# NAP 5 Commitment Updates cont.



The graphic above shows the breakdown of the 36 commitments across the five themes in the 5th U.S. Open Government National Action Plan.

While this categorization is the basis for the structure of NAP 5, progress is assessed at the commitment and sub-commitment level, as individual commitments are independent of one another and often have different agency leads for their respective sub-commitments.

The graphic below provides an additional summary look at the completion status of the 70 sub-commitments, now broken up into NAP 5's five themes. For each possible status (Complete, In Progress, Not Started), both the count and the percentage out of 100% are provided for each of the five themes.





# NAP 5 Mid-Term Self Assessment

**ACTION PLAN  
PROCESS**

**USE OF IRM  
RECOMMENDATIONS**

**COMMITMENT  
STATISTICS**

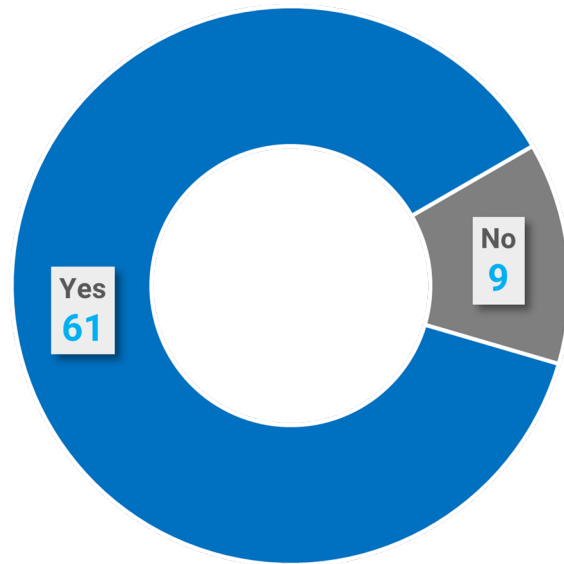
**LESSONS AND  
INSIGHTS**

**RECOMMENDATIONS**

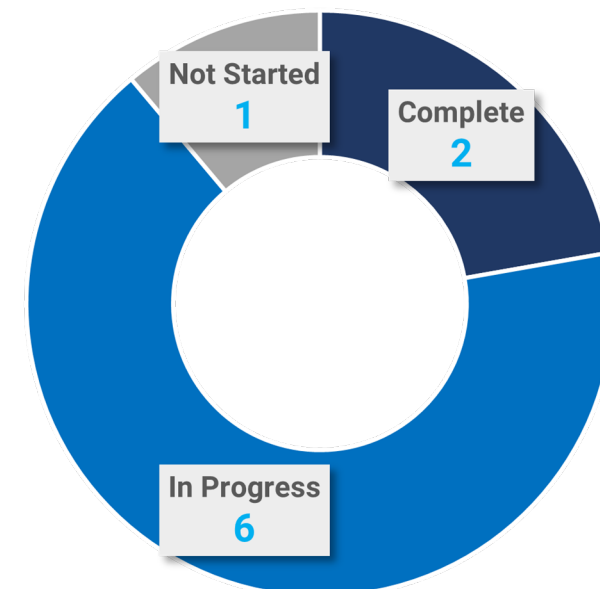
- Importance of Inclusive Stakeholder Engagement
- Clear Accountability Mechanisms
- Monitoring and Feedback
- Building Trust and Ambition
- Focusing Scope

- Enhancing Stakeholder Collaboration
- Refining Accountability Structures
- Expanding and Improving Monitoring
- Addressing Unforeseen Challenges
- Broadening Involvement

Sub-Commitment Evidence Status



Sub-Commitments with No Evidence



# Self-Assessment Next Steps

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## NAP 5 Updates

- ✓ OMB approval to publicly post NAP 5 updates
- ✓ Post NAP 5 updates to [open.usa.gov](https://open.usa.gov)

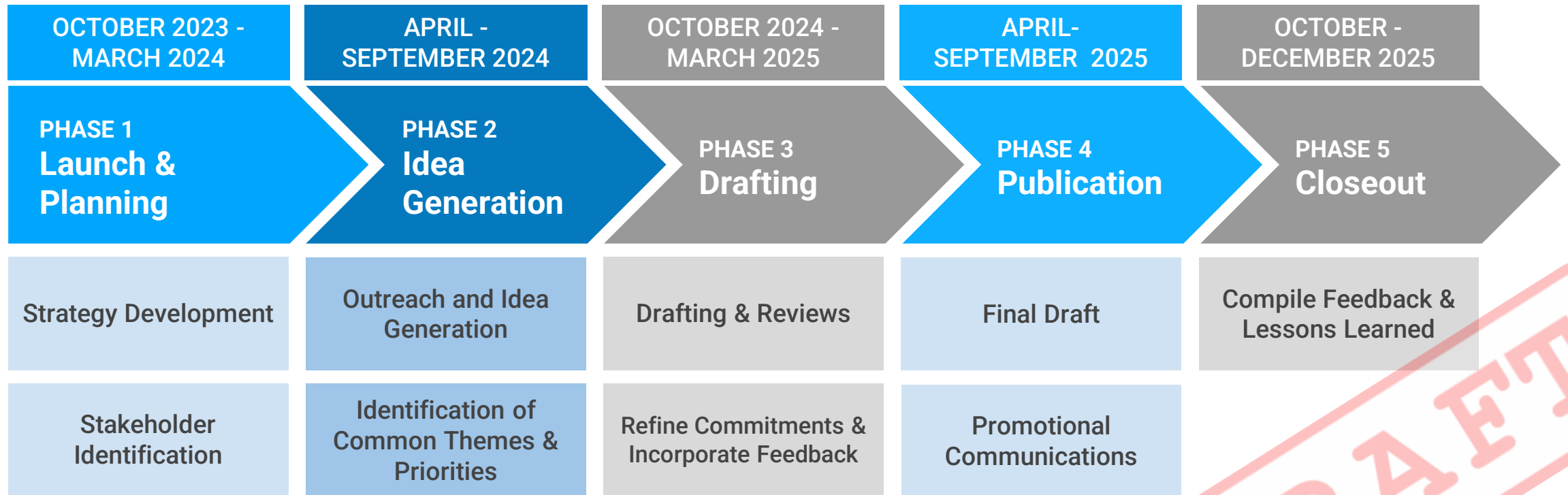
## Federal Register Notice

- GSA Communications reviews draft for Federal Register
- Post updated document to Federal Register for public comment on [regulations.gov](https://www.regulations.gov)
- 60-day public comment period
- Finalize document and incorporate public comments as applicable

## Publication

- GSA Communications reviews final draft
- GSA leadership reviews final draft
- Final version is submitted to Open Government Partnership IRM
- Document is published on [open.usa.gov](https://open.usa.gov)

# NAP 6 Tentative Timeline



**DRAFT**

# NAP 6 Updates

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*Comms Plan Preview Part 1 = MISSION must align with the communication goals*

**Mission:** Take charge of overseeing all domestic aspects within the international Open Government Partnership

01

As we embark on NAP 6, we want messaging that speaks to our desire to be:

- Inclusive
- Responsive
- Accountable

02

Purpose/priorities with communications objectives :

- Engage citizens
- Increase transparency
- Improve overall government effectiveness

03

**Our Stakeholders**

1. Civil Society
2. Government

- How will the we address the mission need for our stakeholders?
- Communicating up, across, around and out of the Secretariat

# Open Govt Federal Advisory Committee

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## Progress:

- Submitted Charter and Membership Balancing Plan to CMO for consultation with CMS
- Prepared draft Membership Selection Criteria
- Prepared draft Notice of Open Government Federal Advisory Committee (OG FAC) Intent to Establish and request for applicants



## Next Steps:

- Submit Charter package to GSA Administrator for approval
- Publish Notice of Establishment in Federal Register (15 calendar days prior to CMO filing the charter)
- Draft nominee selection criteria
- Form an internal GSA nominee selection panel
- Prepare and submit Membership Nomination package for Administrator approval
- Hold first meeting by the end of this calendar year

# Federal Agency Open Government Community of Practice

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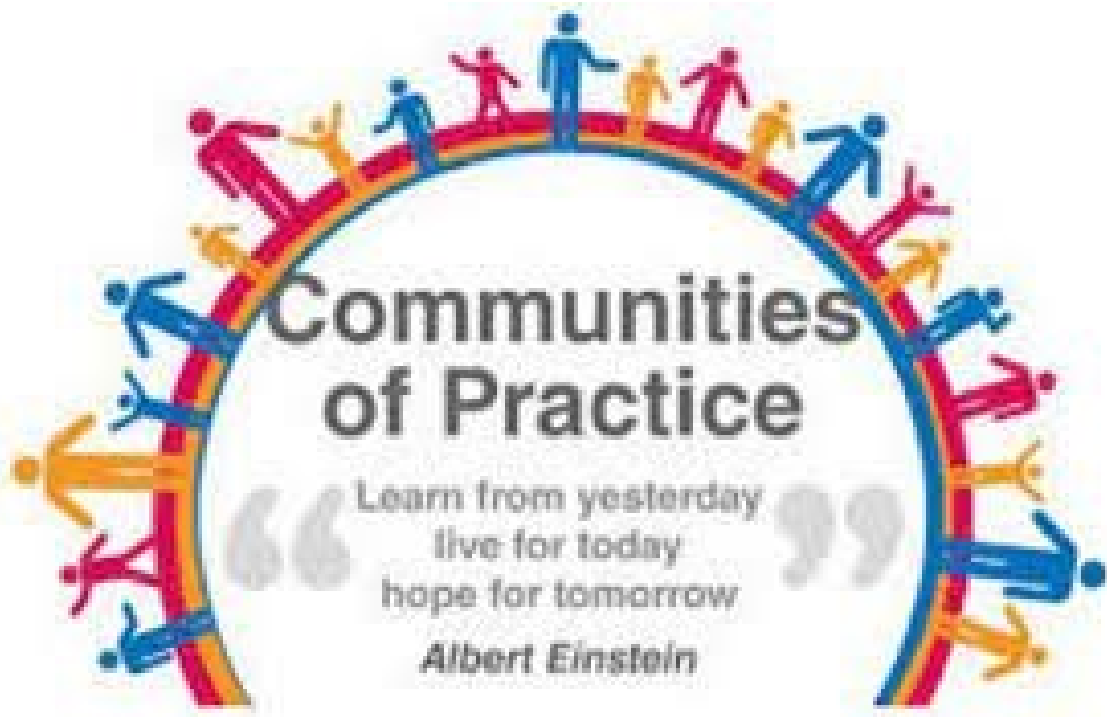


Image Credit <https://iap2usa.org/event-2410826>

The Open Government Secretariat is reinstating the **Federal Agency Open Government Community of Practice**, which met for the first time in quite a while last Tue Jan 30, 2024. It is only open to all federal agencies and personnel with a .mil or .gov email address, and plans to meet every other month with the goal of **sharing knowledge, capacity building, and enhancing collaboration.**

# Stay Connected!

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## *Streamlining Communication*

The Open Government Secretariat has decided to streamline our communication platforms, transitioning from multiple communication platforms down to **two dedicated listservs**:

- Communication **Within** Govt
  - Only available to .gov and .mil email address
- Communications **Outside** Govt - [OpenGov-Civ@listserv.gsa.gov](mailto:OpenGov-Civ@listserv.gsa.gov)
  - Open to the public, anyone can join

# Civil Society New ListServ

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## *Instructions*

To join the new public facing GSA Open Govt ListServ:

- Send an email [opengov-civ-subscribe-request@listserv.gsa.gov](mailto:opengov-civ-subscribe-request@listserv.gsa.gov) and include “**Join: OpenGov-Civ**” in the subject line.
- Reply “**OK**” to the auto-generated message you receive within 48hr.
- You will get a second auto-generated message letting you know that you have joined the OpenGov-Civ ListServ



# Thank You!



Contact Us: [OpenGovernmentSecretariat@gsa.gov](mailto:OpenGovernmentSecretariat@gsa.gov)



# Updates from the Office of Information Policy

**Bobby Talebian, Director**  
Office of Information Policy  
U.S. Department of Justice



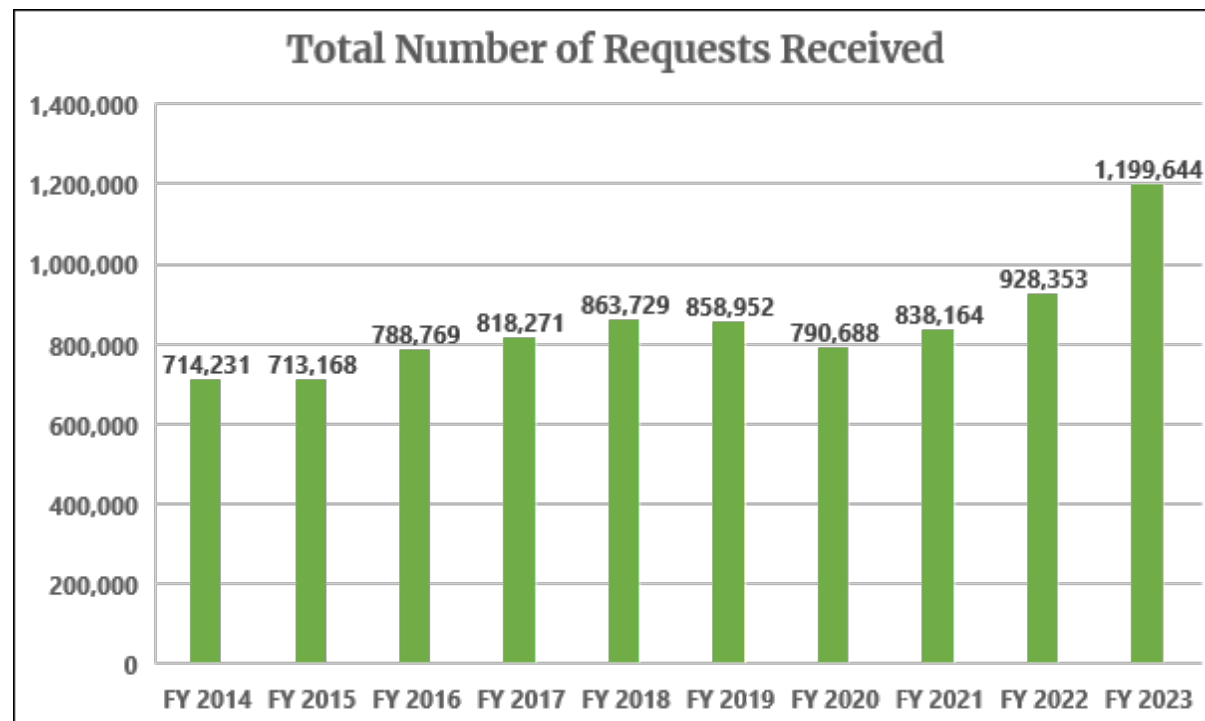
# FOIA Reporting

- **Thank you for all your work to complete your agencies' Fiscal Year 2023 Annual FOIA Reports and 2024 Chief FOIA Officer Reports!**
- All Annual FOIA Report Data is available on FOIA.gov. OIP is compiling summaries of all agencies' Annual and Chief FOIA Officer Reports.
- **Reminder:** Quarter 2 FOIA Data submissions due April 26. If you submit after the deadline, contact us at [DOJ.OIP.FOIA@justice.gov](mailto:DOJ.OIP.FOIA@justice.gov) so we can publish your data on FOIA.gov.
- As agencies prepared for the FY24 reporting cycle, OIP's Compliance Staff is available to discuss best practices and lessons learned. Feel free to contact us!



# FY 2023 Annual Report Data Highlights

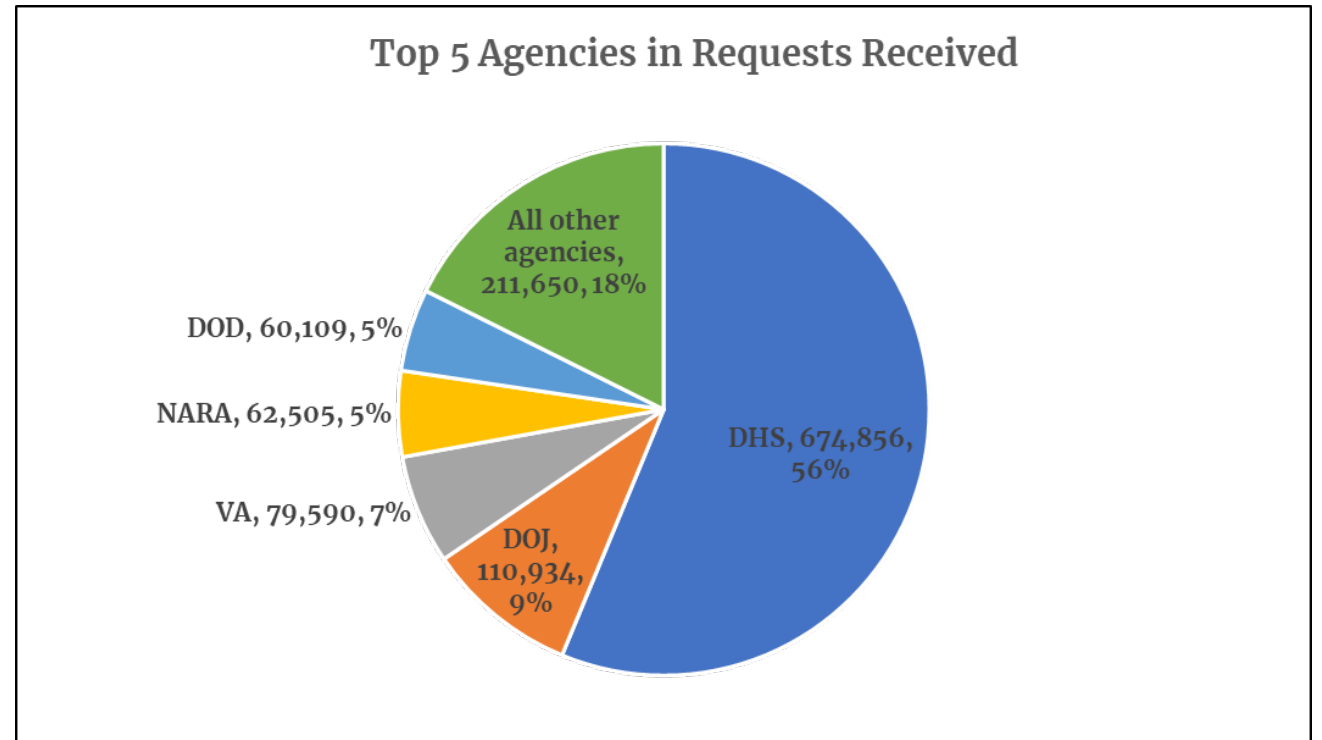
- **Record high number of requests received in FY 2023 with 1,199,644 requests submitted. This is a 29% increase in requests received from FY 2022.**





# FY 2023 Annual Report Summary Highlights

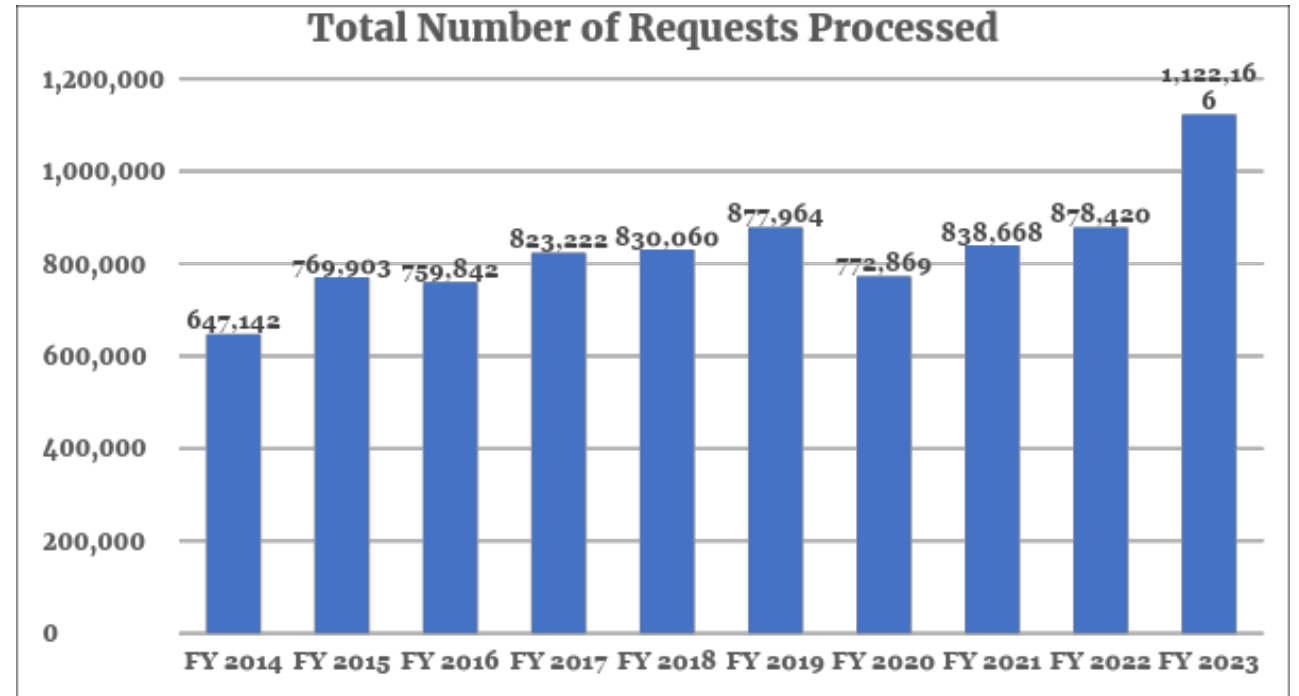
- **Five agencies received 82% of all submitted requests in FY 2023. DHS, DOJ, VA, NARA, and DOD received the most requests, with all other agencies receiving a total of 18% of submitted requests.**





# FY 2023 Annual Report Summary Highlights

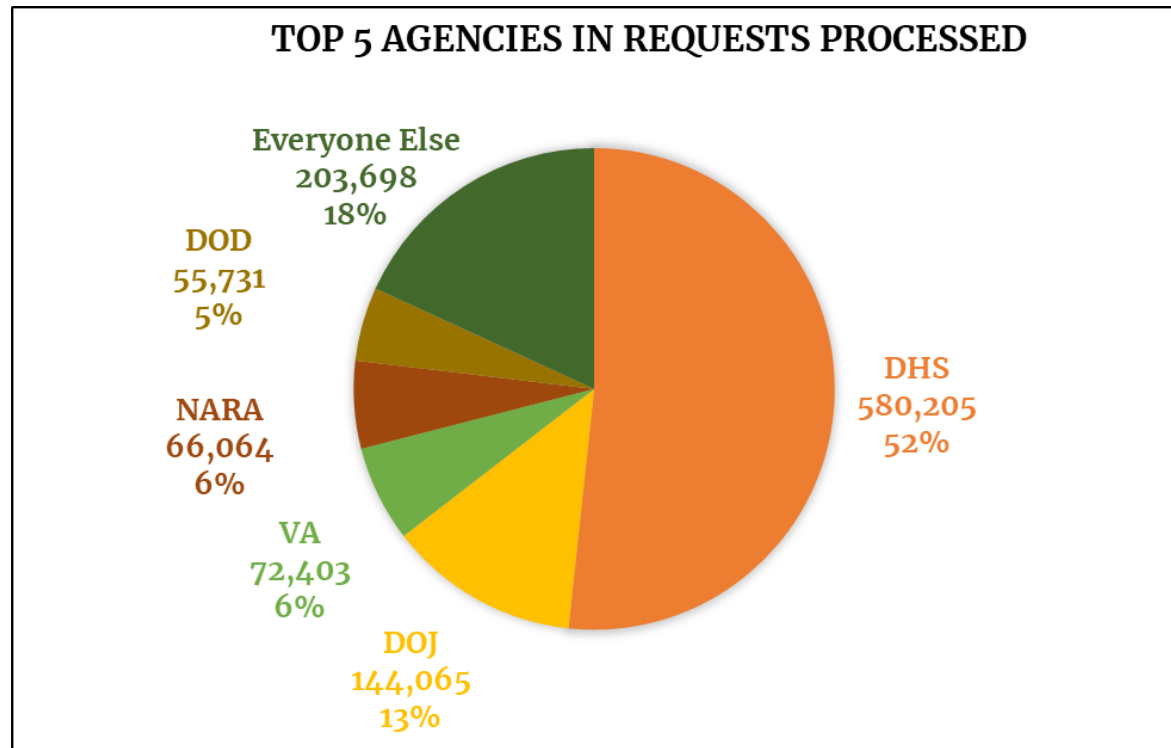
- Record high number of requests processed in FY 2023 with 1,122,166 requests processed. This is a 28% increase from FY 22.





# FY 2023 Annual Report Summary Highlights

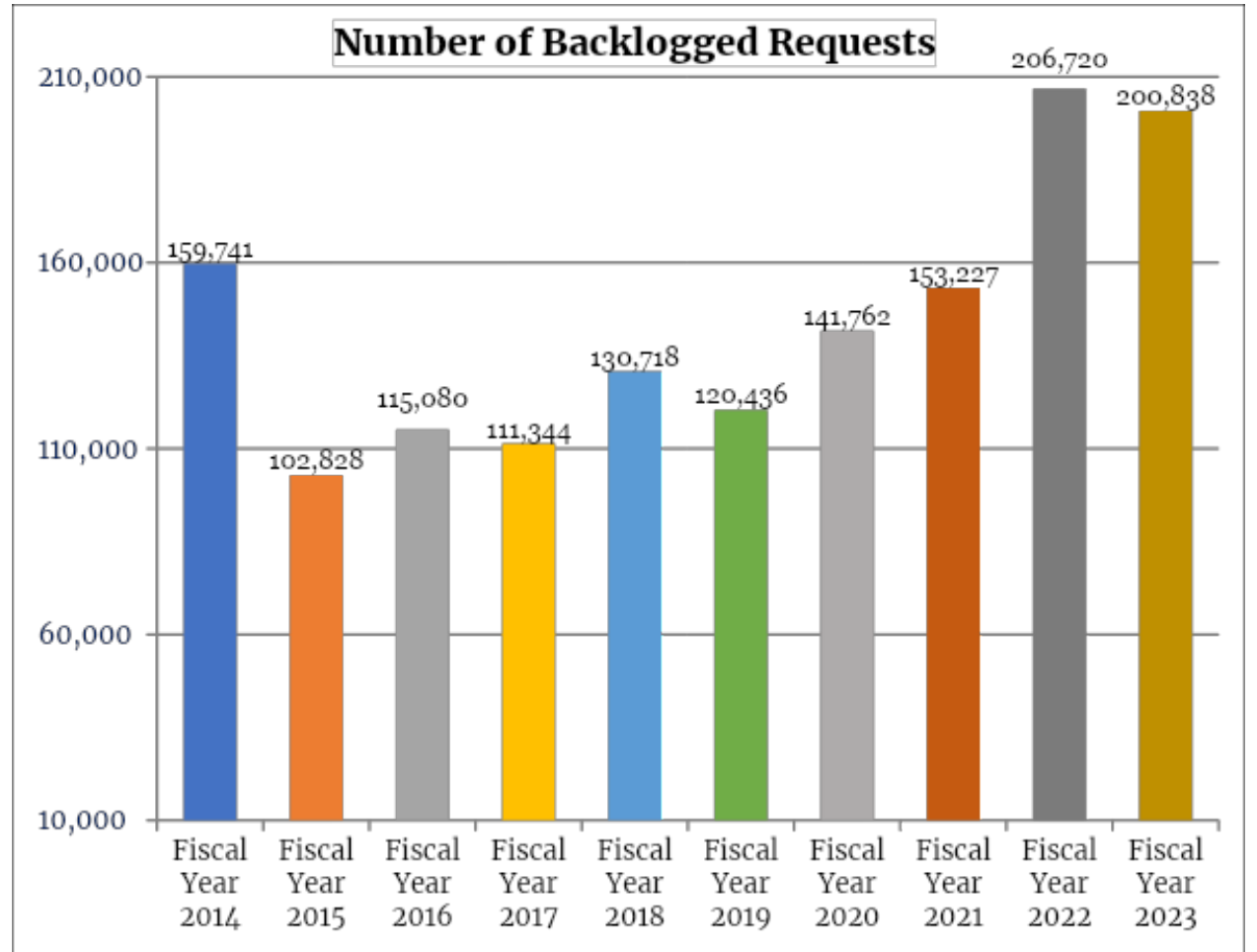
- **Five agencies processed almost 82% of all submitted requests in FY 2023. DHS, DOJ, VA, NARA, and DOD processed the most requests, with all other agencies receiving a total of 18% of submitted requests.**





# FY 2023 Annual Report Summary Highlights

- **Number of backlogged requests decreased in FY 2023.** There was an almost 3% decrease in the overall backlog of requests compared to FY 2022.







# Reminders about Estimated Dates of Completion (EDCs)

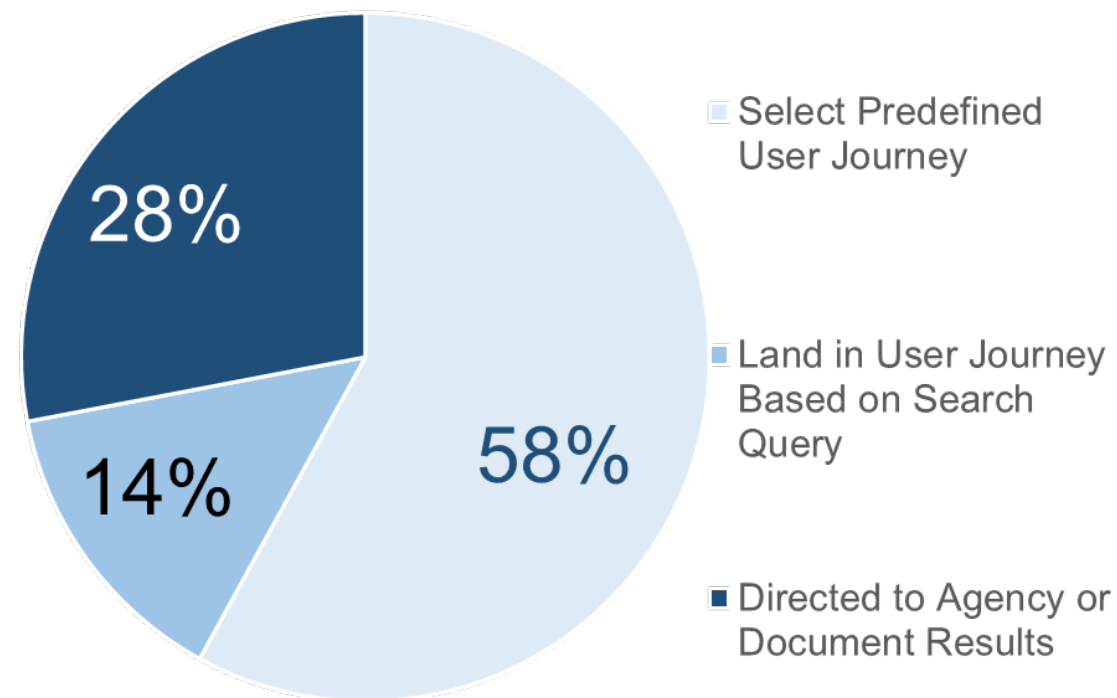
- Reminder that the FOIA requires agencies to provide EDCs upon request.
- See [OIP Guidance on Assigning Tracking Numbers and Providing Status Information for Requests](#) for additional information.
- OIP will soon be issuing updated [Guidance on Adjudicating Administrative Appeals under the FOIA](#) to emphasize the importance of providing EDCs for appeals.



# FOIA.gov Search Tool

Last October, DOJ released a new advanced Search Tool on FOIA.gov to help users identify already publicly available information and the best agency to which they could submit a FOIA request if desired. Below are some usage stats:

- Over **50,000** queries since launch
- Most users (**58%**) independently select the predefined user journeys
- Additional users (**14%**) are directed to the journeys based on their search terms
- Remaining users who enter search terms are given agency and/or document results, averaging:
  - **1.3** agency results per query
  - **3** document results per query

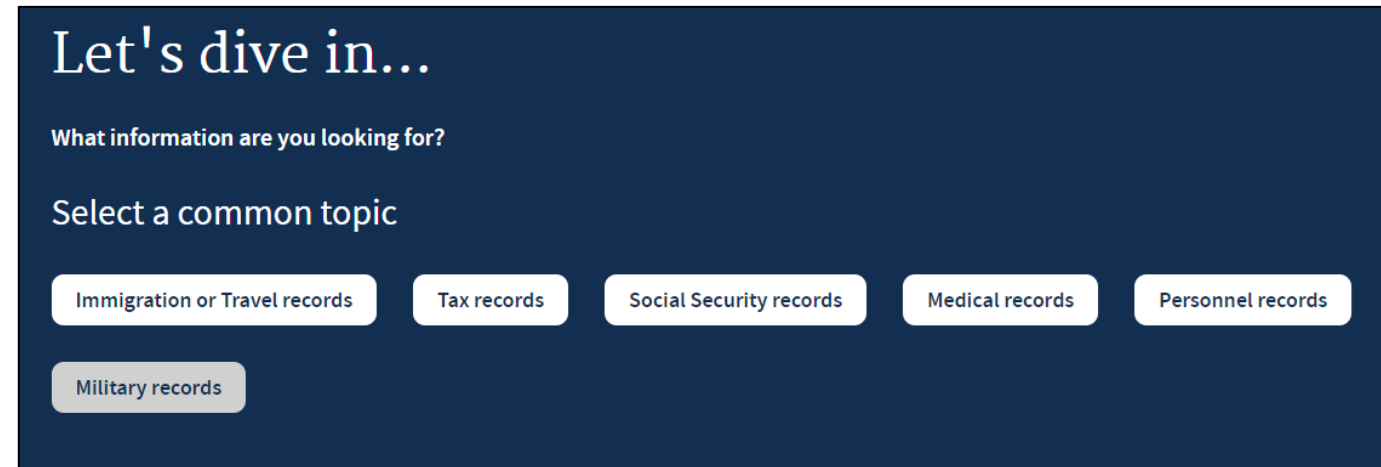




# Improvements to the FOIA.gov Search Tool

## Coming Soon!

- New “common topic” for Law Enforcement Records.
- Forthcoming proactive disclosure guidance will establish posting standards for FOIA logs and frequently requested records to allow more frequent updates to the Search Tool.



*“Common Topic” user journeys currently available on FOIA.gov*



# FOIA Business Standards

- OIP, in collaboration with the Office of Government Information Services, is working with the Office of Shared Services & Performance Improvement at the Government Services Administration and the Business Standards Council to develop shared FOIA Business Standards in line with the Federal Integrated Business Framework (FIBF).
- The FOIA Business Standards Working Group has completed drafting baseline standards, which include the Federal Business Lifecycles and Business Capabilities, and incorporating feedback from agencies.
- Draft standards are currently open for public comment on Regulations.gov through May 17, 2024.



# Government Accountability Office Report on FOIA Backlogs

In March 2024, the Government Accountability Office (GAO) published a report examining FOIA backlogs across the federal government. The report:

1. Describes factors agencies identified as causes of backlog increase
2. Describes methods agencies reported using to address backlogs
3. Assesses relevant government-wide guidance and resources
4. Describes the perspectives of agency and non-government stakeholders

GAO analyzed CFO Reports and data on FOIA.gov, conducted focus groups with agencies and nongovernment stakeholders, and reviewed FOIA guidance and resources.



# Government Accountability Office Report on FOIA Backlogs

GAO recommended that:

- OIP issue additional guidance on creating backlog reduction plans with an emphasis on key elements that should be included in backlog reduction plans such as identifying root causes, addressing staffing, and establishing goals.
- OIP more closely examine agency overall median and average request processing time data included in agencies' Annual FOIA Reports and update its training to specifically include how the agency overall metrics should be calculated.



# Updates from the Office of Government Information Services (OGIS)

**Alina M. Semo, Director, OGIS**  
National Archives and Records Administration



# OGIS FY 2024 Statistics

- Significant numbers with regard to mediation requests
- Over a dozen compliance meetings with federal agencies
- Multiple trainings and presentations by OGIS staff
- 30+ FOIA regulations reviewed
- OGIS participation in Sunshine Week



## FOIA OMBUDSMAN FIRST QUARTER FY 2024

**COMMUNICATING WITH STAKEHOLDERS**

- 8 blog posts
- 51 Twitter/X posts

Presented to the Council on Governmental Ethics Laws conference

**SUPPORTING FOIA'S LEADERS**

- 1 FOIA Advisory Committee meeting
- 1 Chief FOIA Officers Council meeting

Provided feedback on US FOIA Process to Victoria Parliament, Australia

**IDENTIFYING ISSUES**

- 9 Agency Compliance Engagements
- 25 Regulations Reviewed

**ASSISTING CUSTOMERS**

- 1,103 requests for assistance opened
- 1,177 requests for assistance closed
- 67.8% of cases initiated or acknowledged within 10 days
- 99.3% of cases closed within 90 days



## FOIA OMBUDSMAN SECOND QUARTER FY 2024

**COMMUNICATING WITH STAKEHOLDERS**

- 8 blog posts
- 56 Twitter/X posts

**Sunshine Week Activities**

- Coordinated National Archives program on artificial intelligence and open government
- Participated in multiple agency events

**SUPPORTING FOIA'S LEADERS**

- 2 FOIA Advisory Committee meetings
- 2 FOIA Negotiation Trainings led by OGIS
- 1 Open Government presentation

**IDENTIFYING ISSUES**

- 4 Agency Compliance Engagements
- 6 Regulations Reviewed
- 1 FOIA Advisory Committee Recommendation

**ASSISTING CUSTOMERS**

- 1,533 requests for assistance opened
- 1,658 requests for assistance closed
- 87.3% of cases initiated or acknowledged within 10 days
- 98.5% of cases closed within 90 days





# FOIA Advisory Committee

## Remaining meetings of the 2022-2024 term:

Thursday, May 9 at 10:00am ET  
Thursday, June 13 at 10:00am ET

13 Recommendations passed  
to date

3 Recommendations yet to be  
discussed and voted on



Visit the Dashboard for updates:  
[archives.gov/ogis/foia-advisory-committee/dashboard](https://archives.gov/ogis/foia-advisory-committee/dashboard)



# NCND/Glomar Observer



**NCND/Glomar: When Agencies Neither Confirm  
Nor Deny the Existence of Records**

Published: March 29, 2024

Available at: [www.archives.gov/ogis/resources/foia-ombuds-observer/2024-01](http://www.archives.gov/ogis/resources/foia-ombuds-observer/2024-01)



# IN SEARCH OF VOLUNTEERS

**GOVERNMENT FOIA PROFESSIONALS:  
WE NEED VOLUNTEERS!**

Working Group to draft:

- CFO Council Charter
- By-Laws





# Keep in Touch



[www.archives.gov/ogis](http://www.archives.gov/ogis)



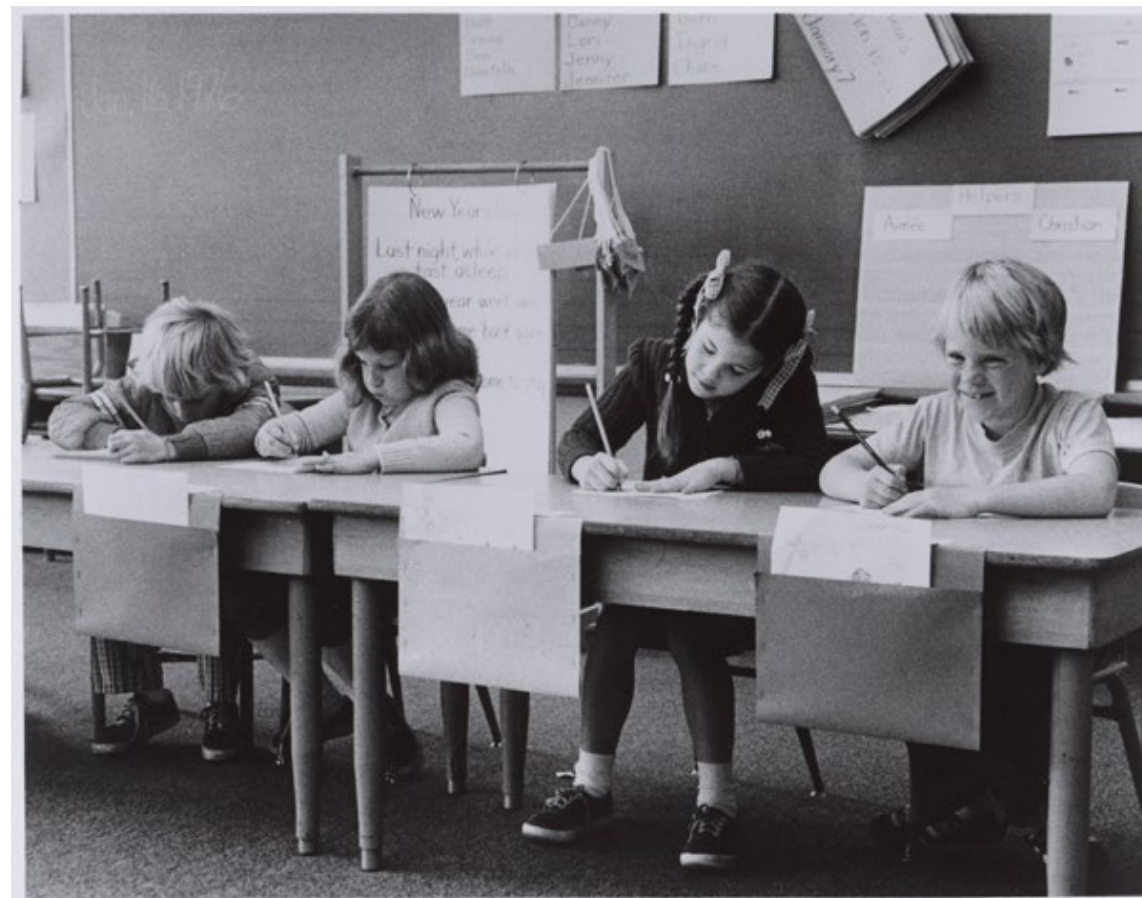
[ogis@nara.gov](mailto:ogis@nara.gov)



[@FOIA\\_ombuds](https://twitter.com/FOIA_ombuds)



[foia.blogs.archives.gov](http://foia.blogs.archives.gov)



National Archives Identifier 594263



# **Updates from Committee on Cross-Agency Collaboration and Innovation (COCACI)**

**Abioye Oyewole and Michael Bell, Co-Chairs**

CHIEF FOIA  
OFFICERS COUNCIL



# Updates from the Technology Committee

**Michael Sarich and Eric Stein, Co-Chairs**



# Chief FOIA Officer Council (CFOC) – Technology Committee

- <https://www.foia.gov/chief-foia-officers-council/committee/technology-committee>
  - **Co-Chairs:**
    - **Eric Stein, U.S. Department of State**
    - **Michael Sarich, Department of Veterans Affairs**
- **In September 2018, the CFO Council established a technology subcommittee to study the utilization and deployment of technology in FOIA programs across agencies, and to identify best practices and recommendations that can be implemented across agencies.**
- **Member-driven committee with approximately 50 representatives from over 25 federal agencies.**



# Chief FOIA Officer Council (CFOC) – Technology Committee

- **Always Recruiting! Contact OIP or OGIS to join us!**
- **NexGen FOIA Tech Showcase 2.0 (May 2024)**
  - **NexGen FOIA Tech Showcase 2.0 is coming up next month:**
    - **Tuesday, May 14<sup>th</sup>, and Wednesday, May 15<sup>th</sup>**
  - **NexGen 2.0 is a follow up event to the 2022 NexGen FOIA Tech Showcase. The purpose of the 2024 event is to identify FOIA technology solutions for federal agencies in response to existing FOIA case processing and backlog challenges. Additionally, the event is intended to raise awareness within federal agencies of the different technology capabilities to consider for future case processing by leveraging advanced technology, including, but not limited to, artificial intelligence.**
  - **Request for Information – Ended 4/13/24 -**  
**<https://sam.gov/opp/c5d953dbc7954219b88ae7630a840c59/view>**
- **Co-Chair Transition**





# Public Comments



Please limit your  
oral comments to  
3 minutes.

# CHIEF FOIA OFFICERS COUNCIL



**See you in Fall 2024!**