

CHIEF FOIA OFFICERS COUNCIL



Public Meeting

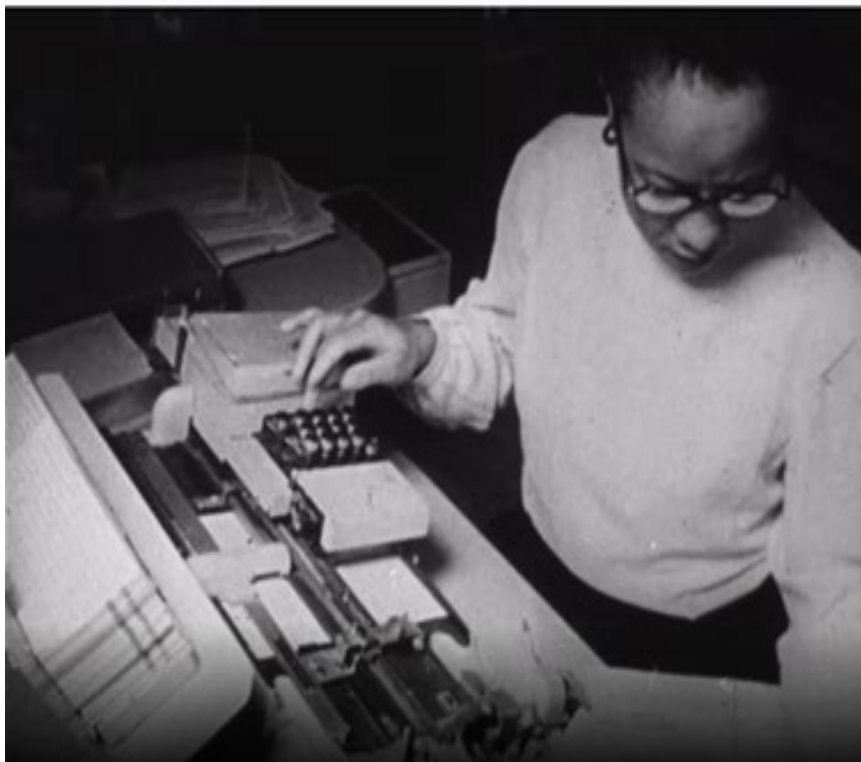
Thursday, November 3, 2022

10:00 am - 12:30 pm

Bobby Talebian and Alina M. Semo, Co-Chairs



Welcome and Housekeeping



National Archives Identifier 208383217

In Webex, chat “All Panelists” otherwise the presenters and/or moderators will not see your comments.

The YouTube chat function is not on.

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Trouble with your computer audio on Webex?

Call 888-251-2949

Access code 6260581#

We are also streaming at:

www.youtube.com/usnationalarchives

Webex Support: 888-793-6118



National Archives Identifier 6600730

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Updates from the Office of Information Policy

Bobby Talebian, Director
Office of Information Policy
Department of Justice



FOIA Reporting Deadlines and Resources

- **Agency Annual FOIA Reports** due to OIP by November 14, 2022
 - Consult: [DOJ Handbook for Agency Annual FOIA Reports](#)
 - Posting deadline: March 1, 2023 (after OIP clearance)
- **Agency Chief FOIA Officer Reports** due to OIP by January 17, 2023
 - Consult: [Guidelines for 2023 Chief FOIA Officer Reports](#)
 - Optional: Agencies that received 50 requests or less in FY21 report by February 10, 2023.
 - Posting deadline: March 13, 2023 (after OIP clearance)
- **Quarterly Reports** due last Friday of the month following the end of each quarter.
- [FOIA Reporting Obligations At-A-Glance](#)



Guidelines for 2023 Chief FOIA Officer Reports

- [Reporting guidelines](#) have been modified to reflect key areas of the [Attorney General's 2022 FOIA Guidelines](#).
- Questions also incorporate recommendations from the FOIA Advisory Committee and Government Accountability Office
- New questions on topics such as:
 - Incorporating FOIA into agency's core mission
 - Confirmation in response letters that agency considered foreseeable harm
 - Frequency of Glomar/"Neither confirm nor deny" responses
 - Use of data in managing workloads
 - Use of technology to automate record processing
 - Interoperability with FOIA.gov
 - Impact of litigation on FOIA administration
 - Frequency of unusual circumstances



OIP Guidance: Further Improvement Based on 2022 Chief FOIA Officer Reports

- Each year following OIP’s review of agency [Chief FOIA Officer \(CFO\) Reports](#), OIP assesses agencies and issues guidance for further improvement.
- This year’s [guidance](#) focuses on:
 - Timing and Format of Proactive Disclosures
 - Alternative Means of Access for Commonly Requested Records
 - Quarterly Report Reminders
- Agencies are encouraged to review their [assessment](#) results to identify areas for improvement in the year ahead.



OIP Guidance: FOIA-Privacy Act Interface

- On September 15, 2022, OIP issued [guidance](#) on the interaction between the FOIA and Privacy Act when handling access requests.
- The guidance
 - Compares each statute's purpose, definition of record, and right of access
 - Explains how to process requests for Privacy Act records whether the request concerns a first-party or third-party.
 - Addresses Annual FOIA Report requirements and the Privacy Act.
- If agencies have questions about the FOIA-Privacy Act interface, contact OIP. Privacy Act-specific questions can be directed to Senior Agency Official for Privacy or Office of Management and Budget.



FOIA.gov – FOIA Wizard Project

- DOJ recently kicked off a project to develop an interactive “FOIA Wizard” on [FOIA.gov](https://www.foia.gov).
- Wizard would assist users in identifying already publicly available information and the best agency to which they could submit a FOIA request if desired.
- Wizard will likely be a mix of logic-based and machine learning/natural language processing tools that facilitate an interactive, intuitive experience to help users confidently locate information.
- We are currently in a robust discovery phase. Will be seeking agency and public input in the coming weeks/months.
- Overall goals include providing a more cohesive experience for the public and reducing misdirected or unnecessary requests to agencies.

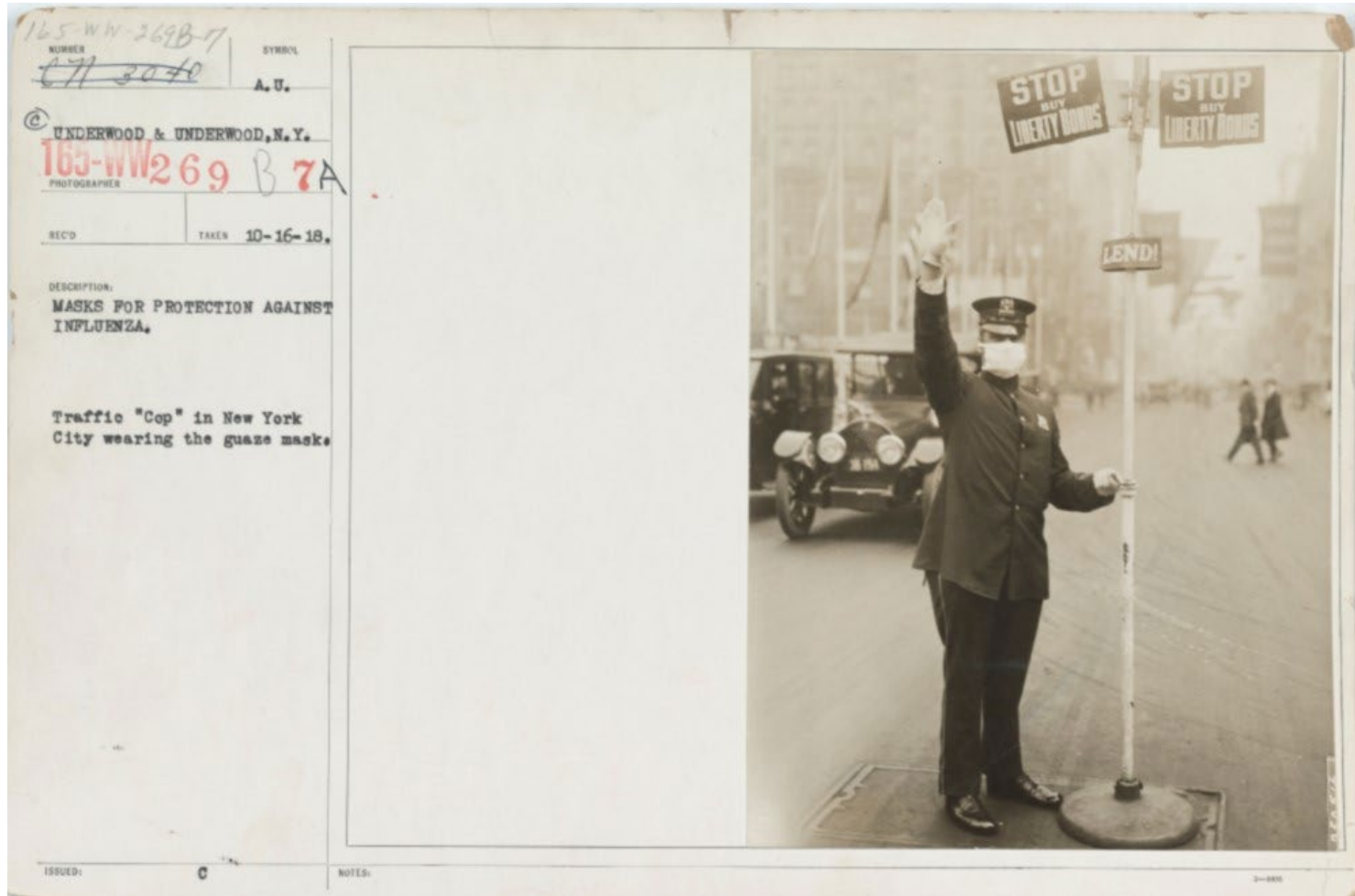


Updates from the Office of Government Information Services (OGIS)

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



COVID, Backlogs and Communication





EDC - It's the Law - and an Opportunity

5 U.S.C. § 552 (a)(7):

(7) Each agency shall -

(A) establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request; and

(B) establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including -

(i) the date on which the agency originally received the request; and

(ii) an estimated date on which the agency will complete action on the request.



OK, so how do I determine an EDC?

Resources

OGIS Assessment on Agency Compliance with EDCs:

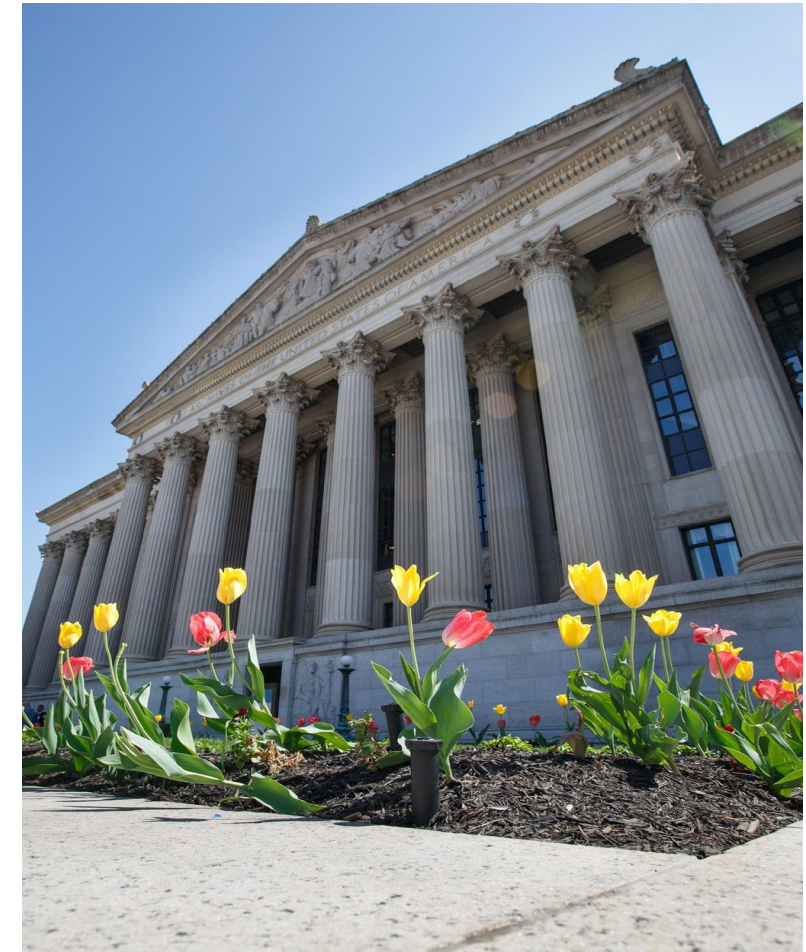
[archives.gov/ogis/foia-compliance-program/targeted-assessments/agency-compliance-with-edc-2020-mar-31](https://www.archives.gov/ogis/foia-compliance-program/targeted-assessments/agency-compliance-with-edc-2020-mar-31)

OGIS Advisory Opinion:

[archives.gov/ogis/advisory-opinions/2020-01-agencies-must-provide-edcs](https://www.archives.gov/ogis/advisory-opinions/2020-01-agencies-must-provide-edcs)

OGIS Open Meeting: Panel on EDCs:

[youtube.com/watch?v=-AeUP_7H-sA&t=780s](https://www.youtube.com/watch?v=-AeUP_7H-sA&t=780s)

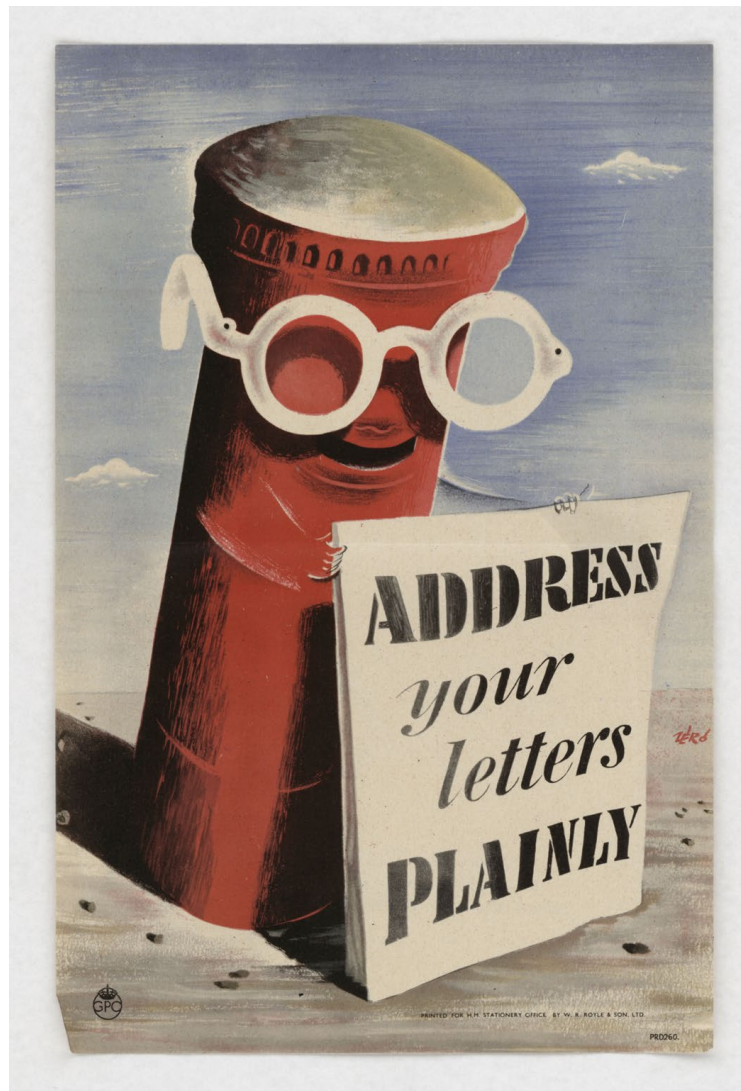


National Archives Building in Washington, D.C.

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Clear Communications



National Archives Identifier 44266146

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2020-2022 Committee Recommendations

REPORT TO THE ACTING ARCHIVIST
OF THE UNITED STATES

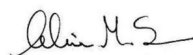
Freedom of Information Act Federal Advisory Committee



NATIONAL
ARCHIVES

2020-2022 Committee Term
Final Report and Recommendations

July 5, 2022

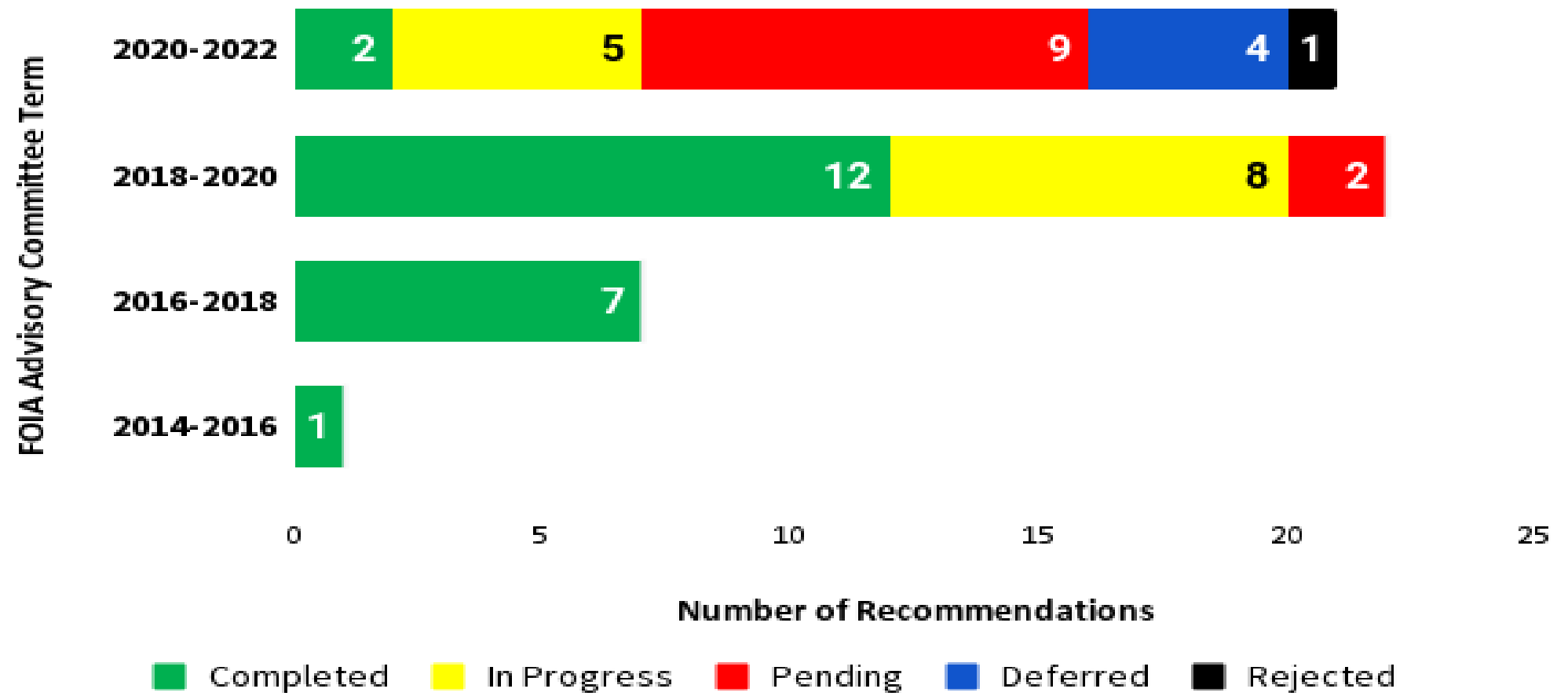

Alina M. Semo
Chair



FOIA Advisory Committee Meeting, 06/09/2022



FOIA Advisory Committee Dashboard



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2022-2024 FOIA Advisory Committee



National Archives Identifier 534244



foia-advisory-committee@nara.gov



foiaac-mtg-dec-1-2022.eventbrite.com



youtube.com/usnationalarchives



Thank you to the OGIS Team!

- ❖ **Martha W. Murphy**, *Deputy Director*
- ❖ **Sheela Portonovo**, *Attorney-Advisor*
- ❖ **Kirsten B. Mitchell**, *Compliance Team Lead*
 - **Dan Levenson**, *Compliance Team*
 - **Kimberlee Ried**, *Compliance Team*
- ❖ **Carrie McGuire**, *Mediation Team Lead*
 - **Dwayne Bacon**, *Mediation Team*
 - **Jessica Hartman**, *Mediation Team*
- ❖ **Teresa Brady**, *Staff Assistant*





Keep in Touch



www.archives.gov/ogis



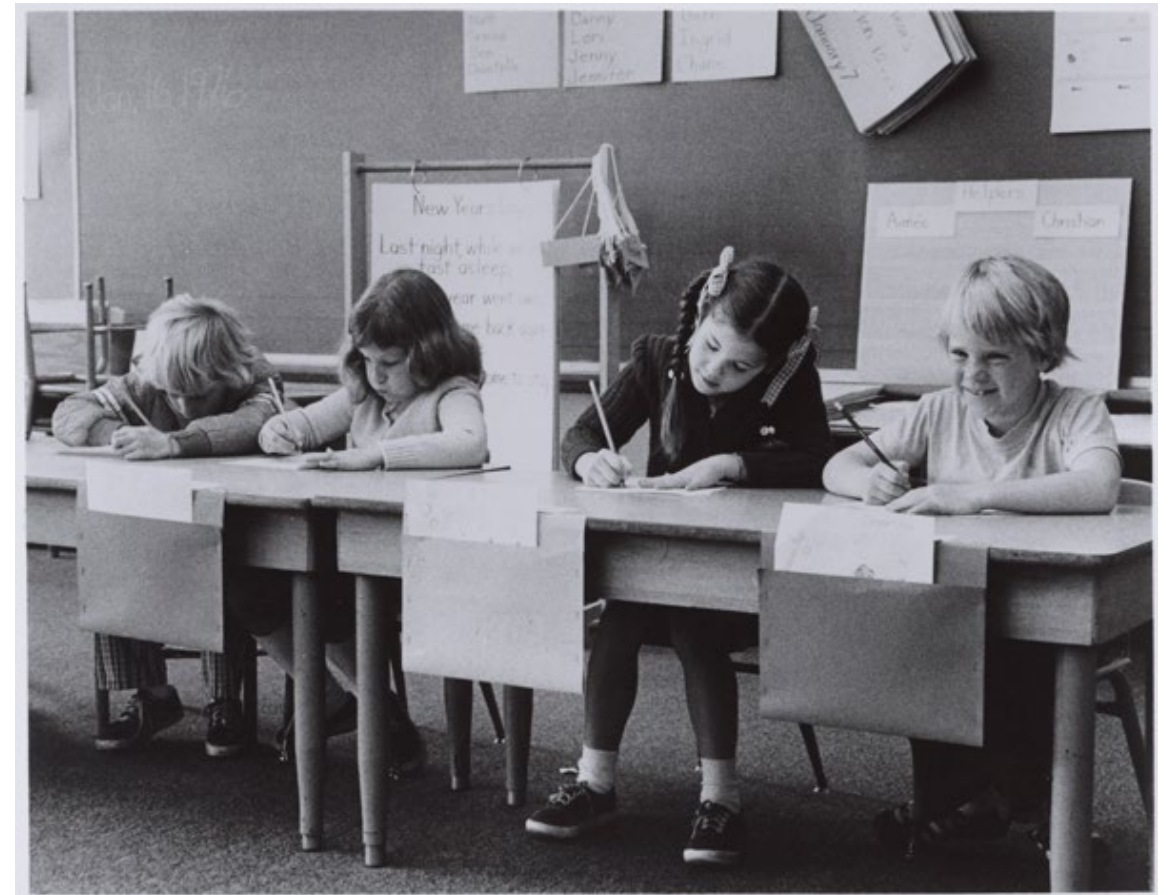
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National Archives Identifier 594263



FOIA Business Standards and New CFO Council Website

Lindsay Steel, Chief, Compliance Staff
Office of Information Policy
Department of Justice



FOIA Business Standards

- OIP, in collaboration with OGIS, is working with the Office of Shared Services & Performance Improvement at the Government Services Administration (GSA) and the Business Standards Council (BSC) to develop shared FOIA Business Standards.
- The BSC is a cross-government team that designs integrated standards based on policy and statute in various areas of government administration through collaboration with relevant Councils.
- Shared standards have been developed in areas such as grants management, travel, and electronic records management.



FOIA Business Standards

Need and Opportunities:

- Many agencies have common needs for FOIA technology and opportunities for shared services exist
- Existing interest in developing shared standards and services for FOIA technology (Chief FOIA Officers Council, FOIA Advisory Committee)
- Shared business standards could:
 - Help ensure agency compliance with FOIA's procedural requirements in processing requests
 - Facilitate easier compliance with reporting obligations and improved data quality
 - Help agencies keep up with increasing requests and reduce backlogs, facilitating better customer service for the public
 - Help agencies assess their own FOIA program
 - Provide key requirements for agencies' FOIA technology



FOIA Business Standards

Focus

- Initial focus will be on agency case management systems
 - Defining data requirements that support FOIA compliance and reporting
 - Defining workflows and other functionality that facilitate efficiency
- May expand over time to additional advanced technologies used for FOIA (such as e-discovery, records search, and processing tools)



FOIA Business Standards

Process

- Will convene an inter-agency working group via the Chief FOIA Officers Council to develop the business standards and receive feedback from agency stakeholders
- OIP and OGIS will also work together to seek input from public stakeholders
- If you are an agency FOIA professional interested in serving on this working group, please contact Lindsay Steel at DOJ.OIP.FOIA@usdoj.gov.



New CFO Council Website

The CFO Council has a new [home on FOIA.gov](https://www.foia.gov)!




Bookmark www.foia.gov/chief-foia-officers-council! OIP and OGIS existing CFO Council pages will soon be archived.



New CFO Council Website

Information about upcoming and past meetings is available on the [main page](#), along with links to information about public comments.



FOIA.gov

Thank you for visiting FOIA.gov, the government's central website for FOIA. We'll continue to make improvements to the site and look forward to your input. Please submit feedback to National.FOIAPortal@usdoj.gov.

UNITED STATES DEPARTMENT OF JUSTICE

Learn about FOIA ▾ Before you request ▾ Create a request Agency FOIA data ▾ CFO Council ▾

Chief FOIA Officers Council

The [FOIA Improvement Act of 2016](#) established the Chief FOIA Officers (CFO) Council, which is tasked with:

- Developing recommendations for increasing FOIA compliance and efficiency;
- Disseminating information about agency experiences, ideas, best practices, and innovative approaches related to FOIA;
- Identifying, developing, and coordinating initiatives to increase transparency and FOIA compliance; and
- Promoting the development and use of common performance measures for agency compliance with the FOIA.

The CFO Council is co-chaired by the Directors of OIP and the Office of Government Information Services (OGIS) and is composed of all agency CFOs and the Deputy Director for Management from the Office of Management and Budget (OMB).

The materials associated with the Council's work, including minutes of the meetings, will be made publicly available on this page. Council meetings are open to the public. Notice of all meetings will be provided in the Federal Register at least ten business days in advance, and details will also be posted on this site.

UPCOMING MEETINGS:

November 3, 2022 +

PAST MEETINGS:

April 21, 2022 -

April 21, 2022 Meeting

[Meeting Announcement](#) (Federal Register Notice, April 8, 2022)

Meeting Materials

- [Agenda](#)
- [Livestream via YouTube](#)
- [Presentation Slides](#)
- [Public Comments Submitted to the CFO Council](#)
- [Minutes](#)

February 2, 2022 +

November 17, 2021 +



New CFO Council Website

Information and deliverables from the Committees and Working Groups are available on [Technology Committee](#) and [COCACI](#) pages.

Technology Committee

Co-Chairs: Eric Stein, U.S. Department of State and 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. Two senior FOIA professionals at the Department of State and the Department of Veterans Affairs co-chair the Committee; membership includes FOIA professionals from several Department-level and independent agencies. The Committee liaises with the Council's co-chairs, the Directors of OIP and OGIS.

[Report of the Technology Committee of the CFO Council - Best Practices and Recommendations](#) (February 14, 2020)

[Presentation Slides – Artificial Intelligence 101](#) (November 5, 2020)

[NexGen FOIA Tech Showcase](#) (February 9-10, 2022)

[NexGen Follow Up Workshop for Agencies](#) (March 31, 2022)

Working Groups

Data	+
508 Compliance and Collaborative Tools	+
FOIA and Classified Information	+

Committee on Cross-Agency Collaboration and Innovation

Co-Chairs: Michael Bell, U.S. Department of Transportation and Abioye Mosheim, U.S. Consumer Product Safety Commission

In October 2020, the CFO Council established the Committee on Cross-Agency Collaboration and Innovation (COCACI) to research and propose cross-agency grant programs and funding sources, create federal career paths for FOIA professionals, and promote models to align agency resources with agency transparency. COCACI began meeting in March 2021 and will focus on the following three topics areas: virtual FOIA office administration; the Government Information Specialist (GIS) job series; and technology standardization.

Working Groups

Pandemic/Virtual FOIA Offices	+
Government Information Specialists Job Series	+
Resources	+



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Updates from the Technology Committee

Michael Sarich and Eric Stein, Co-Chairs



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

Abi Mosheim and Michael Bell, Co-Chairs



CDC FOIA

Challenges – Successes – Outreach

Roger Andoh and Bruno Viana



How is the FOIA Office Structured?

We are a centralized FOIA Office with:

- *1 Intake
- *10 initial processing analysts
- *2 appeals/litigation staff
- 1 communications lead
- 2 IT staff(1 contractor)

Requests are assigned to an analyst who will work it from cradle to grave. Requests undergo second line review prior to closure



Emerging Challenges

- **HUGE** increase in volume
 - 100% increase in initial FOIA requests
 - 200-400% increase in FOIA appeals over the last three years
 - 400-500% increase in FOIA litigation over the last three years
- During height of Covid-19 response, huge numbers of staff detailed to Emergency Operations Center – resulted in delays in obtaining responsive records
- FOIA Office under-resourced
 - Successfully lobbied for more staff (positions yet to be filled)
- Request closeout process lengthened by consults with other agencies/WH
- More and more requests for text messages



Successful Strategies Implemented

- Engaging with requester community (with a big assist from OGIS)
 - Webinars that we geared toward the requester community
 - State of FOIA at CDC (excerpt from training on next slide)
 - Electronic Searches at CDC
 - Tips for requesters to submit more targeted requests which greatly assist with response times
 - Many requesters have mentioned the webinars in our discussions with them
- Secured a contract for an e-Discovery specialist to enhance our electronic searches



What can you do to help us help you get the records you seek?

1. Keep the request brief.
2. Give us enough information upfront so we can quickly process your request.
3. Ask for what you want and nothing more.
4. Be realistic about response times.



Successful Strategies (continued)

- Refined office workflow to enhance processing efficiency
- Encouraged electronic submissions of FOIA requests through our Public Access Link(PAL) system
 - Requests submitted this way are automatically logged into our system, which helps ease the burden of a staff member inputting requests.
- Enhanced use of software to assist in searching for/deduplicating/refining responsive records

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FREEDOM OF INFORMATION ACT EXCHANGE PROGRAM

FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF STATE

Section Chief Michael G. Seidel
Record/Information Dissemination Section
Information Management Division
Federal Bureau of Investigation

Deputy Assistant Secretary Eric F. Stein
Global Information Services
Bureau of Administration
U.S. Department of State



Freedom of Information Act (FOIA) Exchange Program

Program Overview

Objectives:

- develop strategic partnerships between federal agency FOIA programs,
- foster collaboration on best practices,
- enhance agency relationships, and
- provide professional leadership development.

Structure:

- Each agency selected an experienced employee for program exchange.
- For one month, the participant was immersed in the host agency's FOIA program gaining knowledge about program administration and functions while sharing home agency perspectives and ideas.
- Upon conclusion, the participant shared and applied acquired knowledge and participated in a joint program debrief with both agencies.



Freedom of Information Act (FOIA) Exchange Program

Program Benefits

➤ Improved Coordination

- Gaining a better understanding of challenges from the host agency perspective

➤ Shared Best Practices

- Identifying solutions which may enhance FOIA operations

➤ Enhanced Relationships

- Presenting their FOIA program to all levels of employees within host agency

➤ Enriched Development Opportunities

- Joint participants gained valuable experience in cultivating deeper professional relationships and learning about host agency processes and practices



Public Comments



Please limit your oral
comments to 3 minutes.

CHIEF FOIA OFFICERS COUNCIL



See you in Spring 2023!