

# FOIA at the Mid-term:

Obstacles to Transparency Remain



CREW

citizens for responsibility  
and ethics in washington

## INTRODUCTION

When President Obama took office, he pledged to bring an unprecedented level of transparency to the federal government and to transform how federal agencies handle Freedom of Information Act (FOIA) requests. Even with this fundamental policy change, however, Citizens for Responsibility and Ethics in Washington (CREW) – a frequent FOIA requester and litigator – has not noticed a marked change in how agencies handle FOIA requests. On the litigation front, CREW has continued to fight many of the same battles it fought under the Bush administration. For example, CREW sued the Bush Department of Justice (DOJ) for the FBI's notes of its interview with Vice President Cheney in the Valerie Plame Wilson leak investigation, but the Obama Justice Department also refused to disclose the notes (a court eventually ordered the DOJ to release them). Similarly, Attorney General Eric Holder's policy of disclosure has not translated into greater access to records that would shed light on controversial subjects, such as the policy of the Veterans Administration to purposefully under-diagnose post-traumatic stress disorder.

CREW's experience raises questions about whether the administration's open government reforms really have changed how agencies view their responsibilities under the FOIA. To answer this question, CREW designed a questionnaire that would look at the FOIA's implementation from the perspective of the FOIA professionals actually operating on the front lines of their federal agencies. CREW's questionnaire adopted some of the same methodology CREW used to assess the state of electronic record keeping in the federal government in its April 2008 report, *Record Chaos: The Deplorable State of Electronic Record Keeping in the Federal Government*.

In May 2010, the American Society of Access Professionals (ASAP) circulated CREW's questionnaire to the many hundreds of FOIA professionals on its membership listserv. CREW is enormously grateful to ASAP for its cooperation in distributing the survey. While CREW was not granted access to ASAP's membership list, we know it includes professionals working in the access and information field at the federal and local government levels, academics, journalists, and members of non-profit organizations. CREW's questionnaire targeted FOIA professionals working in the federal government.

The results, while not scientific or statistically valid, are definitive on at least some topics. For example, two of the touted reforms – creation of agency chief FOIA officers (CFOs) and agency FOIA public liaisons – have had virtually no influence on the work of agency FOIA professionals. Similarly, while the vast majority of respondents are aware of Attorney General Holder's FOIA guidelines, the majority reported no change at their agencies as a result of those guidelines. The individual comments that accompanied the responses revealed a wide range of concerns, from political interference in the processing of FOIA requests to a lack of training for FOIA staff. The most oft-repeated complaint from agency FOIA personnel was being asked to do too much with too little resources.

Implementation of the FOIA is a changing landscape, and in the several months since CREW "took the temperature" of agency FOIA professionals, further progress may have been made. But even if viewed as a snapshot, the survey results confirm that at its most fundamental

level, agency implementation of the FOIA continues to be impeded by scarce agency resources. We hope the input from our survey will help guide the administration as it continues the difficult task of making the FOIA work for the public, the statute's intended beneficiary.

## **METHODOLOGY**

To ascertain the perspective of agency FOIA professionals as to how well the FOIA has been working in the Obama administration and to identify the most critical limitations, CREW prepared an on-line survey that was distributed to the membership listserv of ASAP. Survey questions ranged from how well the FOIA is working both at the agency level and government-wide to what respondents view as the biggest impediments in implementing the FOIA. CREW also attempted to gauge the success of some of the most touted reforms, including the creation of agency chief FOIA officers and the attorney general's FOIA memorandum adopting a policy of disclosure.

CREW received 363 partial responses and 259 completed questionnaires. At least 92% of respondents identified themselves as current or former FOIA professionals. Respondents generally had a wealth of FOIA experience: 82% have been on the job for more than three years, and nearly 30% have been FOIA professionals for over 12 years, meaning a majority have worked in at least two different administrations with differing FOIA policies and regulations.

Respondents are from 34 different states, and at least 30 different federal agencies or departments. At least 94 respondents work at the Department of Defense, the most represented agency. Some work at much smaller agencies, such as the Idaho National Laboratory and the Cooperation for National and Community Service, while others are at large cabinet-level agencies such as the Department of Veterans Affairs and the Department of Commerce.

Following the survey, CREW hosted a roundtable discussion for all interested survey respondents. Moderated by Miriam Nisbet, Director of the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA), the discussion focused on areas of the survey that had elicited the most comment. Feedback from that discussion is included below.

## **SURVEY RESULTS**

### *1. How Well The FOIA Works.*

CREW asked how well the FOIA generally works at respondents' agencies and across the government as a whole. Overall, respondents described the FOIA as working "well" or "average"<sup>1</sup> at their agencies and across the government, while also believing their particular agencies perform slightly better than the rest of the government. 58% described the FOIA as working "well" or "very well" at their agencies, while only 30% gave the same high marks to the government as a whole.

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<sup>1</sup> Response choices were: very well, well, average, poorly, very poorly, NA/don't know.

With respect to particular stakeholders, respondents rated the FOIA as working “average” for FOIA staff, requesters, and general agency staff. Comparing different stakeholders, respondents suggested the current system works slightly better for requesters: 31% rated the system as working “well” for requesters, but only 25% gave the same rating for FOIA staff, and nearly 23% thought the system was working “quite poorly” for FOIA staff.

## *2. Impediments To Implementing The FOIA.*

The survey sought to gauge how FOIA professionals view frequently identified impediments to effective FOIA implementation. The responses showed lack of staffing as the greatest impediment with 54% labeling it a “serious” or “very serious” problem. Lack of funding came in second with 42% of respondents identifying this as a “serious” or “very serious” problem.

The survey also provided respondents with an opportunity to describe other impediments to effective administration of the FOIA. Multiple respondents cited large requests and commercial requests as a problem. Other identified problems included requesters’ lack of understanding of the system and their unrealistic expectations. According to one respondent, “Those outside of FOIA do not know or understand the process.” Numerous respondents commented on delays attributable to the actual gathering of records -- especially if records had to be drawn from multiple locations or agencies -- large requests, and agencies failing to use the best available technology. One respondent noted FOIA policies changing with administrations as a problem, while another cited an “institutional bias against disclosure.” And at least one respondent identified the lack of FOIA staff training as the biggest problem.

FOIA professionals -- as opposed to other government employees -- do not view poor records management as an impediment to administering the FOIA, with 50% of respondents labeling it is a small or nonexistent problem. Inexplicably though, in the open comment section several respondents cited records management as a serious problem, and 40% thought CREW should work with NARA to improve records management.

CREW also attempted to gauge the extent to which the FOIA is a priority at agencies and across the government. While 24% of respondents believe the FOIA is handled appropriately at their agencies, 20% say it is not considered important. When asked whether the Obama administration treats the FOIA as a priority, fully 36.5% agree that it does, while 20% characterize the administration’s failure to give the FOIA sufficient priority as a small problem. These results suggest a wide variance in the priority agencies give to the FOIA and its implementation across the government.

## *3. Effect Of Administration Changes And Attorney General Holder’s Memorandum*

CREW’s survey yielded definitive responses to questions attempting to gauge the effectiveness of chief FOIA officers and agency FOIA public liaisons. Nearly 65% of respondents said the creation of the CFO has had no effect on their jobs, and 70% said the

addition of a CFO at their agencies has not made processing requests any easier. According to one respondent, the creation of the CFO position has translated into a “new level to pass needless reports through,” while another described it as a “useless position filled by someone who is already wearing too many managerial hats.” And while one respondent commented that the CFO had been able to get “an agency-wide directive signed that clarified that every agency employee plays a role in FOIA,” the policy “has not necessarily translated into on-the-ground change” because “widespread support from other agency senior managers” was lacking.

FOIA public liaisons did not fare much better. While FOIA public liaisons are charged with aiding requesters and not FOIA professionals,<sup>2</sup> almost 70% of respondents said public liaisons had not made processing of requests any easier. One respondent noted that “the liaison gives a good voice to inquiries from the public,” while another described the liaisons as “just [a] new name for people who already do the work.” And a number of respondents have no idea who their FOIA public liaisons are.

CREW also attempted to determine whether the administration’s policies and rhetoric with respect to the FOIA have filtered down to the rank and file within individual agencies. Survey results show nearly 98% of respondents are aware of the FOIA memorandum issued by President Obama on his first full day in office,<sup>3</sup> which, among other things, calls for increased openness and “a presumption in favor of disclosure.” Similarly, over 90% of respondents are aware of Attorney General Holder’s March 19, 2009 memorandum clarifying the call for a presumption of openness at federal agencies.

The awareness of administration FOIA policies has yet to translate into a major shift in the FOIA culture across the federal government. Over 36% of respondents claim a “presumption of openness” was part of their agency culture before the attorney general issued his memo, while only 22% state a presumption of openness has become part of their agency culture since the memo’s release. Change has yet to happen at a number of agencies: 16% of respondents said a change is underway but not completed, while 15% said nothing has changed.

Individual comments provide conflicting views of the impact of the president’s and attorney general’s memos. According to one respondent, the senior leadership believes the move towards openness is happening, but it has not yet filtered down to the “gatekeepers.” Another respondent suggested the opposite – the FOIA staff has embraced openness, but the senior and political staff have not. According to another respondent, the FOIA staff have embraced the presumption of openness, but other agency employees have not. And for at least one respondent it remains “business as usual” for senior career staff while political appointees “don’t want ‘THEIR’ information available to the public.” Overall, these comments suggest the government has yet to universally adopt a presumption of openness.

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<sup>2</sup> See <http://www.justice.gov/oip/referenceguide.htm#disputes>.

<sup>3</sup> Available at [http://www.whitehouse.gov/the\\_press\\_office/FreedomofInformationAct/](http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/).

Survey responses also suggest this failure to fully endorse openness may result at least in part from a lack of agency guidance. Only half of the respondents have received additional guidance on the attorney general's memo, and the other half either have not received any guidance or are unaware if their agencies had issued any guidance. The responses were no better for records managers. Over 40% of the FOIA professionals surveyed believe their agencies have not issued guidance on the attorney general's memo to either records management staff or to agency staff generally. Those agencies issuing guidance have done so in a variety of verbal and written formats, including memoranda, emails, and briefings. And a majority of respondents have not received specific instructions regarding discretionary releases, the core of the new FOIA policy.<sup>4</sup> In short, guidance is not issued uniformly government-wide and there are limited agency funds to attend outside conferences and workshops.

CREW also attempted to ascertain what specific aspects of FOIA implementation have changed at agencies since the attorney general issued his FOIA memorandum. While most responders replied there has been "no change," almost 32% of respondents believe the feeling of a presumption of openness at their agencies has improved somewhat, compared to 47% who have observed no change. Nearly 27% of respondents rate proactive disclosures as somewhat improved, and nearly 21% believe training and guidance for FOIA staff have improved. Areas where there has been the least change include equipment, staffing, and funding levels. As one respondent noted, "'transparency in gov' did not come with fenced dollars." It bears mentioning that changes in these areas may take time to implement and for their effects to trickle down.

The survey also attempted to assess the extent to which FOIA professionals are making more discretionary releases in light of the administration's new FOIA policies. The results suggest the new policies have not induced FOIA staff to rely less on the FOIA's exemptions to withhold information. The most common response to the question of whether specific exemptions are used with the same frequency as before the attorney general issued his memorandum was yes: 50% of respondents said at their agencies the exemptions are used with the same frequency.

#### *4. Improving Agency Administration Of The FOIA.*

CREW asked for recommendations as to how CREW could improve the administration of the FOIA for all involved. The most frequent suggestion: CREW should advocate for increased FOIA funding, something that just over 70% of respondents believe would be productive. Because respondents believe the unrealistic expectations of requesters is a significant problem, nearly 60% of respondents believe facilitating meetings or panels for requesters would be useful. Further just under 50% of respondents think CREW should work more closely with OGIS, the FOIA ombudsman, to improve the FOIA. Respondents also rank highly the notion of working to raise the profile of FOIA issues in the media and through reports. Nearly 40% of respondents view working with NARA to improve records management as

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<sup>4</sup> Several respondents commented that their agencies have instructed them to make more discretionary releases, with one describing the instruction as "if it will cause no harm, release."

productive. Finally, only 30% of respondents find using the existing appeals process a good way to improve the FOIA.

On the other side of the equation, 28% of respondents characterize litigating FOIA appeals as at least “somewhat counterproductive.” Some respondents also characterize as counterproductive using the media to publicize problems with the FOIA, while nearly 13% found using the existing appeals process not to be useful.

Beyond what CREW can do, respondents are nearly universal in their call for greater funding resources. One respondent’s three-word response says it all: “resources, resources, resources.” While calls for more money are hardly new, responses include some more specific suggestions, such as designated or “fenced” funding expressly for the FOIA.

A number of respondents identify records management outside the FOIA office as the biggest issue with the current system. One respondent suggested, “[i]nvest in records management systems, training, and staffing to be proactive about building good records rather than in response to FOIAs.” Suggested solutions included a push to spread the idea that FOIA should be part of everyone’s job at an agency, as well as ensuring “that FOIA is a priority for all staff.” A third respondent echoed this sentiment, noting “until records management is a priority, responding to FOIAs will always be difficult.” Others identify the problem as a lack of incentive for general agency staff to respond in a timely manner to FOIA staff requests for records.

Many respondents identify staffing problems as a key impediment, particularly the lack of a clear career path for FOIA professionals. They suggest creating a federal job series, as the Office of Personnel Management has done for other government jobs, to professionalize the FOIA and attract and retain talent. They also call for using fewer contractors and more permanent staff and an overall increase in staffing levels.

There is almost universal agreement that the current 20-day time frame for processing FOIA requests is unrealistic for a variety of reasons. Sometimes this is because the request is too large or because records must be pulled from a variety of locations or departments. Often backlogs are just too big to allow agencies to process new requests in a timely manner.

Several respondents identify over-classification and its attendant difficulties as significant impediments to a smooth FOIA process. Others suggest the fee system needs to be overhauled, while a few respondents blame commercial requesters for creating significant backups in the FOIA process. One respondent suggests doing away with FOIA processing fees, “which are labor intensive and hard to collect.”

## **ROUNDTABLE DISCUSSION**

Following the gathering of this data, a number of respondents voluntarily participated in person or by telephone in a roundtable discussion. Moderator Miriam Nisbet questioned the participants on impediments to effectively implementing the FOIA and how they could be overcome. Responses included the following:

- Inordinate time consumed by referrals, particularly to other agencies;
- Lack of agency personnel with de-classification authority;
- Agency-wide lack of understanding of the FOIA and its exemptions, particularly how to justify withholdings;
- Failure to hold anyone accountable for compliance with the FOIA;
- Lack of support in the agency culture for proactive disclosures;
- Lack of software, such as FOIA Express.

Suggestions for improving the situation included the following:

- Intelligence training for all agencies collectively that deal with classified documents;
- Mandatory agency training for all agency personnel on the FOIA's exemptions and how to justify withholdings;
- Pro-actively post responsive documents in agency reading rooms;
- Closer contact with agency attorneys earlier in the process
- Develop open-source software that can be used government-wide.

There is near universal agreement that agency FOIA personnel do not have support and cooperation from those higher up in the agency chain of command. As one participant stated, "If we were to have cooperation from those above us, we would feel successful."

## **LESSONS LEARNED**

Despite the Obama administration's emphasis on transparency and accountability, the survey results suggest there have not been the changes to the government infrastructure necessary to accomplish this. Agencies continue to struggle with scarce resources -- a major impediment to a truly transparent government. Especially given the significant backlogs so many agencies face, insufficient staff prevents many from complying with the FOIA's 20-day deadline for processing requests.

In this time of across-the-board agency budget cuts, it is understandable that the administration has focused on non-monetary changes such as revamped policy statements and increased duties for already existing agency personnel. But the harsh reality is that without more money for staffing and other resources, the processing of FOIA requests will not improve significantly.

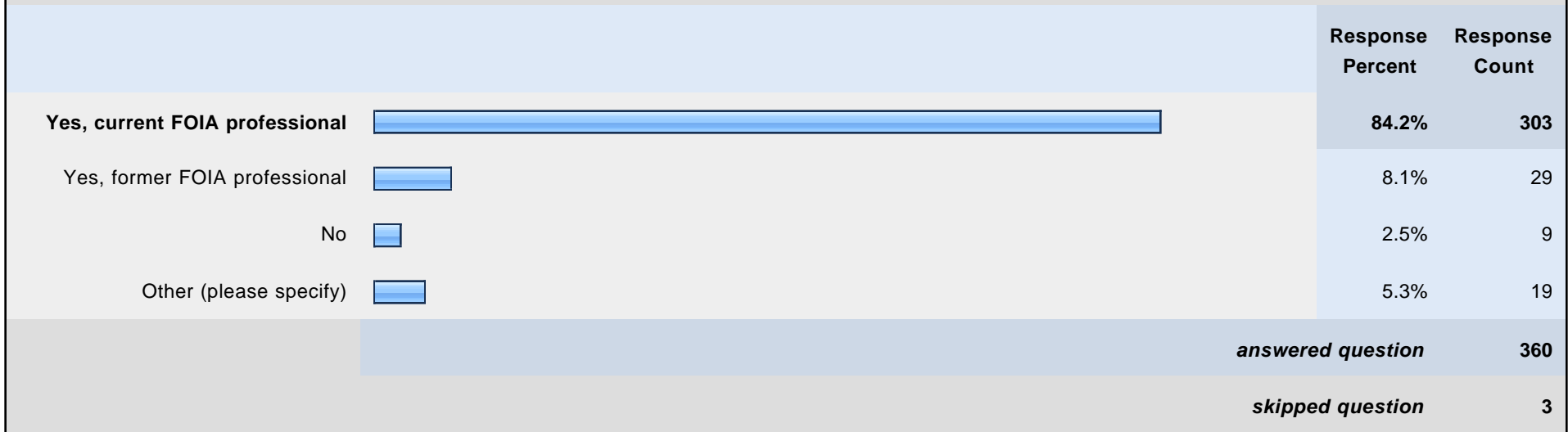
The differences in how individual agencies view the FOIA suggest the administration's message has yet to filter down to the rank and file FOIA professionals and that not even all political appointees have embraced the president's call for greater transparency. Although the administration has pointed to the creation of the CFO as an important tool in changing the FOIA culture at federal agencies, in reality this new position appears to have little or no impact. Nor, according to agency FOIA professionals, has the attorney general's FOIA memorandum translated into increased discretionary releases.

In light of this evidence, CREW calls on the administration to seek a more accurate and realistic accounting of how agencies handle FOIA requests. Requesters as well as government FOIA professions should be included in the conversation, as the experience of many suggests little if anything has actually changed where it matters – the disclosure of information that would make agencies truly accountable for their actions.

The survey results also reveal a divide between requesters and agency FOIA personnel. Respondents often blame the lack of progress on FOIA requesters, suggesting their requests are too broad and their expectations unrealistic. But a majority also embraced increased communication and contact between the two groups through meetings or panels. The administration should play a more active role to meet this goal by delegating a specific office to take the lead on a sustained basis.

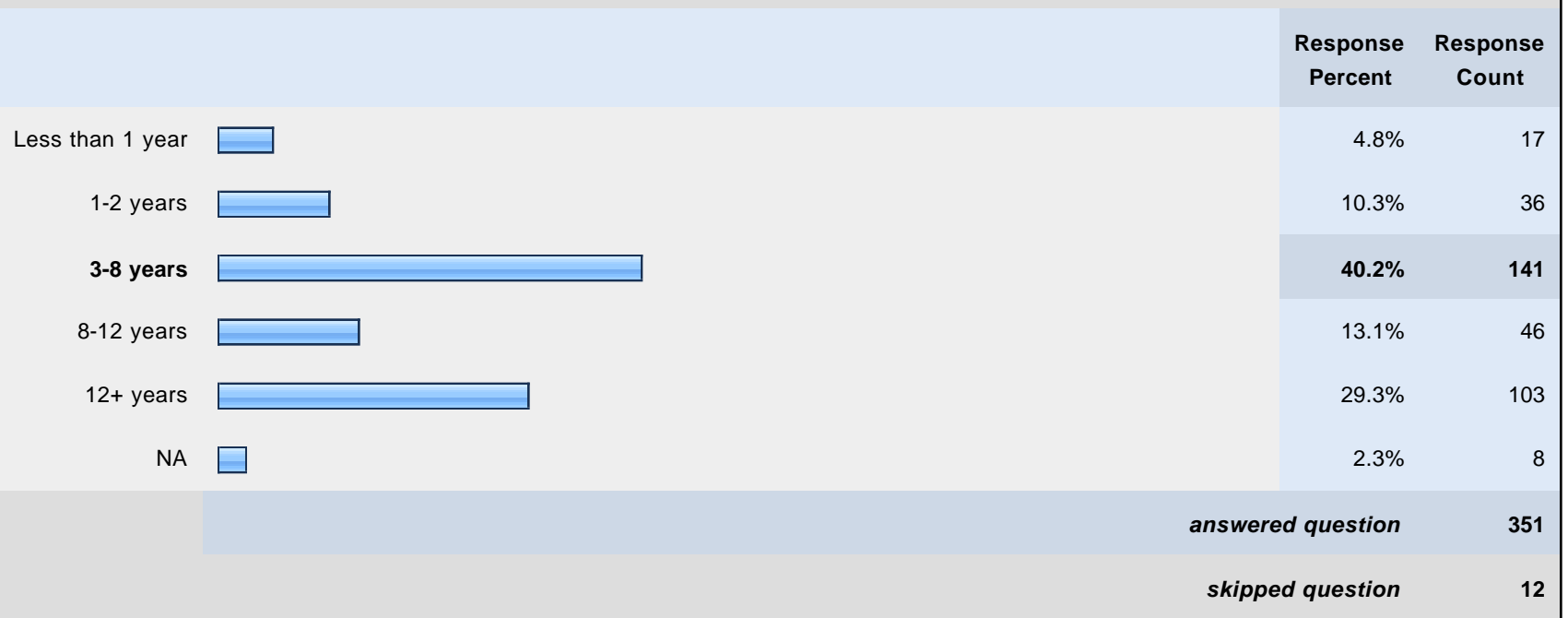
As a non-governmental entity, CREW has not been able to access the information necessary to offer a comprehensive look at the Obama administration's handling of the FOIA. This survey is only a first step. Shortly, the Department of Justice will release the results of agency annual FOIA reports -- statistics indicating whether agencies are meeting FOIA benchmarks. These numbers, however, will not provide a full picture of what is happening in the FOIA trenches. Given the problems uncovered by even our admittedly limited study, it is clear the government needs to engage in a more comprehensive examination to identify impediments to the FOIA and to develop a plan of action to address those problems. Just as important, Congress needs to increase agency funding for FOIA implementation, and ensure sustained funding so that agencies can acquire the necessary staffing and technology. For its part, CREW pledges to continue its work to transform President Obama's promise of a more transparent and responsive government into reality.

**Are you currently, or have you ever been, a federal government FOIA professional or held a related government position?**



Number	Other (please specify)
1	FOIA POC in my division.
2	Collateral duty
3	Privacy Program Manager
4	I work closely with our FOIA Coordinator on responses, but I am not a fulltime FOIA professional.
5	privacy policy official
6	FOIA Coordinator at [REDACTED]
7	Assist FOIA (Legal Counsel)
8	Records Liaison Officer -
9	Government staff with some FOIA responsibilities
10	Federal contractor FOIA professional
11	FOIA software provider
12	[REDACTED] is a private corporation subject to FOIA by statute
13	Current Privacy Act professional
14	Government Contractor FOIA point of contact
15	FOIA Software Vendor
16	Contractor employee working with FOIA responses
17	Privacy Act, FOIA under Privacy Act and HIPAA Coordinator
18	foia coordinator for [REDACTED]
19	collateral

### For how long have you been a FOIA professional?



FOIA Survey

<b>Generally, how would you say the FOIA is working. . .</b>							
	<b>Very Well</b>	<b>Well</b>	<b>Average</b>	<b>Poorly</b>	<b>Very Poorly</b>	<b>NA/Don't Know</b>	<b>Response Count</b>
. . .at your agency?	19.1% (60)	<b>38.9% (122)</b>	29.3% (92)	8.3% (26)	2.9% (9)	1.6% (5)	314
. . .across the government?	3.9% (12)	25.7% (79)	<b>39.1% (120)</b>	14.7% (45)	2.9% (9)	13.7% (42)	307
. . .for requesters?	7.5% (23)	31.4% (96)	<b>36.6% (112)</b>	13.4% (41)	3.9% (12)	7.2% (22)	306
. . .for FOIA staff?	5.9% (18)	24.7% (75)	<b>36.2% (110)</b>	22.7% (69)	6.6% (20)	3.9% (12)	304
. . .for general agency staff?	4.2% (13)	22.2% (68)	<b>41.5% (127)</b>	16.7% (51)	3.9% (12)	11.4% (35)	306
						<b><i>answered question</i></b>	<b>318</b>
						<b><i>skipped question</i></b>	<b>45</b>

FOIA Survey

How would you rate the following as impediments to good FOIA policy?							
	Not a problem	A small problem	A problem	A serious problem	A very serious problem	Response Count	
Lack of funding	16.0% (50)	15.4% (48)	<b>26.6% (83)</b>	21.8% (68)	20.2% (63)	312	
Lack of staffing	10.1% (32)	13.6% (43)	22.8% (72)	<b>26.9% (85)</b>	26.6% (84)	316	
Lack of modern technology	21.3% (66)	24.8% (77)	<b>26.8% (83)</b>	17.1% (53)	10.0% (31)	310	
Lack of training for agency staff generally	20.3% (63)	22.5% (70)	<b>24.8% (77)</b>	18.3% (57)	14.1% (44)	311	
Lack of training for FOIA staff	<b>28.3% (89)</b>	23.8% (75)	20.0% (63)	15.9% (50)	12.1% (38)	315	
FOIA not an agency priority	<b>24.3% (76)</b>	19.2% (60)	20.8% (65)	15.7% (49)	20.1% (63)	313	
FOIA not an administration priority	<b>36.5% (112)</b>	20.2% (62)	19.2% (59)	11.1% (34)	13.0% (40)	307	
Poor records management	24.0% (75)	<b>26.2% (82)</b>	16.9% (53)	14.7% (46)	18.2% (57)	313	
Poor understanding of FOIA by the general public	11.6% (36)	27.7% (86)	<b>31.9% (99)</b>	14.5% (45)	14.2% (44)	310	
Other	32.1% (18)	1.8% (1)	14.3% (8)	10.7% (6)	<b>41.1% (23)</b>	56	
					(please specify)	46	
						<b>answered question</b>	<b>324</b>
						<b>skipped question</b>	<b>39</b>

Number	(please specify)
	Requesters expectations of the state of government records are unrealistic, as are the requester community's understanding of the age and complexity of government databases. So much valuable time is spent arguing about whether an agency can easily reproduce data, and
1	trying to explain the downstream impact of diverting staff from other components to create those data sets.
2	Institutional bias against disclosure
3	FOIA positions very low grades--no respect, poor response to FOIA requests.
4	FOIA is definitely a priority. However, we have one FOIA officer and basically no back-up. FOIA POCs serve as back-up during FOIA officer's leave. However, there is a major difference between FOIA POC and FOIA Officer
5	Contracts, EO12600, EFRR, retainability of FOIA Pkgs (Sub correspondence) is destroyed AFTER contract records have been made public, then we get punished, and RL FOIA control pkgs have been destroyed. We are being punished by our EFRR.
6	Records too broadly described by media requests
7	too much involvement in review of responses by senior staff at Secretary level
8	I assume by "admin" you mean the White House? Should have been clearer.
9	time delays
10	I think there's confusion with the public regarding where FOIA is applicable; also, FOIA officers get unusual requests that are just totally mis-directed.
11	these answers pertain to the federal government in general - not agency specific
12	Dept of Justice FOIA Improvement Programs
13	Unreasonable expectations of requesters - a very serious problem
14	Responsive office short staffed; other deadline driven priorities
15	too easy to litigate
16	Political games involving FOIA and records access leads to more work being done to show what is or isn't being done rather than actual FOIA work.
17	Those outside of FOIA do not know or understand the process. We are required to produce more, with no additional funding or support
18	Requests are untimely due to resources, not to staff ignoring requests. Everyone tries their best to respond.
19	Lack of management openly giving records to employees (disciplinary actions) resulting in unnecessary FOIA requests
20	people abuse the FOIA and use it for commercial purposes
21	Depending who's in charge of an organization, support's either great or totally lacking.
22	lack of priority at SME level
23	Media & organizations (like CREW) are sometimes clueless as to what the FOIA Statute requires and ties the hands of the feds.
24	I believe the public has too many rights as the FOIA staff has it's back against the wall in that we have no resources Two problems: 1) Requestors that expect an agency to cater solely to their needs and use congressional help in forcing FOIA staff to devote extra time and resources on their case at the expense of other cases pending in the queue. 2) FOIA staff from certain agencies that seem reluctant to making a release determination on a document when a referral is sent to them and would rather pass the buck to numerous other
25	agencies under the premise that their equities are also in the document.
26	Unable to answer most of these questions - lack of knowledge of problems.

- 27 Top leadership impedes timely releases
- 28 Abuse of FOIA by commercial interests  
Our FOIA program has been adequately staff with both personnel and budget. However, based on budget constraints, the FOIA office will suffer significant budget cuts beginning in FY 11. We are currently experiencing an increase in requests and our backlog is growing
- 29 significantly.  
Being an administration priority is demonstrated in deeds, not words. Professionalization of FOIA reviewers (to include full-time reviewers,
- 30 not part-time) is recommended.  
Consistant policy from White House Administration- it changes every administration. We know the rules will change again in 4 years! Records is consistant problem- without oversight/audits problems remain the same. Those with FOIA backlog may be indictative of a problem. Policy
- 31 must come from White House CIO to make records mgt work.
- 32 Excessive micro-management
- 33 new software and down one person  
FOIA staff training is the biggest problem. The yearly ASAP conference is wonderful, however the coference fee is too high and leadership
- 34 often does not like to pay. I strongly recomend creating a free alternative or the AF should subsidize the cost.
- 35 Interagency Cooperation
- 36 changes in records make it too cumberstone (i.e. volume of email, databases)
- 37 Large requests from lawyer spokespersons from special interest groups that claim wide distribution because they have a web site.
- 38 FOIA training not geared specific for [REDACTED] desperately needed
- 39 Not enough time to complete FOIA's within time limits
- 40 Size of the of the records, multiple locations, time required to complete request  
Public needs to understand we have exemptions for a GOOD reason - they are not entitled to ALL government information. We have national
- 41 security exemptions for a reason.
- 42 Problem...Government Personnel being insecure in their positions and not asking questions directed to knowledgeable personnel
- 43 The problem related to modern technology is not that it is not available, but rather that it is not in use enough.  
an individual wants to control everything the agency does & likes to create chaos by contacting third parties to stir trouble for the whole FOIA
- 44 request, it was all for not, just chaos by this one individual who manipulates certain individuals to do the dirty deeds.  
Too many requests because the research community won't wait until systamatic review of the materials is complete. Whne you submit
- 45 requests for hundreds of cubic feet of records it clogs the system.
- The Annual FOIA Report is a problem, the people that structured it have no clue of how we maintain our records or process a FOIA, therefore it is not set up appropriately, especially for the appeals section. Therefore, the annual report never matches our reporting system. In fact, Our FOIA Branch Head noted errors on thsi report and pointed it out to the contracting staff that created the report. They apologized and said
- 46 they hope they can fix it before the next reporting period. Also, they do not use the same language that we in the FOIA world use

FOIA Survey

<b>Has the creation of the Chief FOIA Officer (CFO) position. . .</b>				
	<b>Yes</b>	<b>No</b>	<b>I don't know</b>	<b>Response Count</b>
. . .had any effect on your job?	23.3% (71)	<b>64.6% (197)</b>	12.1% (37)	305
. . .generally made your job easier?	13.8% (41)	<b>66.8% (199)</b>	19.5% (58)	298
. . .made processing requests easier?	11.1% (33)	<b>71.8% (214)</b>	17.1% (51)	298
. . .made your duties more clear?	15.3% (45)	<b>67.3% (198)</b>	17.3% (51)	294
			Comments on the CFO:	62
			<b><i>answered question</i></b>	<b>306</b>
			<b><i>skipped question</i></b>	<b>57</b>

Number	Comments on the CFO:
1	Only works well if the CFO is very involved.
2	The officer has not reached out to the troops; confines self to FOIA Officers. In short, no leadership. I have seen no changes. The person at the top who was acting as the lead FOIA officer just changed job title (or added that to his title).
3	Outstanding individual, just not enough resources.
4	████████ CFO does a very poor job of promoting FOIA internally and strengthening the FOIA process. It is merely a title with no teeth.
5	I don't know anything about this position who is filling this position.
6	Was not aware of this staff position. So again a secret that we are not aware of as federal employees. As a FOIA POC for my division, I do participate on teleconference calls hosted by our Headquarter's office along with our local FOIA Officer.
7	I am being exposed to the FOIA Officer's world.
8	These should have been new positions - instead, same old thing, just a new name.
9	I don't think our CFO (████████) has ever worked at base level, therefore, she does not know how complicated our FOIA's are.
10	We don't have the position that I know of.
11	Generally ineffective up to this point.
12	Chief FOIA Officer? Seriously, there is no position description for FOIA, it's everybody do everything.
13	Our CFO want the people under her to do her job for her and then she takes all the credit. So no the CFO has not made my job any easier.
14	CFO does not talk to the ██████ below the WO level.
15	Has done an excellent job to improve the FOIA program.
16	Useless Title, has had no positive impact on processing FOIA requests
17	A new level to pass needless reports through
18	but the ██████ FOIA Office is very helpful, approachable and responds promptly.
19	The only impact on my job is the creation of more reports for the CFO (more burdensome).
20	Keeps us informed.
21	We don't have uniformed PD's; we are tasked to be transparent; however, Requesters are not informed of the process
22	I think the position is a good idea, it just hasn't filtered all the way down through the organizations yet!
23	████████ level yes - ██████████ -Vacant
24	Who?
25	Need CFOs below the department level
26	these positions are in-name only. The CFO is like tits on a bull. I used to work for ██████, ██████, and now another Department and the CFO is a figurehead. They never speak to the troops, never hold senior leaders (fed and appointees) accountable, and the worse offenders of ignoring FOIA is usuall Office of the
27	Secretary, CFO, and OGC.
28	Did not know this position existed
29	Who is the CFO?? Is that the new position created in NARA??
30	The CFO position at the ██████████ is just another title with no real impact ont he FOIA program.

- 31 Very proactive and interested in the program.  
32 No impact on processing in larger diverse agencies  
33 None  
34 Shortly after taking position, [REDACTED] FOIA processing became centralized at [REDACTED]  
Since I'm a contractor, I cannot work a lot of requests, therefore I cannot fully learn about FOIA. The CFO seems to complete many FOIA  
35 requests and gives out the backlogged ones to contractors to follow up.  
36 I believe that I am the CFO, and it is an additional duty to my regular Tech duties.  
37 Useless position filled by someone who is already wearing too many managerial hats.  
38 my agency has not yet figured out how to leverage this position  
I'm too far removed from the CFO.  
39 CFO should have some hands-on FOIA experience, to understand what is involved in the process.  
40 The person continually pushes work down without taking responsibility for the organization.

The Chief FOIA officer impacts are not felt in the line offices nor are there plans for outreach training within the line offices or components.

- 41 Those who are closest to training site or workshops are those that get to go- uneven playing field by geographic or agency funding.  
42 Good Idea -  
43 They are invisible to me.  
44 Not sure who this is, but if it's [REDACTED] and her staff, they are very helpful and answer any questions we have.  
I know they thought if it were a high-level official it would make FOIA come to the forefront, but I don't think many agencies still take that  
45 position seriously and still have someone else lower "take care" of things  
46 I'm mainly in contact with only the [REDACTED] level FOIA Coordinator  
47 Just another title in Washington  
48 One more reporting requirement that takes time away from processing requests.  
49 Who are the CFO and FOIA Public Liaison?  
The creation of this position has given the FOIA program a voice within the highest levels within the agency. Within my agency, the Chief  
FOIA Officer position is a political position. Consequently, FOIA issues are brought to the attention of the Secretary and/or the Deputy  
50 Secretary.  
Because of my 26 yrs. of FOIA experience, I have been assigned a majority of the CFO duties. Due to [REDACTED] into GS status, my previous  
51 GS13 is lost, I will be rated a GS12  
52 I spend more time answering CFO "data calls" than on administering FOIA policy and responding to appeals.  
53 seems to be a figure head role  
54 Very knowledgeable, and excellent FOIA presentation at Conferences.  
55 At this stage neither good or bad  
56 Gave [REDACTED] with an overt hostility towards the FOIA the title of CFO.  
57 he does not get involved in anything having to do with FOIA  
58 I don't know at what level/where this position resides.  
59 doesn't answer questions, because it always get political, always.

I draft the CFO report. The new FOIA policy benefits the requester only. You would think the presumption of openness would make the jobs of FOIA processors easier, but it has created more work, e.g., new reporting requirements for Annual FOIA Reports, CFO Report, Open Government Plan, that has taken us away from doing our jobs. It's not easy convincing authority to release documents. The fear factor is not always justified. I think it will time. There should be more sharing between agencies. For instance, if a FOIA product has been proven to work, it should be made available to all agencies. Many agencies are still using spreadsheets and Access databases which makes it difficult to pull data needed for the Annual FOIA Report. Also, the job series should be upgraded because the FOIA professionals often know more about the applicable laws and regulations than the General Counsel who oversees the programs and often are the ones

**60** writing the reports.

**61** not applicable to my area

**62** Because we are the appellate authority, the above position has not affected my job.

Number	Please briefly describe any actions taken by the CFO to improve FOIA at your agency.
	One of the most potentially helpful actions was to get an agency-wide directive signed that clarified that every agency employee plays a role in FOIA. Unfortunately, without widespread support from other agency senior managers (i.e., the folks doing the mission-related
1	work), the policy has not necessarily translated into on-the-ground change.
2	There is lack of communication between the CFO and the componants
3	Asks for the top ten FOIA issues and problems.
4	Unknown by me
5	None
6	No communications, so I'm clueless
7	None to my knowledge
8	None. We are a small agency w/a small staff, few requests. Web based access improves everything for requesters and staff. He is encouraging openness, and use of reading room, and backlog reduction, and process improvement and best practices - however, I don't see anyone providing more money or resources to support "transparency in government". The only change is the public seems to think they will get more and so we have seen an increase in requests, or requests coming back again- overwhelming an already
9	overloaded system.
10	None that I'm aware of.
11	none
12	?
13	Need to see this persons presence in all that FOIA does. Need to be "out there" in all that FOIA is about.
14	None, we get very few FOIA requests at our facility.
15	We're having monthly telephone conference calls.
16	Wasn't aware that a CFO had been assigned.
17	None, that I recognize. My duties pretty much stayed the same.
18	Nothing "new."
19	none
20	Providing off the shelf database and providing IT support
21	We have a CFO?
22	████████ CFO came to ██████████ and provided training a few years ago. She needs to do it again.
23	haven't seen any
24	Acquired FOIAXpress to process requests.
25	We don't have one unless it is ██████████. He does a lot to help us.
26	None at my level
27	There is a study underway which may result in positive change. It's too soon to know.
28	The CFO has done nothing to improve FOIA just her pay check.
29	No Idea.
30	N/A
31	n/a

- 32 Enhanced technology, raised program funding and eliminated backlog.
- 33 PUT OUT MORE AWARENESS OF THE PROGRAM AND FOCUSED MORE PRIORITY.
- 34 Training to senior staff, development of an agency handbook (still in draft)  
the CFO seriously questions any withholding of information in response to FOIA requests, staff has attended training sessions with DOJ &
- 35 ASAP, increased the amount of information proactively disclosed
- 36 Agency created electronic FOIA tracking log
- 37 Guidance and policy have been recently updated and released.
- 38 None that I know of...
- 39 I can't think of any.
- 40 Strongly supports our FOIA Public Liaison.  
Our CFO still seems to have problems getting adequate funding for the FOIA program in spite of the Administration's emphasis on FOIA.  
Our CFO also is the CIO and the majority of our money goes to IT contracts and services that support IT infrastructure. Our FOIA budget has been cut for FY11 and FY12. Our FOIA contractor specialists are going away. No funding in either year. They helped us reduce our
- 41 backlog significantly, but it will grow again.
- 42 FOIAXpress  
Does not seem to have improved FOIA - need people in positions that have worked in the trenches actually processing requests to make a
- 43 difference.
- 44 none
- 45 The CFO has NEVER even sent out an e-mail much less offer the FOIA team any support.
- 46 Deployment of an agency-wide request processing site.
- 47 none
- 48 Posting more documents on the web and that's about it
- 49 I am not sure what actions the CFO has taken to improve FOIAs in our office.
- 50 None
- 51 Had two year contract but it ends in Sept due to lack of funding.  
If it is me..., I have streamlined the request process, created a specific form to reduce the amount of mis-requested due to lack of
- 52 information. Modified an ineffective database to make record searches easier.
- 53 Strategic plan
- 54 They would work directly with [REDACTED]
- 55 Establishment of requester service centers. Assignment of case tracking numbers. Electronic forwarding of FOIAs for response.
- 56 Placing a Paral Legal as FOIA Lead Officer  
Our new CFO recently pushed several actions forward; i.e., recruit action for hiring Privacy Officer so that we can separate FOIA and
- 57 Privacy functions, procurement of software tool and others
- 58 Coordinates large agency-wide requests through their office.
- 59 We have a team effort to get the job done as quickly as possible.
- 60 Uniform system for tracking FOIAs across the Agency.

61 Not been here long enough to comment  
62 See [REDACTED]  
63 Nothing at the local installation  
64 Checks on deadlines and reporting requirements; has voice with senior management  
65 None that I am aware of.  
66 None  
67 None.  
68 None  
69 None  
70 A central focus who is able to funnel agency wide requests.  
71 NONE  
72 No Comment  
73 None as far as direct actions to the agency level  
74 none that I am aware of  
75 Can give them credit for putting FOIA on the radar - no significant improvements to processing however.  
76 Do not know of any, but it might be the information was just not passed on.  
77 More staff are being hired and trained.  
78 N/A  
79 Embracing technology to make it easier for the public to submit FOIA requests  
80 I don't know of any actions taken.  
81 None  
82 Keep us informed of training.  
83 centralizing the process easier to find status  
Updated CFR; updated/created forms for streamlining/consistency across agency; improved tracking of FOIA requests & created higher  
84 accountability for results.  
85 Ability to sign response letter at CFO speeds up the process for releasing simple requests  
86 Always up dated on new regulation, and shares all informations  
87 N/A  
88 None noticable.  
89 Provided more support at the management level to increase awareness and the importance of having a FOIA administrator.  
90 the CFO helps create a buffer between the requester and the FOIA processor  
91 No effect on position  
92 Provide more staff to assist with requests  
93 NO effect as the agency receives very few requests and has always met the required time lines  
94 none that I know of  
95 Organizing regular meetings the heads of all components. Leadership is beginning to realize FOIA's importance.  
96 The uses of FOIA Express

- 97 None
- 98 Some basic records management training
- 99 ongoing annual reports, proactive disclosure
- 100 Memo telling us to process faster.
- 101 N/A

FOIA Survey

<b>Has the creation of the FOIA Public Liaison position. . .</b>				
	<b>Yes</b>	<b>No</b>	<b>I don't know</b>	<b>Response Count</b>
. . .had any effect on your job?	19.7% (59)	<b>62.7% (188)</b>	17.7% (53)	300
. . .generally made your job easier?	12.9% (38)	<b>68.1% (201)</b>	19.0% (56)	295
. . .made processing requests easier?	10.9% (32)	<b>69.4% (204)</b>	19.7% (58)	294
. . .made your duties more clear?	10.7% (31)	<b>69.3% (201)</b>	20.0% (58)	290
			Comments on the FOIA Public Liaison:	65
			<b><i>answered question</i></b>	<b>301</b>
			<b><i>skipped question</i></b>	<b>62</b>

Number	Comments on the FOIA Public Liaison:
1	This is a false position... we already had someone acting in this capacity so it seemed silly to us
2	Never seen, heard from, or heard about the liaison.
3	Our FOIA officer has not been keeping her backup in the FOIA process
4	Nice idea, but individual still must come back to record holders to complete processing. The liaison gives a good voice to inquiries from the public.
5	Again, the same personnel already in the system were named. No change in processes.
6	The FOIA Public Liaison has also not been of any help internally or externally.
7	Very helpful, responds quickly to questions, he possesses a thorough knowledge of the FOIA.
8	Who is this person and where is this information?
9	The FOIA Public Liaison position has not made a significant impact on my job, I answered no to the 2nd and 3rd questions.
10	These should have been new positions - instead, same old thing, just a new name.
11	didn't know about this position
12	making this a statutory requirement actually helped obtain the needed resources and visibility.
13	Just a figure head, contacts us for the answers, might as well not have one.
14	I don't even think we have one
15	n/a
16	Does an outstanding job.
17	We're a two person FOIA operation -- really little effect.
18	Unaware who this person is.
19	Keeps us informed; teamwork across all offices in our agency. Our agency has good response times. As a FOIA Public Liaison I get no phone calls even though I am listed on our agency Web site and
20	the DOJ FOIA web site.
21	Things are basically the same throughout the Agency as they were before CFO & PL.
22	Who?
23	Need FOIA PL positions below departmental level
24	liaisons are just new name for people who already do the work . . .
25	Come on, it was a change in title only.
26	Did not know this position existed created before I came on board. No change in the past 8 months, I've never heard from the FOIA Public Liaison, I don't even know who mine
27	is.
28	I don't know who the FPL is at my agency and I work in the main FOIA office.
29	no public liaison
30	Liaisons at sub-agencies effective
31	None
32	Do we have one? Who?
33	I do not know who this is. It may also be an additional duty of mine.

34 Same as above.  
35 They would work directly with [REDACTED]  
I don't believe any issues have been raised to the Public Liaison. Our CFO and Public Liaison is same individual, I credit most positive  
36 impacts to the CFO portion of his responsibilities.  
37 not implemented properly. Most FOIA officers also hold this title, which makes not sense  
38 I'm too far removed from the Liaison.  
39 I am not sure if our agency even has a Public Liaison.  
40 A really good improvement to the FOIA  
41 Nothing at the local installation  
42 Simply an easier means for public to access contact number/information. Same staff answer questions are before  
43 Don't know if we have had to use the service - but it is helpful to know it is there.  
44 I also hold this position at [REDACTED]  
45 FOIA processors were given the title of FPL.  
46 Get too involved.  
47 Not sure who this is, but if it's [REDACTED] and her staff, they are very helpful and answer any questions we have.  
48 NONE  
I was not offered any FOIA training or even a briefing on what FOIA was or what my position would entail, I just got assigned two requests and nothing more. I've requested in writing and by phone what my concerns were and what I needed to assist me, but I didn't receive any assistance. I was on my own from the start of my assignment and the National Training I was sent to was not geared for the [REDACTED]  
49 [REDACTED], mostly dealt with [REDACTED] and etc. Was a disappointment for me.  
50 Totally ridiculous position - does the public feel better going to the top because they just come back to us for the answers.  
51 Again, the time it takes to constantly report status to the Public Liaison seriously eats into processing time.  
52 Do not know who these persons are or where they even work.  
53 This position has allowed the agency to effectively mitigate FOIA complaints.  
54 Again, because of my experience and knowledge, I have been assigned some of these duties.  
55 [REDACTED] has FOIA liaison at Head quarters level.  
56 N/A  
57 Our FOIA Public Liaison has kept our agency well informed, and has helped with FOIA requesters.  
Has had no effect on my element's  
58 FOIA operations.  
59 No effect currently.  
60 In a very small agency, such a position is an additional duty and has no effect on processing.  
61 I don't know of any such position.  
62 I don't know what a FOIA public liaison position is.  
This position is generally controlled by a higher authority. It doesn't always have autonomy and authority unless the position is a Director  
63 level position.

FOIA is handle by one individual here and I work closely with the programs areas trying to develop some type of file plan and explaining

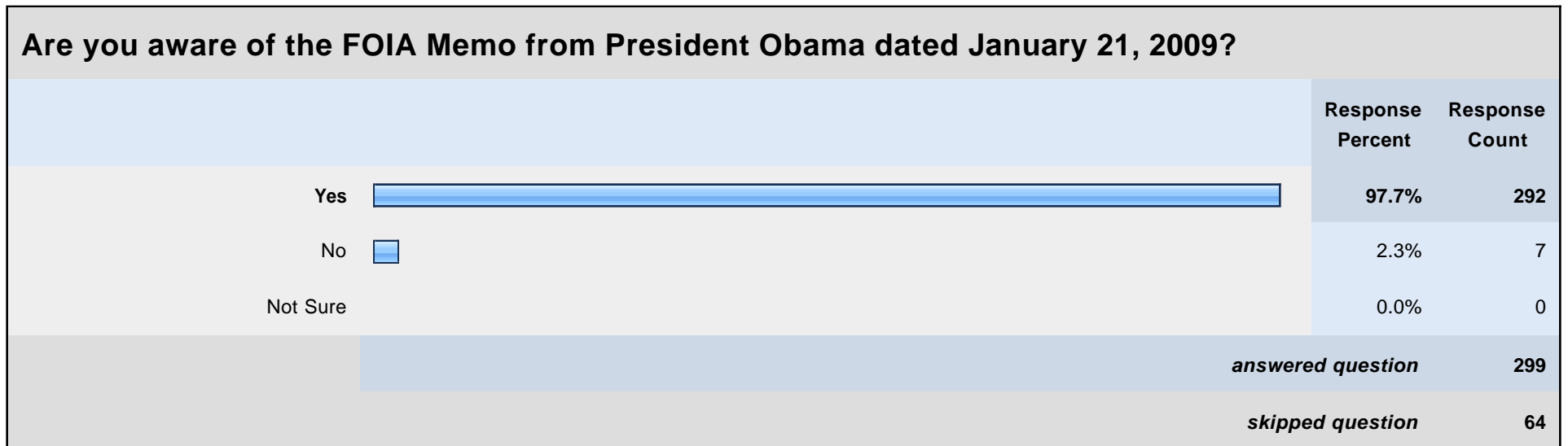
**64** what is a record and what non-records.

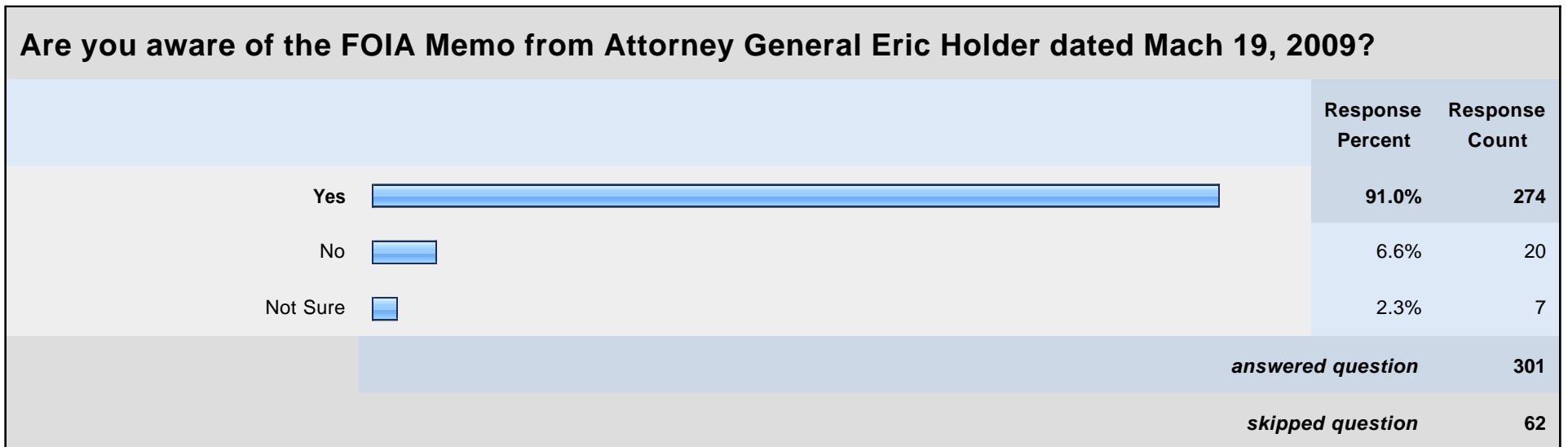
**65** N/A

Number	Please briefly describe any actions taken by the FOIA Public Liaison to improve FOIA at your agency
1	We already had done something similar to that well before the Bush Executive Order, so it really has had no impact here.
2	Preach "openness" as a government ETHIC
3	None
4	Zip.
5	None to my knowledge
6	None I am aware of
7	None that I'm aware of.
8	none Staff visits, provides policy & guidance materials, tried hard to increase grade-level and establish a FOIA Job Series-w/OPM (no support from OPM or departments on these two issues).
9	support from OPM or departments on these two issues).
10	If you are on board I have not heard of you.
11	None that I am aware of .
12	I don't even know who the FOIA Public Liaison is.
13	Our office created a dedicated line for FOIA concerns/issues from the public regarding the processing/handling of their requests.
14	Nothing "new."
15	none Provided training to FOIA & [REDACTED], but it didn't do much good because 95% of our cases are contract-related (EO12600) and she didn't
16	have much experience with them.
17	None at my level
18	requests are out on time enhanced websites, expanded training, better visibility within the agency, better internal communications (resulting in some expanded
19	resources)
20	We don't have one.
21	No idea.
22	n/a
23	Has day-to-day program leadership responsibility and has raised the level of professionalism of the program.
24	ATTENDED TRAINING ON ALTERNATIVE DISPUTE RESOLUTION
25	More contact with requesters.
26	See response to 7. above
27	None that I am aware of.
28	None that I know of...
29	accountability and openness; online means; ongoing training; enhancement to reporting
30	None
31	None
32	we keep trying

- 33 Still business as usual.
- 34 Working on backlog.
- 35 None that I'm aware of.
- 36 We have only a handful of FOIA requests a year. It seems to run fairly smoothly.
- 37 Put together FOIA Improvement Plan
- 38 None
- 39 See above.
- 40 NONE
- 41 See above comment; I don't clearly have these separated out since it is the same individual.
- 42 As a team, we all work together to keep the process going smoothly and to maintain a good customer service to our customers.
- 43 Not been here long enough to comment
- 44 Nothing has changed
- 45 None that I am aware of.
- 46 None Needed
- 47 None.
- 48 Nothing
- 49 There is a real push to make FOIA a priority.
- 50 Make themselves more known
- 51 NONE
- 52 Unknown
- I had been requesting some assistance on the portocol or directions on what FOIA was about and what training I could get, but it was next to impossible. There's was so much confussion. The FOIA requests were started with the Regional Liaison and half way it was reassigned to me without any FOIA training or direction and it was a hugh problem for me. I didn't appreciate the fact that I was put in this position without any assistance or direction from the Regional Liaison till datelines were approaching or had passed and etc. It
- 53 was not a pleasant experience for my first FOIA encounter.
- 54 none
- 55 None- just padding the beltway pockets.
- 56 Again, do not know of any, but it might be the information was just not passed on.
- 57 Created many processes to improve FOIA processing - it remains to be seen if the public has seen a change or not.
- 58 Improved tracking of FOIA requests.
- 59 I'm not clear on the Public Liaison. In [REDACTED] we have our own FOIA liaison.
- 60 Templates in word to speed up duplicate entry information
- 61 Supportive
- 62 Act as go between (mediator) between unsatisfied FOIA requester and FOIA worker.
- Similar to the CFO the FOIA liason is great when you have jr FOIA processors that aren't used to interacting with customers and
- 63 maybe even a CFO

- 64 No immediate effect noticed.
- 65 I don't know.
- 66 I am the FOIA Public Liaison.
- 67 The establishment of FOIA coordinators in every department.
- 68 None
- 69 The basic records management training of inventorying their files.
- 70 N/A





**Has the idea of a "presumption of openness," as spelled out in the Holder memo, become part of the culture of your agency?**

	Response Percent	Response Count
Yes, since the memo, it has become part of the culture	22.3%	67
<b>Yes, it was already part of the culture, prior to the memo</b>	<b>36.2%</b>	<b>109</b>
Not yet, but it is happening slowly	16.3%	49
No	15.3%	46
Other (please specify)	10.0%	30
<i>answered question</i>		<b>301</b>
<i>skipped question</i>		<b>62</b>

Number	Other (please specify)
	Our senior career staff is business as usual, and even Obama political in our agency don't want "THEIR" information available to the public. Senior White House Officials may like the Idea of Transparency and Openness, but their politicals at our agency are not on board. Junior and mid-level career staff are more likely to recommend discretionary releases of information. They are usually overruled by Obama
1	political staff or senior career staff. It really is same-old-same-old, and I have been at [REDACTED] since Bush I.
2	It has happened/is happening within FOIA professionals, but not necessary within all of the agency.
3	doesn't apply to 98% of our business, which is CONTRACTS (EO12600)
4	It's not applied consistently
5	It added great confusion at first. Legal was advocating "give it up" but not focusing on still having b6 and b7C considerations. You can't give it up if someone's privacy is more important than public interest; especially in a criminal ivnvestigative report
6	I don't know how this is working at the staff level
7	I don't work for the government
8	We'd like to think that we were as open as can be. Requesters think this openness gives them access to anything, forgetting that much business and personal information can and should still be protected.
9	Yes, in most processing, but not yet in all litigation cases
10	I haven't seen the memo
11	The Senior Leadership, at the Secretary level, believe it is taking place. But the gatekeepers and appointed leadership haven't taken it to heart and no one is holding them accountable to make it a part of the culture. Lip service instead of action.
12	That presumption is already spelled out in the statute
13	n/a
14	I have only been assisting since October of 2009.
15	unsure of the memo
16	Not sure
17	Unknown
18	Our agency has always tried to give out as much information as possible, it is the new administrations and the staff that make the process more difficult or more prohibitive.
19	DOJ has become more conservative
20	It's made a difference in dealing with leadership only.
21	Varies by department. Some have been a battle - but we feel we have the President and AJ behind us so they are opening up. The Secretary of the [REDACTED] also came out and brought up the issue in his speech - so people are starting to realize we are very serious.
22	can't speak for the agency as a whole; locally, it has been verbally supported
23	Has the FOIA laws changed to implement the openness?
24	Not aware of the subject and as I havae stated, I've have very poor communication on all that FOIA stuff
25	Our job is to release what the public is legally entitled to have - the Holder memo doesn't change the law and neither does the EO. Just another fake out to the public from the administration to make it look like they're making a change. We know the truth.

- 26 not sure
- 27 DON'T KNOW
- 28 in FOIA offices yes
- 29 I haven't seen it yet so I don't know what it asks.
- 30 I don't know anything about the Holder memo.

<b>Since the Holder memo was circulated has your agency provided any additional guidance . . .</b>				
	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Response Count</b>
. . . to FOIA staff?	<b>49.0% (143)</b>	39.7% (116)	11.3% (33)	292
. . . to records management staff?	25.5% (74)	<b>45.2% (131)</b>	29.3% (85)	290
. . . to agency staff generally?	29.9% (87)	<b>42.3% (123)</b>	27.8% (81)	291
	<b>answered question</b>			<b>296</b>
	<b>skipped question</b>			<b>67</b>

Number	If so, what type of guidance?
1	seminars
2	Briefings, telephone calls, etc.
3	Mandatory read FOIA staff has been briefed on the memo and subsequent guidance issued by OIP. As we make efforts to get staff members outside the FOIA program more involved in the process, and as we have begun to release a wider range of records, we have been emphasizing
4	the current administration's presumption of openness.
5	Gave examples of what things generally should be just disclosed instead of going back and forth.
6	What is the HOlder memo about and where does one find it?
7	FOIA Training, Circulated throughout the staff copies of both memos.
8	Provide all of the unredacted records. Use care in actions is being transmitted throughout.
9	To look at the exemptions which allow flexibility with a new perspective, and to use reading rooms more robustly
10	Our local FOIA officer always keep us informed.
11	none, unfortunately That if the records would cause no harm to the agency then always lean toward their release, even things that could potentially be
12	withheld.
13	Just a copy of the memo...
14	none
15	Described the "presumption of openness" and how to implement the "openness"
16	Through appellate administrative decisions SAF instructed us to post all Releasable responsive records to EFRR, and any records anticipated to be popular to the public to post them prior to request.
17	provide records even if redactions will be very time consuming and the final product of little to no value to the requester
18	incorporated into all in-house training; included in the DOJ FOIA Guide (copies purchased & distributed to FOI officers), posted to the
19	intra-net webpage for inhouse FOI resources
20	Be more open.
21	Internal Bulletin & Memos
22	Policy on use of exemptions and developing foreseeable harm statements
23	Legal staff provided an interpretation and reinforced openness initiatives
24	None provided
25	Chairman has directed that FOIA make extra effort to provide something to requesters, even if it is not directly relevant to what the requester sought.
26	Annual Training to all █████ FOIA Officers, monthly █████ FOIA tele-conf., easy accessibility of █████ FOIA Office staff through e-mail
27	FOIA processors are to clear the use of b2 and b5 with the Disclosure Officer or Counsel.
28	Memos to our field offices that process FOIAs; pertinent FOIA Post updates forwarded to all agency FOIA staff; updates on (b)(3)
28	exemptions.

29 Notice of both memoranda, guidance on submitting "foreseeable harm statements," training of FOIA staff, and posting of guidance on  
our intranet and external Web sites.

30 Memorandum

31 Forwarded the memo, stressing the importance and guidance. Also added pertinent language to the Agency's annual mandatory FOIA  
training.

32 numerous training sessions; FOIA Update policy articles

33 Training

34 Added in to training for FOIA staff, email traffic explaining presumption of openness, and memos intended to go to senior leaders but  
they just get pushed to FOIA staff

35 Chairman issued a memo

36 At conferences and workshops, but unfortunately funding to attend these often has been unavailable.

PUL-ease. We're swimming upstream. The culture doesn't give any priority for conducting searches, OGC and appointees politicize  
every request and if there could be negative political outcomes or bad publicity it's drag your feet time. If Obama and the Secretary  
knew what was happening, they would have a stroke. Even the White House Liaison Office has politicized the process by directing  
OGC's to evaluate FOIA requests for any that might be of "interest" to the White House and to let them know. Another delay layer. In  
my experience OGC has over-reacted to a white House request - and the White House has staff that don't appreciate the "authority"  
that even blowing their nose generates down the line. And DOJ OIP is a joke - they have lawyers who think they can interpret FOIA

37 when they have no understanding of case law.

38 memo's

39 Responsiveness, accountability, higher visibility, higher priority in assisting FOIA officer

40 [REDACTED] sends information on a regular basis as it comes out.

41 How to proceed in processing requests, obtaining greater buy-in on disclosing records by management.

42 Emphasis on importance of processing such requests promptly and efficiently.

43 FOIA processing guidance to ensure compliance with the Holder memo.

44 Memorandum; general FOIA and general counsel staff guidance

45 Necessity of answering FOIA request with as much releasable information as possible.

46 memorandum and reminder emails.

47 Our guidance are within our agency that gives great support by helping each other when required.

48 Guidance provided on foreseeable harm.

49 Agency OGC provided memo Jan 19, shortly after Obama's memo. Memo sent to all OGC, Regional Administrators, and FOIA staff

50 passing on what they receive from various sources and what's being required

51 We're making more redactions than we used to.

52 new policy explained in training

53 FOIA Standard Operating Procedure for the Installation

54 Circulated memo to FOIA and [REDACTED] staff, included in training for other staff

55 training & published memos on intranet

Training-in person in each office. Posted to the Intranet. We send out many copies of it to refresh memories of people who seem to have forgotten that things have changed. We have also had many talks with our FOIA Coordinators from each department so they know

56 they can't let their department withhold anything from the FOIA office.

57 Policy and guidance were updated.

58 written and verbal

59 The memos were circulated to all agency employees.

Informational announcement on the need to provide hard statements when withholding any information under FOIA Ex. 2 & 5; and to not

60 assume that just because information has been customarily withheld that we should continue to do so.

61 Foreseeable Harm Documentation

To comply with the law, not a memo. When the administration lets go of their secrets, we'll consider an air of openness. This is the most opaque administration I've seen. Were you aware the DOD was directed that all sensitive department releases MUST have WH

62 council approval BEFORE release. Better open your eyes.

63 Letter signed by Agency and OPDIV Director sent to all staff and posted on website.

64 Instructions Memorandums with general guidance.

65 The agency has disseminated guidance on proactive disclosures, on FOIA responsibilities in general, and on redaction. Sent actual memo out to all [REDACTED] offices/activities, done breakout sessions at the [REDACTED] FOIA/PA/Rec. Management Conference. I also

66 respond to inquiries made from individual [REDACTED] activities on a daily basis.

67 Secretary guidance

Involving Public Affairs in the process

68 Clarifying simple and complex requests

69 Additional information concerning policy and procedures in our agency. Increased need to define agency's policies/interpretations.

70 Boilerplate emails. No collaboration between records management and FOIA

71 training on the individual responsibility of FOIA and responding to requests for information and training on records management.

72 briefings

Office of Information Policy guidance to agencies on President Obama's FOIA Memoranda and Attorney General Holder's FOIA

73 Guidelines.

74 The Holder memo doesn't substantially change the way my agency does business

75 Updated SOP

76 A memo, signed by our Chief FOIA Officer was prepared and circulated to the entire agency.

77 Head of Department reiterated content of President's memo to agency senior leadership.

78 training

79 Required to be as open as possible with the release of records.

80 no comments because I don't know about the Holder memo.

81 Reminders to release everything releasable. Use exemptions only when necessary.

82 Additional training and discussion.

**83** Provided training

**84** Basic records management training

<b>Were the expectations set for you and other FOIA staff realistic. . .</b>				
	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Response Count</b>
. . .prior to the Holder memo?	<b>54.4% (142)</b>	28.7% (75)	16.9% (44)	261
. . .since the Holder memo was issued?	<b>45.3% (115)</b>	35.0% (89)	19.7% (50)	254
			Please explain	74
			<b><i>answered question</i></b>	<b>261</b>
			<b><i>skipped question</i></b>	<b>102</b>

Number	Please explain
1	Reinforced a privately-held ethic of government openness
2	The FOIA staff is generally overworked and understaffed, while we want to be more responsive, without more training and additional help,
3	we cannot do so. So its like they are asking for more work, but with less people.
4	Internally, the expectations of FOIA staff have been realistic. The (generally) unrealistic expectation is the statutory mandate of responding
5	to FOIA requests in 20 days.
6	Again our FOIA officer does not explain and/or train on the FOIA process
7	Prior to Holder memo, we were encouraged to redact and not release embarrassing revelations. After the memo, agency persons are more
8	careful in assessing the outcome of actions because results of those actions can be released and studied.
9	this question doesn't make sense, by whom, for what, etc.
10	Must achive a 10% reduction in backlog of cases for FY2010.
11	Expectations to overall a whole agency wide program did not come with money and resources
12	Due primarily to the large number of FOIA requests received and decrease in staff and funding.
13	The expectations in the Holder memo were clear enough to follow through on.
14	we have been understaffed at my office for approximately 3 years
15	the response categories don't permit a full response. Prior to the memos, we weren't getting the needed resources, but the metrics weren't
16	being closely monitored. Now, the metrics are being checked monthly, and the process is still evolving. We're hoping for more resources.
17	We've made high progress in backlog reduction over the past 3 years. Please understand that this process didn't wait until the current
18	administration took office.
19	It is virtually impossible to process most FOIA's in 20 days.
20	The expectations are that of high level folks and not realistic with folks who actually perform the work.
21	Twenty days is not enough time to complete ALL FOIA's on historical records.
22	We do not have the staff to answer to the expections nor the funding from congress.
23	No expectations set.
24	Resources inadequate which is compounded by a few self-styled guardians of the public that take advantage of the FOIA's unrealistic time
25	limits to occupy major respources in litigation
26	The performance goal is zero overdue cases, both before and after the Holder memo. That's not realistic.
27	Our agency was already very open and compliant with the FOIA. Our expectations did not need to change as a result of this
28	Administration's guidance.
29	Puts more damands on responsiveness; however, the process never changes.
30	We act on the requests immediately and work closely with our solocitors office when legal action may be involved.
31	there weren't many "expectations" under the Ashcroft memo
32	FOIA Professionals have enough difficulty getting records in response to FOIA requests, a presumption of openness "ahead of requests" is
33	not something they can take on as additional workload; it does not seem agencies will comply until it hits them in the pocketbook and
34	litigation and then they are more open to acting in favor of disclosure.
35	nothing has changed

We're expected to meet the suspense provided by the law, but have no real power to enforce this because the personnel we have to deal with face no repercussions for non-compliance yet we, the FOIA professionals, are held accountable for this.

In the ranks, there really hasn't been any change in processing. We thought a return to the Reno Memo days would make life easier and get requests out faster - but, in practice, no.

EUCOM tries to release as much information as possible for each document. That should be (and always been) any and all FOIA officers positions on release.

The Initial Denial Authority has never provided me with expectations. AMC has never provided me with expectations. No one seems to care about the FOIA process, only reducing backlogs.

We are being asked to do more, with less people and no real support from agency mgmt.

Large requests and small staff. Memos will not change requesters filing large FOIAs.

No new resources for increased effort

Overwhelming amount of work with not enough people or time.

Unknown

I did not have this position before the Memo was sent out.

We have had a major increase in requests and re-submittla of former requests. We did not the policy, processes or staff to handle this increase in workload plus the requests are more complex.

I am the liaison for the [REDACTED] organization and always receive information passed down from the [REDACTED] Office.

The 20 day response timeframe is unrealistic in many complex cases.

The expectations are not as impacted by the Holder memo but rather they have been impacted by the complexities of the requests we are receiving from our INTERNATIONAL division.

expectations at the dept level are pretty much nonexistent

Expectations for how to treat FOIA requests are completely realistic; however, the time frame with which we have to work with (20 working days) has always been grossly inadequate.

The memo expects agency to make FOIA a priority and that just doesn't happen. In fact resources are pulled from the FOIA staff in order to fulfill other agency priorities.

Suspenses are set with no consultation with the reviewers.

No, there is not the agency support for FOIA processing nor is it seen as a top priority.

Numbers of requests have doubled with no additional help

Memo very clear on guidelines, DOJ very clear on guidelines

Expectations have increased, reporting requirments have increased. Agencies are expected to perform miracles with scant resources.

FOIA is not mission related . . . funding is too tight for programs, so non-existent for admin.

Told to reduce b5 but immediately asked why we weren't using it and being told to use it.

There is no way to meet the 20 day time limit in cases of contracts where you must go out to the submitter. OPRs don't know what they are doing, FOIA Managers don't know contracting and legal just wants to do a final glance of the records. It is impossible! Congress has never worked a FOIA and has no idea what it takes.

Release what we can, use discretionary whenever we can

51 Not enough time to open task, staff it out, be thorough in search and respond accurately.

52 The priority has always been, get the work completed as soon as possible.

53 The 20 day time limit is almost impossible for some FOIAs.  
Manpower and funding is too low to complete expected goals. Interagency cooperations is slow to respond and differences in policy make it

54 near impossible to meet suspenses.

55 CONTINUE TO MONITOR FOIA'S AND KEEP THE BACKLOG DOWN.  
The "public" is asking for documents that are old, or classified, or too voluminous to review and produce in 20 workdays. Organizations such as yours is not open to the responsibility to protect national security but you're giving the administration a pass to withhold what they deem

56 embarrassing to their cause or politically toxic.

57 OPDIV had already moved to open and transparent method of sharing data...much of it posted on public-facing website.

58 Time lines are too aggressive.

59 Did not see any change; therefore, everything is still realistic...right?!  
Guidance is too vague to understand how anything has changed other than tighter deadlines to comply with more severe consequences for

60 missing those deadlines.  
The public seems to expect that every request can and will be expedited. However, agency resources do not allow requests to be

61 completed as timely as one would hope.

62 Each ██████████ decides how his office operates. Some do not take direction from the ██████████ FOIA Office.

63 Regulatory guidance

64 Same rules, but interpretations were changed.

65 Pretty words are, of themselves, of no value.  
Each FOIA request is different, which makes it difficult to meet the statutory due date because most requests involve large volume of records. The 2007 Amendment does not take into account that most of us have to process large volumes of records and we cannot seek

66 extensions to the due date that will allow us a reasonable amount of time to complete the processing of a request.

67 It is clear that we are to provide as much information as legally feasible to give the customer

68 Expectations were always to provide FOIA requesters with requested documents within FOIA regulations, and within the required time.  
We are still underfunded and understaffed, and everything that has come about as supposed "FOIA reform" in this administration and the last has been politically-motivated, and has, in reality, done nothing but imposed more reporting requirements and called for more oversight,

69 when funding and staffing are the real issues.

70 Staff too small vs large number of FOIA/PA requests  
It is hard to respond in 20 days for complex requests. There needs to be more training on communicating with requesters to work out a

71 rolling response on large requests.

72 I don't know about the Holder memo; therefore, I cannot comment.  
as my agency (██████████) does not own classified information, it has to rely on other agencies - some of whom do not believe in

73 this process  
██████████ responses faster than most DOD ██████████ agencies to FOIAs. The ██████████ FOIA Office send the FOIAs requests to ██████████ to pull the data.

74 Some are easy and others take months for release approval by policy offices.

What aspects of FOIA have changed at your agency since the Holder Memo?								
	Greatly Improved	Somewhat Improved	Neutral/No Change	Somewhat Worsened	Greatly Worsened	Don't Know	Too Soon To Tell	Response Count
Training or Guidance for Agency Staff	3.9% (10)	15.9% (41)	<b>62.8% (162)</b>	1.6% (4)	0.4% (1)	7.8% (20)	7.8% (20)	258
Training or Guidance for FOIA Staff	4.3% (11)	20.9% (54)	<b>60.1% (155)</b>	1.6% (4)	0.4% (1)	6.6% (17)	6.2% (16)	258
Proactive Disclosure	7.4% (19)	26.5% (68)	<b>51.4% (132)</b>	1.6% (4)	0.4% (1)	6.6% (17)	6.2% (16)	257
Presumption of Openess	6.6% (17)	31.8% (82)	<b>47.3% (122)</b>	1.6% (4)	0.8% (2)	6.2% (16)	5.8% (15)	258
Available Equipment and Technology	3.1% (8)	10.8% (28)	<b>73.4% (190)</b>	1.5% (4)	0.0% (0)	6.2% (16)	5.0% (13)	259
Staff Levels	1.2% (3)	14.3% (37)	<b>62.2% (161)</b>	7.7% (20)	3.1% (8)	5.8% (15)	5.8% (15)	259
Funding Levels	0.4% (1)	7.8% (20)	<b>67.4% (174)</b>	5.4% (14)	5.4% (14)	7.4% (19)	6.2% (16)	258
Overall FOIA situation	1.2% (3)	19.4% (48)	<b>55.6% (138)</b>	8.5% (21)	4.0% (10)	4.8% (12)	6.5% (16)	248
							Other (please specify)	29
							<b>answered question</b>	<b>260</b>
							<b>skipped question</b>	<b>103</b>

Number	Other (please specify)
1	Holder memo what is that? You mean it can and will affect all the above areas!
2	Approval for two additional billets effective FY2011. As the public felt that "open government" meant they would get what they could not before, requests were resubmitted - increasing the workload. Funding overall for █████ is decreasing. FOIA personnel are being affected by that money crunch like everyone else - since the
3	"transparency in gov" did not come with fenced dollars.
4	Political interference in the FOIA process
5	Proactive disclosure has always been a priority so it's difficult to fit that response into the options above. We also applied the presumption of openness in the past, so this (again) is enhanced, but not new.
6	OPM needs to create a series for FOIA professionals so that we can keep knowledgeable and interested people. FOIA is not a good place for riffed admin.
7	This agency tries to output public documents to the web site. The preumption of openness is a long-standing goal.
8	Perspective from an outsider.
9	think that there is overall better awareness of FOIA and transparency...
10	foia has become more of a priority
11	Unknown
12	No changes
13	I was not part of the FOIA community at the time.
14	Moreso, the need to process requests promptly and as a priority.
15	Currently trying to increase staff and the impact remains to be seen. It definitely set the wheels in motion. Requesters are getting more information from my office; however, internally we spend more time fighting bureaucratic battles with agency
16	officials rather than doing our jobs processing FOIA requests.
17	Increase in FOIA requests - but no increase in staff (either feds or contractors).
18	Recent training session was underwhelmingly attended -- FOIA officers seem to believe they don't need any additional training.
19	More reports are due that take away from the actual processing. Numbers of request have double with no additional help. No DOI FOIA training exists. Memos about proactive disclosures - not aware of a
20	feedback loop.
21	Agency has been transparent, so memo re-enforced prior actions
22	FIOIAs have become more extensive in that they are asking for more information
23	We need funding for FOIA vacancies! These are always the first on the chopping block when there are budget cuts.
24	The agency as a whole has cut spending in certain areas, such as training, to increase efficiency, but that has impacted the FOIA program.

Parts of the Department issues memos stating they we need to operate with a presumption of openness. No additional resources were provided to implement this action.

The Department is concentrating on the "numbers," i.e., reducing the backlog. There is no consideration of establishing a Department level office dedicated to providing policies, training, best practices on a routine basis.

**25** Many FOIA offices have collerteral duties--the Department ignores this fact.

**26** I don't know about the Holder memo so I cannot comment.

**27** Open positions not being filled due to lack of funds.

Funding of personnel to process the workload is a serious issue throughout the fedreal agencies. OPM needs to establish FOIA billets to

**28** properly staff and pay personnel for the level and complexity of work being performed on a daily basis.

The overall FOIA/PA situation in our agency has greatly improved but it has not relationship to the Holder memo. Just good leadership

**29** within the agency.

### Since the Holder Memo was issued, how often do FOIA professionals at your agency exercise discretionary release when considering the following exemptions?

	Discretionary release never used	Much More Frequently Used	More Frequently Used	Used About the Same	Less Frequently Used	Much Less Frequently Used	Don't Know	Response Count
(b)(2)Internal Personnel Rules and Practices	4.7% (12)	5.9% (15)	11.1% (28)	<b>47.0% (119)</b>	5.1% (13)	5.5% (14)	20.6% (52)	253
(b)(4)Trade Secrets, Commercial or Financial Information	14.6% (37)	1.2% (3)	3.9% (10)	<b>54.7% (139)</b>	0.8% (2)	1.2% (3)	23.6% (60)	254
(b)(5)Privileged Interagency or Intra-Agency Memoranda or Letters	4.7% (12)	5.9% (15)	15.4% (39)	<b>46.1% (117)</b>	7.1% (18)	3.5% (9)	17.3% (44)	254
(b)(6)Personal Information Affecting an Individual's Privacy	12.2% (31)	2.4% (6)	5.1% (13)	<b>60.8% (155)</b>	0.8% (2)	1.2% (3)	17.6% (45)	255
(b)(7)Investigatory Records Compiled for Law Enforcement Purposes	12.2% (31)	2.4% (6)	3.9% (10)	<b>54.3% (138)</b>	1.2% (3)	2.4% (6)	23.6% (60)	254
(b)(8)Records of Financial Institutions	14.3% (34)	1.3% (3)	1.3% (3)	34.9% (83)	0.4% (1)	2.5% (6)	<b>45.4% (108)</b>	238
(b)(9)Geographical and Geophysical Information Concerning Wells	13.1% (31)	1.3% (3)	0.8% (2)	31.8% (75)	0.8% (2)	2.1% (5)	<b>50.0% (118)</b>	236
							Comments	42
							<b>answered question</b>	<b>255</b>
							<b>skipped question</b>	<b>108</b>

Number	Comments
1	Mya gency does not use exemptions 8 and 9 We generally don't have records that are exempt under (b)(4), (8), or (9). Considering the privacy concerns of (b)(6) and (b)(7)(C), we generally are not making discretionary releases of such records. Most of our (b)(5) withholdings are attorney work product and we take great pains to protect such privileged materials, so our discretionary releases have not changed much. We are releasing a lot more low (b)(2)
2	materials.
3	I won't be at the conference becauase there is lack of funds for travel. So if the Holder Memo is presented I will miss this.
4	Have never used exemptions 7, 8, or 9. This agency does maintain those types of records.
5	Why isn't (b)(1) included - classification is discretionary!!!
6	Our agency does not use exemption b(7) very often and never uses b(8) or b(9)
7	Exemptions 4 and 6 not subject to discretionary release. Exemptions 8 and 9 not available to this agency. this isn't a mstric/statistic that's been tracked. The only thing we can measure are the # of times the discretionary exemptionn are used in denials. The use of b5 is down by half. There is NO discretion in the applicaiton of b4 and 6 - this suggests that there might be (which is a common misperception on the part of the media). Exemptions 8 & 9 don't apply in this agency but the only response option is "never used."
8	That should have been N/A.
9	Greater numberof b5 dicretionary releases.
10	We do not have geographical/geophysical information.
11	Our agency has always opted for openness according to the FOIA/PA laws and adheres to the laws governing the act.
12	We mostly deal with exemptions (b)(1) and (b)(3).
13	(b)(3) used the same as before; revised wording in our responses due to (b) (3) i and ii. We shouldn't be more open with business and personal information unless it is public. We have always reviewed for discretionary disclosure
14	but believe the openness policy targets what is going on with the Agency itself.
15	very rare to find an Exemption 8 or 9 record at the Department of ██████████
16	(b)(8) and (b)(9) are never used by my agency B(4) allows no discretion. This is a silly question on the part of CREW. OGC is the greatest hindrance to an effective FOIA program because they intrude into the initial release level instead of only at the appeal level. Kick OGC out of initial release level and releases will go out quicker and FOIA Specialists can be held accountable. OGC takes decision authority out of the FOIA Speicalist and weak FOIA Officers.
17	Discretionary disclosures not possible for Ex. 4 and 6/7(c) because of Trade Secrets Act and the Privacy Act, respectively.
18	Each case is looked at from "both sides of the coin" and we truly try to release as much information as possible - always have. Legal and I sometimes go back to the subject matter experts and ask them to release more half of the time and 95% of the time they do, once explained
19	why.
20	I only came on board after the memo, I cannot attest to the situation before I arrived.
21	Unknown
22	From my understanding there has only been one FOIA request in the last 4 yrs for our "agency".
23	Seem to use the same exemptions all the time.
24	I did not have this position prior to the memo. I do not have full control of the program.

25 New administration staff speak the words but do not seem to know how to truly apply this concept to what they believe should not be disclosed.

26 I work mostly with law enforcement records.

27 We primarily deal with classified information.

28 The FOIA office tries to follow the idea of openness, but often are not backed up by the other staff - either management, Agency Solicitor's who have no FOIA training, or other staff

29 I handle problem FOIA requests and litigation; don't know numbers from overall program

30 We don't use exemptions 8 or 9

31 All requests are different - no way to tell. But, you should look into what the administration is withholding or delaying that is bound to enrage the public, things like their trips at the taxpayers expense, their expense accounts, stuff like that.

32 This office is for policy and guidance only. We only records maintained in this office are FOIA logs. I do not know how other ██████ Offices are processing records unless I get a call and I discuss discretionary release with that office.

33 ██████ has always been forthcoming with discretionary release options.

34 b8 and b9 are not used in my agency.

35 generally I do not release under the above condition unless all requirements are met however I am more willing to review for release than in the past.

36 We don't need to be told how and when to apply exemptions; we don't need anyone to explain the presumption of openness that has always existed under the FOIA. We need staffing and funding.

37 (b)(8) and (b)(9) are not applicable to the ██████ mission.

38 I don't know about the Holder memo so I cannot comment.

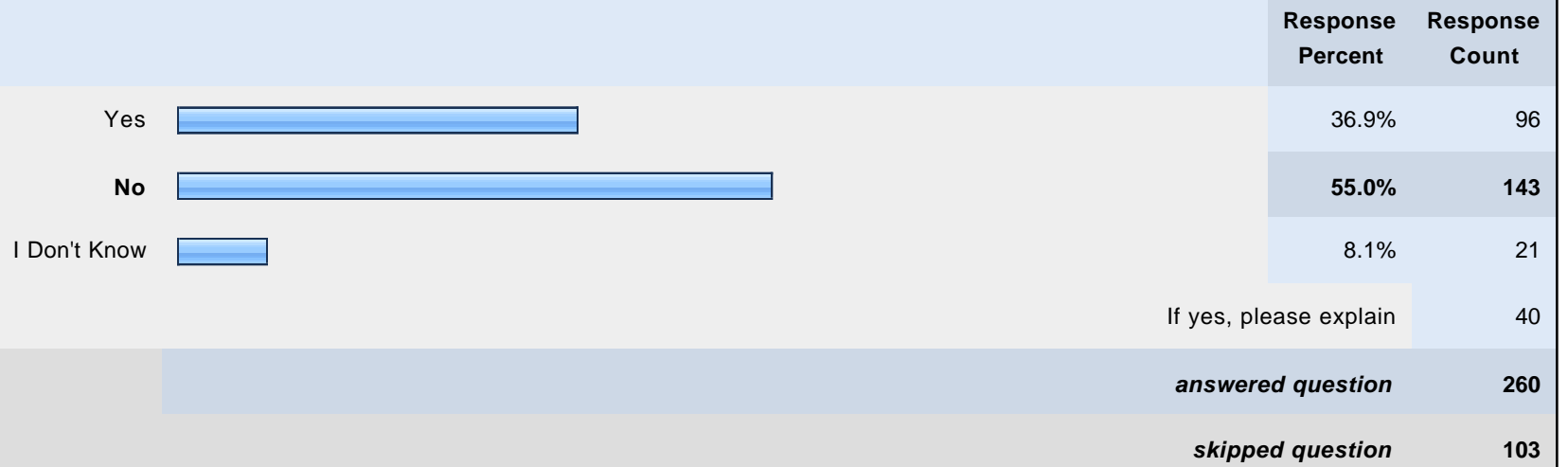
39 Don't use (b)(8) or (b)(9).

40 survey too detailed, i have one to two requests a year

41 For the type for records held at ██████ (b)(2) is used for denial because of Operation Security concerns and (b)(6) for personal info. One thing noticed is that the public has taken President Obama & Attorney General Holder's memo out of content. They seem to thing that the government is supposed to give them whatever they ask for. They completely overlook the statement in Attorney General Holder's memo which states that "At the same time, the disclosure obligation under the FOIA is not absolute. The Act provides exemptions to protect, for example, national security, personal privacy, privileged records, and law enforcement interests". Most of the appeals we now receive usually come with a threat such we better provide the documents in accordance with the directions from the President and Attorney General

42 Holder.

### Have you received specific instructions pertaining to the use of discretionary releases?



Number	If yes, please explain
1	guidance on things we can now just disclose
2	I used the "specific instructions" from the FOIA memo, that a discretionary disclosure should be used when it will not harm current policy development.
3	guidance from [REDACTED] Policy office. Example [REDACTED] will not revoke (b)(2) low on withholdings.
4	By way of DOJ, ASAP, and guidance from my supervisor.
5	Yes, I received instructions from DOJ training.
6	training
7	Told that 'Low 2 is No 2'
8	Just guidance from DOJ
9	DOJ, OMB & Obama memos. How much more specific can you get? Question is poorly phrased and I suspect that your responses will be skewed if they are interpreted as meaning that each department issued instructions. I issued instructions to my agency FOI officers.
10	Discretionary Releases are not popular with [REDACTED].
11	Only to say we should be more open and asked how many times we have made a discretionary release.
12	Foreseeable Harm statements required if withholding, otherwise, if unable to justify, release documents.
13	We received guidance from DOJ Guide and policy issuances.
14	ASAP Training We have received guidance from DoJ along with examples of discretionary releases, for example legal reviews; however, I am told by our [REDACTED] that they believe use of discretionary release will result in us being forced to release in the future (i.e. we are waiving the exemption) even though I have explained that is not the case. Having the [REDACTED] as an attorney has resulted in an attorney mentality that we are going to continue to withhold until challenged. [REDACTED] and FOIA staff need to be independently operated (similar to an IG) in order to make a
15	difference on discretionary releases.
16	"Run it past OGC first." FYI - FOIA is not in OGC at the Department I work for. It's ridiculous
17	DOJ guidance issued. Same as under AG Janet Reno.
18	Case by case basis.
19	DOJ
20	Verbal and written policy from DOJ and [REDACTED]'s OGC on the approach to "open government." A routine use was established for [REDACTED] to allow greater access to records that are needed by citizens who are
21	served by my organization.
22	OIP put out guidance.
23	Agency guidance issued by FOIA Office.
24	Advised again and again to add b5
25	Email from Department heads, however see comments to No. 17.
26	Discussed memos with FOIA officer and other attorneys in agency
27	If it will cause no harm, release

We have memos, instructions and checklists for everytihng we do in our department. We have created a special file on our shared drive for informtioan about discretionary releases. We are being more careful with them now and as always make sure that the requestor knows and

28 the file is documented that the release was discretionary.

29 I don't remember seeing any training specifically talking about discretionary releases.

30 If in doubl give it out.

31 From the [REDACTED] Office which our office sent to all other [REDACTED] offices.

32 Disseminated thru the chain of command

33 Are encouraged when there is no harm to a protectable interest.

34 This topic was covered in [REDACTED] FOIA training.

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35 American Society for Access Professionals (ASAP) training; [REDACTED] General Counsel for FOIA help desk; DOJ OIP FOIA help desk.

36 Process FOIA with the mind set of how much to release and not how much for withhold.

37 Yes, I was told what I already know.

38 Agency issued supplemental guidance to Obama and Holder memos.

The Department has only made a boilerplate statment saying to make more discretionary releases. More education needs to be provided to

39 program offices that may fight FOIA offices over what should be released.

40 AG Guidelines

FOIA Survey

How can an outside organization, like CREW, help improve the FOIA process for all involved?						
	Very Productive	Somewhat Productive	Neutral	Somewhat Counterproductive	Very Counterproductive	Response Count
Use the existing appeals process	10.6% (25)	19.9% (47)	<b>56.8% (134)</b>	6.8% (16)	5.9% (14)	236
Litigate appeals	5.1% (12)	13.6% (32)	<b>52.5% (124)</b>	14.8% (35)	14.0% (33)	236
Publish reports on the FOIA status quo	12.5% (29)	34.1% (79)	<b>45.7% (106)</b>	5.2% (12)	2.6% (6)	232
Place stories in the media on problems with the FOIA	16.8% (40)	26.5% (63)	<b>41.6% (99)</b>	9.7% (23)	5.5% (13)	238
Work with OGIS, the "FOIA Ombudsman"	21.3% (50)	28.1% (66)	<b>48.1% (113)</b>	1.3% (3)	1.3% (3)	235
Advocate for increased FOIA funding	<b>46.5% (113)</b>	23.9% (58)	28.8% (70)	0.4% (1)	0.4% (1)	243
Work with the National Archives to improve records management	35.3% (84)	24.4% (58)	<b>39.1% (93)</b>	0.8% (2)	0.4% (1)	238
Host meetings or panels for requesters and government	29.7% (69)	29.7% (69)	<b>38.8% (90)</b>	0.9% (2)	0.9% (2)	232
					Other (please specify)	48
					<b>answered question</b>	<b>245</b>
					<b>skipped question</b>	<b>118</b>

Number	Other (please specify)
1	Lawsuits are massively counterproductive. While the law provides that remedy, the end result is always interpreted as "FOIA is a problem." That decreases the ability of offices to hire the best incoming staff. Spending time with FOIA employees, as opposed to blaming them, will do the most good. Ask them what is wrong. Few employees are told to simply not cooperate. The big issues are funding, technology, and of course, the inability for people to find things easily. The expectation that agency employees can find things easily is a common misperception. They are not indexed electronically because they do not exist there, or they are some sort of hybrid. Spend more time speaking to employees and researching the nature of the problem, and there will be a better picture of how to fix FOIA processing.
2	Who will fund CREW to do these things? I have answered "neutral" for a number of questions because it simply depends on the circumstances. For example, litigating a request/appeal may be productive in some circumstances but counterproductive in others. We have not had any experience with the FOIA Ombudsman as yet, but I think, in theory, the concept may provide some benefits. Records management is often one of the greatest frustrations from a FOIA perspective; if records aren't being properly maintained and managed, responding to a FOIA request often entails inefficient fishing expeditions for responsive records. Additionally, for many agencies (mine included), FOIA is often an after thought that none of the mission-related staff want anything to do with (because it distracts them from doing the agency's work). Better funded and
3	staffed FOIA offices would be a benefit to the process. Take time to meet with senior agency leadership and stress the importance of proactive disclosure of information and FOIA, and how it can benefit the public. The likelihood of increased funding is nil, and litigation itself DOES not improve the FOIA process. It will get you attorney fees and the information, but for 12 years litigating FOIA for the Agency, it has not improved the FOIA process at all, and actually takes time away from senior staff providing proper FOIA counseling and training. I repeat, litigation is not a useful tool if your
4	organizational goals are concerned with improving the FOIA process within the government.
5	No idea Why don't you solicit input on legislative change? The feds were completely left out of the process when the OPEN Gov Act was passed, and that's a shame. The abuse of the statute is unchecked. The billing issue is more trouble than its worth, etc.
6	Address the needs and purposes of different Federal agencies, some agencies can release more than others. Most of us are at the "bottom end of the food chain and nothing will ever improve until that changes. When I walk down the hall & someone feeds higher than I do, but spends 50% of their time watching TV with very little responsibility, How hard do you think I work in getting FOIA's out on time ??????????????
7	Change will only occur after Congress looks at the law they have created (FOIA) and all of the statutory reasons agencies can exempt themselves from disclosure and figures out a way to reconcile the two.
8	I think the 4th question would be productive if it were phrases: place stories in the media regarding the FOIA. I think there may be as many "success" as "problem" stories.
9	Biggest limitation is the broad nature of some requests and the requesters not understanding the FOIA process. Also staffing limitations in the program offices with the responsive documents - time spent searching/reviewing documents is time taken away from them actually performing their jobs.
10	I think the media presents an unrealistic view of FOIA problems. Statistics such as "number of requests denied" and "number of times exemptions used" really mean nothing without knowing what the requests were.
11	
12	

Show specific examples of over-classification. The wikileaks military video is a good example of this. Why couldn't it be released?? And why did the DOD release all the DOCs only AFTER getting bad press. That's not how the law says it should work. Here's another example of over-classification (one of many).

13 <http://nsarchive.wordpress.com/2010/03/19/document-friday-released-in-a-sanitized-form-with-a-twist/>

Until Congress issues specific funding for FOIA programs, the situation will not improve. Agencies simply do not have the money to spend on FOIA programs when they need to do their "real" missions. The OGIS Ombudsman will do nothing to increase response times. In fact, it will delay them. The most productive thing you can do is to be realistic about agencies' capabilities without fenced funding for FOIA. My agency has seen a 30% increase in requests this FY compared to the same time period last FY. We've LOST full time equivalent employees and we are losing our contractors in September. We want to do it right. Bash Congress and the agency senior managers, not

14 the FOIA staffs.

Appeals should be made if it appears that more information should be made available and litigating doesn't serve a purpose unless

15 withheld information is properly releasable, the Agency being arbitrary and capricious.

The biggest problem is poor records management and poor attention to those "outside of the FOIA Office" for compliance with FOIA.

Advocating for FOIA to be a part of "everyone's" job would make it easier for us, sometimes I am asked why should anyone but me care

16 about compliance and everyone feels it is not their job to assist in agency compliance.

17 stop filing litigation

PUSH for "constructive denial" appeals! And, CREW, stop with the "we qualify for media fee status" based on one court case. You focus on that issue when most often the fees are waived or below threshold. OGC pulls resources and attention away from processing to focus on the few appeals. But if you file more constructive denials eventually you'll help the FOIA process by making OGC and program offices ease up on delaying getting records to the FOIA staff so we can process them and get them out the door. OGIS, you kidding? right now

18 they're just as effective as the phantom Chief FOIA Officers!

I know there are agencies that drag their feet but most of the time there is only one person in that FOIA position (with other duties) trying to coordinate with other staff members on the release of documents. Twenty days for a response is not a reasonable amount of time to turn on the FOIA side. I think good communication between the requesters and FOIA personnel is key with some understanding to work conditions. I personally have had to use the exacto knife for the first 1.5 years here - I JUST received redaction software. That took eight

19 months for approval; other staff members were considered higher priorities so I could not receive a license!

Lobby the government to change their contracting procedures, especially the database used to create contracts. All contracts should be proactively disclosed omitting the unit prices.

Inform the requesting community to obtain contract info from the sources available on-line rather than using the FOIA to try and obtain proprietary info. Companies use the FOIA to try and weasel the contracting system. I don't think the FOIA was intended to benefit companies trying to earn gov't contracts.

20 Lobby Congress to answer the unit prices question once and for all. Too much money and time is wasted reviewing contracts and that's about 90% of a bulk of the FOIAs where I work.

FOIA staff often have adversarial relationships with requesters and that should never be the case. I'm not sure what could be done to

21 improve this other than getting the two groups together so that both sides can understand the other.

22 Don't know what CREW is.

23 I don't know. Since I don't have full control, I don't know how an outside agency can help.

24 Not sure what you mean by the first two; maybe it is just too late at night!

25 I am not involved in this process. [REDACTED] FOIA office handles this.

slow processing and delays are in general a much bigger concern than withholding of information in terms of service to requesters; that

26 should be the focus of efforts to improve FOIA

27 I believe meetings/panels for requesters/gov is very productive as long as there is adequate and meaningful representation on both sides.

28 National Archives seems not to be interested in improving records management.

Appeals and negative news stories only worsen a FOIA professional's workload and the public's attitude that we are hiding info (we are not). If you only knew how hard we work! If records management and proactive disclosures via web sites were a performance requirement for managers, instead of something that employees can choose to do when they have time and inclination, the time to complete FOIA responses would improve. I don't see how NARA can help, unless the OIG is more powerful than I am aware. ASAP's panel discussion

29 don't affect change.

I think that we can continue to work and work to get the FOIA office to change the procedures but if Management at the mid level (GS-13,

30 14, 15 and SES) to above plus the Solicitor's are not behind the process then nothing will change.

Should promote the benefits of FOIA as much as the problems. For the FOIAs that are mishandled, hundreds are responded to in a timely

31 and appropriate manner

32 Don't know anything about CREW

33 Not really certain how to answer these questions on the previous subject. Have only had two FOIA requests

34 Write your Congressman, like every other private citizen.

The OIG is just one more layer adding to the confusion and back-log for actually processing requests in the field. Adding more layers of

35 oversight and reporting is not the answer to improving the FOIA process!!

The more requests, appeals and/or litigation filed with the [REDACTED] results in more work without funding and/or people to do the work. Bringing

36 the matter to Congress only makes more reporting necessary, which keeps individuals from processing/releasing records to the public.

Advocate to get full time FOIA positions, working only on FOIA's. Currently processing a FOIA request is only one of my many job duties.

37 Processing a FOIA request is a very timely and tedious manner.

Something as simple as a government policy that nonclassified releasable records can be reviewed and released by FOIA personnel without the numerous levels of clearance required, specifically General Counsel clearance, will accelerate the release of records process.

Establish a flat fee for certain agency specific records because, as is, hours are spent making fee determinations, making fee waiver determinations, and/or collecting and compiling fee estimates for fee notification letters, which directly impacts the ability to meet the 20

38 business day due date.

39 Not enough time has passed to make a clear determination

With regard to publishing reports on the "FOIA status quo," CREW needs to be keenly aware of how meaningless some of the statistics being collected can be without proper context. If CREW isn't in the offices trying to do the FOIA work, I don't know that CREW knows  
40 enough to "place (meaningful) stories in the media about problems with the FOIA."

Although probably inconceivable, provide individualized FOIA training at local level, by sending CREW representatives out into the field to train Agency sub-units [REDACTED]. On the personal, not only would I gain a wealth of information, but I would be totally honored to attend a training seminar given by Ms. Sloane or Ms. Weissman (another improbability). I am a fan and regular visitor of the CREW Web  
41 site.

42 Not part of process due to classification nature of our business.

Placing stories in the media on problems with the FOIA is a good idea, however it is very counterproductive if there are no  
43 recommendations on how to improve it.

Some FOIA employees believe that they cannot communicate with CREW once an appeal is filed. CREW could include language in its letters stating how it would be willing to work with agencies during the appeal process.

There needs to be more collaboration between Records Management and FOIA. Program offices don't understand FOIA and are late in giving records, provide the records or provide a data dump. More training is needed and better recordkeeping would help with this.

FOIA is treated as an administrative function and staffed with low level employees who are overwhelmed with making discretionary disclosures.

44 Reports of status quo only further burden the FOIA offices because Departments than require more datacalls regarding status.

45 I don't know what "CREW" is so I cannot comment.

46 CREW can really help by truly being non-partisan.

Unfortunately I think that appeals and litigation of a couple of our cases would make things more open. We have not had any interaction  
47 with the FOIA Ombudsman to date.

Allow people that actually process FOIA request and appeals and prepare annual FOIA reports to have an input in assisting to establish rules and regulations of FOIA and especially in drawing up the document of the FOIA annual report. The 20 day time frame for completing a FOIA has always been un-realistic. And with appeals, we do not even get the full 20 days. Once we receive an appeal, I contact the Initial Denial Authority (IDA) to retrieve all documents, i.e. records responsive to the case. It takes the [REDACTED] at least 10 days or more to provide the appellate authority with the documents. Therefore, we usually have only ten, to, most of the time five days to respond to the  
48 public. Therefore, this number should be changed to giving the [REDACTED] at least 30 days for processing a FOIA and or FOIA appeal.

Number	Are there any additional problems with the current state of FOIA that you would like to share with us?
1	Publicize the need for FOIA Professionals to "facilitate" request when they are ambiguous.
2	Additional training is needed
3	Until agencies make records management a priority, responding to FOIAs will always be difficult.
4	I think agencies should report to someone other than DOJ, they seem to miss the boat sometimes and its all about power. Getting records from variety of offices is priority for us, but not for them to resolve issue. Offices exceptionall defensive. Process takes
5	too long; general public has no idea of what is going on, or how it might affect them (if at all).
6	NO
7	No
8	(b)(1) application is a serious mess and one which is far too often ignored (even by this survey).
9	No The protectections afforded to personal privacy and law enforcement efforts were not affected or lessend by the Holder memo, but there is an awful lot of confusion about that. Many requestors, even professional requestors, believe that everything has been opened for release, and that is simply not true. There exists certain information that genuinely should not be released. Excluding agency
10	leaders, personal privacy is at the top of that list.
11	Support needs to start at the top and pushed down. Staff views FOIA as "burdensome" FOIA given low priority.
12	Funding and not being able to hire full-time FOIA employees is a problem.
13	Ensure that FOIA is a PRIORITY for all staff
14	Improve communication between agencies Arbitrary time tables set for completing requests without consulting the agency processing the request (prior release arrangements
15	had already been made).
16	20 days is unreasonable` Billing and invoicing costs more than its worth, but it's one of the few negotiating tactics available for unreasonable commercial requesters. What's the real cost of responding? It should be about 2 to 3 times more to process a request, than we can charge. Now look at the overhead for accounting, mailing, IT input, delinquent lists, etc. We also have a problem with abuse by both the media & certain commercial requesters. This wasn't intended to create a cottage industry, but when a single firm submits more than 1,000
17	requests in a year, that's the result. There's no incentive to work with gov't FOI officers. FOIA's for contracts and EO12600, and EFRR. ██████ gets punished (sued) for complying with FOIA. There needs to be a better way
18	to release contract records, other than FOIA. The FOIA was not intended for industrial spying.
19	None All government agencies should be required to give mandatory training on FOIA to new employees upon their entrance to
20	government. Reoprting is really overly detailed for a small agency. I two tier approvals -- a detailed report for large or poorly performing agencies;
21	and a short report for small agencies that are fairly responsive.
22	no

23 The law could be modified so FOIA request can be answered in 30 days as opposed to 20 days. This would greatly benefit those of us who process FOIA recommendations in a war zone.

24 Under President Bush's administration, a FOIA Improvement Program was launched that was/is amazingly counterproductive. Instead of lobbying for more resources, DOJ added more reports (bean counting) and complicated existing annual reports on FOIA activities. The end result is that agencies had even fewer resources to work on actual requests.

25 I think the deadlines are unrealistic for all but the simplest FOIA requests. For example, if we have to consult with 3rd party submitters of potentially confidential documents, that process alone can take 60 days (including time for them to respond to request and time to respond to our decision). Also, the fees system isn't very efficient and cost recovery doesn't actually result from it.

26 Time lags, over classification, an assumption that citizens don't have the right to know formerly classified information.

27 The Administration has raised expectations too high. Our appeal rate has increased significantly in FY09 and FY10 because requesters think that we are not applying the Administration's guidelines. Every appeal we have to process is time away from processing initial requests.

28 The average citizen requester does not understand the exemptions used to withhold certain sensitive records no matter how simple we make the explanation.

29 Certain Members of Congress and the press seem to believe that agencies staff are not trying to be responsive but from my perspective in this Agency, everyone tries to accomplish their legal duties in a timely fashion. The FOIA should be left alone for the next decade, maybe we can accomplish something without unnecessary changes taking up our time to change regs., SOPS, training, etc.

30 Agency Leadership should convey the importance of FOIA to the leaders, so that we can receive support for our program.

31 The largest problem is getting records from record owners. There is no penalty for them continuing to ignore your request for records making it nearly impossible to comply within 20 working days when it takes you weeks to get the records and then you are still stuck applying exemptions that apply, sometimes to thousands of pages of records.

32 severely outdated & abused

33 Individuals, rather than the FOIA Professionals, aren't being held accountable for non-compliance.

34 There is no career path for FOIA. Get a FOIA job series and then you might be able to give the "credibility by association" that Free search time for favored requesters. should be decreased to say, ten hours. This would reduce unnecessarily broad requests for "all records" pertaining to a subject matter -- which drain agency resources and worsen backlogs. Along the same lines, the fee waiver standard should be revised so as to prevent organizations from qualifying for waivers by merely repeating boilerplate language.

35 Lack of personnel and funding. Congress wants to improve the release of information but provide no resources or directive guidance for the commands to adhere to.

37 see question 19.

38 no

39 resources, resources, resources

40 No

41 It is a large system with physical and electronic records scattered across the US, the system being so large is cumbersome.

42 Convert the contractor position to GS, government jobs. We want to learn the WHOLE process not parts.

43 Would like to see our site get and start using FOIA Express

44 FOIA requests are flagged delinquent when more time is needed to do searches

45 technology is terrible. Current vendor products are not modern or robust.

46 N/A

Under the new guidance requesters feel that they should now have access to "everything" in the name of openness and transparency. Appeals have increased even though we are processing requests under the new guidance. Just because the number of denials did not decrease in our annual FOIA report - that does not mean that we are not complying with the new guidance. It means that we are

47 continuing to protect information that requires protection.

48 Listen more to experienced FOIA reviewers, less to FOIA officers who are merely performing administrative functions.

The 20 day processing time limit is unreasonable. By the time the request reaches my office because of all the layers above me, the request is already late.

49 There is quite a bit of time wasted when waiting for a consult back from another agency.

50 No

Every day I educate managers, staff and the public about FOIA. Many requesters do not know how to be specific about info being sought, to inform us of their fee category and amount they are willing to pay and demand immediate responses, when there are many

51 more requests than there are staff to process them.

Fees!! Every agency has something different and how they came about the formula is ancient. Need to be revised to reflect

52 consistency. Would also like to see user fee for oversight measures to the program that can not be waived by identity or waiver.

Huge lack of understanding in requester community. Agencies are forced to process ludicrous requests and waste tremendous resources litigating requests from requesters who have no concept of the mission and function of an organization and don't bother looking up the information. But according to the law, they must be treated just as any others. The fee structure needs to be

53 completely revised. Fees don't cover the costs and they add administrative burden.

54 New level of review by DOJ in sensitive cases; excessive micromanagement

we are understaffed, over burdened, not enough training, upper management doesn't understand what we are doing and why it can't be done in the time limits. We don't have the right tools, proper scanners, software and such. My personal problem is that I had a requester who had been fired from the base twice and owes the govt 70,000. He floods the FOIA office with requests and complains to the General, exec Director, his congressmen when his request are not done on time. upper management wants us to put him first when we have two hundred other requesters waiting patiently for their records. the other requesters are usually commercial and

55 wanting contract information. They play by the rules but this one requester doesn't and makes everyone else suffer.

56 NO

57 Technology is a problem. Many records are not electronically maintained and cannot easier be converted. Also, programing changes but records management doesn't keep up.

58 Need a new system for tracking and processing.

We are having issues with the relase of Settlement files. They do contain Proprietary Information - but not every word. The attorneys that we are assigned are making it impossible to release anything that has anything to do with a settlement. It has become a 59 nightmare.

FOIA professionals need more training. The ASAP conferences are great, but they are too expensive and we have to fight for available funds. I'm not sure how much longer we will be able to attend with our ever shrinking budget. I suggest the [REDACTED] come up with 60 a free training alternative or subsize the ASAP training. The yearly [REDACTED] is not enough.

Why does congress continue to believe that FOIA cost nothing to do but every agency i have been foia director for has been over 1million and congress continues to give no funding for this law that they want carried out and want immediate responsivness to. Agency have lack of resources in this area due to the fact that as long as it is not a line item on budget agency look at it as a burden not something that is significant. If we had money we could hire more staff and responses would be quicker and better. there would 61 be money for training of foia staff.

62 NONE

Special interest groups are repeatedly using the FOIA process to request voluminous amounts of records. They are justifying receiving the materials for free because they have a electronic distrubution and a web site. The size of the request has no impact on them but it is burdensome to us.

The highest paid FOIA person is the agency is the one who does the reports. The people processing the bulk of the work are low 63 grade administrative assistance. FOIA is a collateral duty of equal responsibility. It gets to take priority only because of deadlines.

64 I need additional FOIA training geared at my position in my agency, preferably geared toward the [REDACTED].

Declassification of documents / media less than 25 years old is an issue. The declass process is broken and FOIA officers are left 65 trying to figure out what to do and where to go to get a classified document declassified for release.

We're doing the best we can but have a VERY POOR example from the top. They want us to disclose but don't believe they're subject 66 to the law. That's about par for the course however - me thinks he protests too loudly - love that quote.

Too many NGOs and the public do not understand FOIA and the issues associated with responding to the request. Two examples are 1) the size of the records may be large, i.e, 10,000 pages, and come from multiple locations across the USA. 2) Just because they want a document, that does not mean they are entitled to the document. Other people have interests that the Gov't must protect.

Finally, the FOIA law does not enable the Federal Gov't to defend itself in court even though there may be a valid resaon to with hold a 67 record.

Being a Contractor, I just wish someone would look into how the government operates. Being nice to the customer has gone out the 68 window when some people retired.

Many requesters do not take the time to fully research issues and to narrow their requests prior to submission. Given the resource constraints of most agencies, the requester community could assist by defining requests more narrowly and taking into consideration the time it would take to gather and review the requested documents, especially considering that FOIA personnel often must compete with the operational priorities of the agency.

69  
70 Time Limits for processing contracts and classified requests...these normally take much longer than 20 days.

1, The tax-codish rules for levying FOIA fees ensures that agencies typically collect merely 1-3% of their costs for implementing FOIA, and these monies must be forwarded to the General Treasury. 2, Congress, while perernnially pontificating and making the FOIA an increasing burden on Executive Branch agencies, has never allocated a thin dime for FOIA implementation; costs come out of agencies' operating hides. One reaps that which one sows (i.e., So what do you expect?).

71  
72 None that I know off.

73 N/A

Why do we not have a centralized [REDACTED] process with a single system of software and server supported depository system. Why all the decentralized inefficient database systems that do not talk to each other!!!!

74  
75 Make all FOIA positions in government civil service positions for continuity and long term employment.

The "changes" in FOIA have amounted almost entirely to additional administrative oversight and additional reporting requirements; neither of which do anything to alleviate the staffing/training/funding issues that prevent the "real" work from getting done. "Openness" appears to be a political watchword, and in reality, there has been NOTHING done of any consequence to assist those doing the work to get it done better or faster.

76  
77 The time frame used to reply back to requesters really should be pased on the type of media and the amount of time estimated it may take an agency to respond. It shouldn't be so cut and dry to just 20 days.

It would be interesting to seem how many Departments provide training in-house, what it involves, how often it is done. Some FOIA offices are also responsible for updating the FOIA web pages (including making documents 508 compliant)--for small offices the negatively impacts processing requests. Departments need to provide more expertise to help FOIA officers meet all of the requirements.

78  
79 None, that I can think of at this time.

At my location, FOIA is an additional duty to everyone involved in the process. We have other responsibilities and not enough manpower to process requests.

80  
There are three groups of employees at this agency and leaders of these two groups are constantly vying for control over the other. These two leaders don't think they have to abide by the any rules or regulations so they just take their time in getting the FOIA searched and reviewed. Especially, one of the leaders like to stir chaos by directing one or two her bully assistants to contact the third party like an attorney for one of the tribes and creating a big issued than what's requested and keeping the FOIA coordinator in the loop. It's always political, noboy wants to say anything to some individuals. They have no respect for the FOIA process.

81  
82 No

Allow people that actually process FOIA request and appeals and prepare annual FOIA reports to have an input in assisting to establish rules and regulations of FOIA and especially in drawing up the document of the FOIA annual report. The 20 day time frame for completing a FOIA has always been un-realistic. And with appeals, we do not even get the full 20 days. Once we receive an appeal, I contact the Initial Denial Authority (IDA) to retrieve all documents, i.e. records responsive to the case. It takes the [REDACTED] at least 10 days or more to provide the appellate authority with the documents. Therefore, we usually have only ten, to, most of the time five days to respond to the public. Therefore, this number should be changed to giving the commands at least 30 days for processing a FOIA and or FOIA appeal.

83

Number	Do you have any additional ideas to fix the current issues with FOIA?
	Reduce the scope of exemptions #3 and 4. There should be more openness in contracts and proposals if government id to get less
1	expensive.
2	Training and funding
3	Invest in records management systems, training, and staffing to be proactive about building good records rather than in response to FOIAs.
4	A seperate series must be implemented to keep FOIA personnel in the career field. No room for advancement under the current situation.
5	not at this time.
	Sit down and discuss problems with agencies and FOIA staffs. Find a way to get to the staff who work the requests on a day to day absis, snd you will get a real picture. Do not just focus on DOJ - go to agencies all over the place, and really study what is happening. Use OGIS to
6	coordinate the work. Dig deeper and there might actually be some real changes.
7	None
8	I'm not sure what the issues are - we release what we can, and what is not releasable, we won't release.
	Help senior political leadership practice what they preach by helping to demonstrate that focusing on keeping the public and interest groups apprised of current policy development will actually benefit their agencies by stressing the policy over a battle over withholdings! It's a real
9	waste of time and resources.
	The administration should ask congress to redefine/rewrite the FOIA and its exemptions to eliminate any discretionary withholdings that both branches believe to be innappropriate. Otherwise, the government's approach to FOIA will continue to bounce between release and withhold
10	with changes in administrations.
11	Do away with FOIA processing fees which are labor intensive and hard to collect.
	Many requests are for "any and all" information. This is very broad and contributes to much of the delayed time in processing requests.
	Making a request for "specific records" would seem more logical and productive. It's as though requesters are on fishing expeditions and
12	looking for everything but not necessarily needing everything.
13	Align funding levels for FOIA and Records with IT funding
14	Use a online redaction/tracking system across departments agencies
	A better educated public both individuals and professional FOIA requestors in describing what they are looking at instead of sending agencies
15	on fishing expeditions for anything and everything when they know what it is they are looking for.
	Find a way to bring the focus to the higher levels of management so that they understand and appreciate our deliemma in trying to get these
16	requests out in a timely manner.
17	educate requesters to simplify and narrow requests to only the docs that they are interested in
	I think each FOIA Officer should give classes each year to employees in their organization and explain what kinds of documents should be kept and how to respond to various requests. I do that and I put articles in employees newsletters. The more organized your employees are
18	the better and quicker you will be able to respond to requesters.

- Put a limit on the number of requests which can be submitted in a year. I would expect the media to complain, but they aren't the problem - it's the info re-sale businesses. Also see above, re billing & charges. This is far more complex than generally recognized. Start tracking open requests which have had a partial response issued (which will be a significant percentage of the total number of open requests). Insert limits on volume of materials which can be processed - some of our requests run into the thousands of pages, and there's no incentive for the requester community to take the needs of the federal agency into account when submitting a request, or when contacted to scope
- 19 down/negotiate a request.  
The control system at [REDACTED] needs to be upgraded to be faster and more efficient.  
There needs to be a senior specialists to provide education, and to work the more difficult issues at the [REDACTED].
- 20 There needs to be the proper FOIA staffing at the [REDACTED].
- 21 When a contract is created, the contractor & CO should create/negotiate a releasable portion of all related records and post on agency EFRR.
- 22 None
- 23 Agencies should have certifice technology such as tracking systems to use with their programs
- 24 FOIA is interesting and can be exciting -- there should be a way to convey this to the general public as well as to government.
- 25 no
- 26 None.  
Create a new catagory of exemption for requests that are just totally off the wall. Why should Federal employees spend time and taxpayer
- 27 dollars responding to requests for UFO data?  
Educate requesters - we are here to be responsive to their requests. At the same time, requesters need to understand that requests that begin with "any and everything, in any medium, related to..." constitutes the beginning of any overly broad requests. The more specific the
- 28 request, the easier and faster it can be responded to.  
Revamp the timing and fees portions of the law to make them more flexible. This will result in better service to the requestor and enable the
- 29 FOIA professionals to work more on the requests rather than filling out tables and calendars....
- 30 Less stringent classification standards. Classification should be the exception, not the general practice.  
Congress needs to do a budget request from each agency for optimum FOIA staffing and support. Then they need to walk the talk by funding at the level the agencies say they need. Then they need to hold agency managers feet to the fire, if they don't produce results after receiving
- 31 the funding they requested.  
I would like to see agencies publish more literature/web information on (1) the types of information/records collected by the agency and frequently requested under the FOIA and (2) plain english descriptions for the exemptions used by the agency to withhold certain information contained in those types of records. Some requesters believe they do not have the same access privileges as others. If examples are printed for all to see, requesters may trust the Feds more and gain a better understanding of the agencies' records/need to protect certain types of
- 32 information.
- 33 What are the current issues?? Agencies do not have huge FOIA staffs are \$\$ to spend on helpful technology.
- 34 Provide standardized FOIA position descriptions and adequate funding for positons

Have a way to track when taskings are sent to record owners and when they responded and make it mandatory to have this included in their performance appraisals as a "critical" function. In addition, modify EO 12,600 requiring that contractor's submit any objections to release of information within contracts under (b)(4) at the time the contract is awarded, complying with the EO 12,600 in itself and giving them a "reasonable amount of time" - usually 10 working days if we e-mail the submitter's notice, makes it impossible to comply with FOIA response timelines.

Additionally, modify the "Review" time for "all other" requestors, specifically if the information will not reveal insight to government operations as a whole, allow us to charge them review time. We waste A LOT of time on record searches for agency personnel that are having disagreements with supervisors/other employees asking for voluminous e-mail records, and when we can't respond in 20 working days (because the record search results in hundreds of pages of records requiring review), we can't charge them anything, yet it sheds absolutely no light on how we conduct business, it only shows how two employees conducted business.

- 35** I also believe that the funds collection in response to FOIA requests should be put into an escrow account that the FOIA office can use to congress needs to hear from FOIA officers - but it will never happen - nor do they really want to know - agencies hide behind FOIA - it's a
- 36** game
- 37** 1. Hold individuals accountable for non-compliance; 2. Make individuals financially accountable for non-compliance; 3. Publicize actions taken against agencies and individuals who are non-compliant.
- 38** focus on inter-agency standards
- Educate requesters. The law does not say you'll get what you requested in 20 days. it says you'll get a determination of whether your request is accepted for processing. And educate OIP staff to not be stupid. The "release to one is a release to all" is not true. "Release to one third-party requester is a release to all third-party requesters." That is more accurate. But a release to a first party requester is not a release to all -
- 39** unless you have signed consent from the first party.
- 40** Update and modernize Position Descriptions. Adopt a certification program.
- 41** Career program for FOIA professionals, command leadership help.
- Yes, change the way contracts are proactively disclosed. Senior DOD leaders need to force subordinate commanders to get involved in the
- 42** process and not pass it off to attorneys.
- 43** FOIA personnel need to read and study 5 USC 522 and the executive order
- 44** no
- 45** Adding more training to any new personnel to the FOIA process.
- 46** educate requesters
- 47** No
- 48** No
- Have more people check into all the backlogged cases and get them off the books. Too many agencies sit on the request for too long of a
- 49** time and by time they are sent to another agency for review, they are sometimes 1-2 yrs late.
- It will take some time for this philosophy to trickle down, but I believe there will be an overall comfort develop overtime with the new
- 50** administration in adhering to the new open government policy.
- 51** More staff

- 52 Have the system updated to reflex that FOIA is being worked and not flag them delinquent.  
FOIA is way to siloed; FOIA operations need to be integrated into other information programs at agencies (e.g., Web operations,  
53 communications, etc.)  
54 N/A

- 55 Need more resources that will be dedicated strictly to FOIA and cannot be moved around the agency to fill other agency priority positions.  
56 Work to combine classified FOIA with MDR into one regulation.  
Make it a 45 day turn around to process a request.

- 57 Make there be a maximum 60 day turn around to return consults.

- 58 No  
Educate the public how to make proper and reasonable requests. Educate agencies that the workload and importance of FOIA demands  
59 more funding for staff. DOI needs to have FOIA training available. ASAP is great and the only resource for me.

Things don't change overnight in the Federal Government. Lobbying for additional resources is nearly impossible. Funding goes to mission related activities. Changes will be slow, but I firmly believe that ALL FOIA professionals are sincerely trying to make improvements and always have. Reporting requirements need to ask the right questions. Statistics are easily manipulated to reflect whatever the presenter wants them to. The media needs to be better informed about the FOIA process and the importance of protecting national security information. When Mr. Steven Aftergood defends the Federal FOIA Professionals, we have to ask ourselves what has happened and why. [REDACTED],

- 60 every moment of my time is spent trying to keep cases moving. I wish I had time to participate!

- 61 Go back to the Reno doctrine-- use harm as a basis for redactions  
Need more staff at each base. Need higher grade people. Management needs to learn about FOIA or listen to their FOIA Managers. Contracting should have FOIA training as part of their professional training. they should have FOIA training to receive their level 1 and 2 contracting certificates. They should have even more FOIA training before receiving their warrant to become a Contracting Officer.

- 62 Contracting should also be give more staff to work FOIAs.

- 63 NO  
Require training for staff and those officials (Solicitor's office) providing guidance and provide a specific budget for training of FOIA issues.

- 64 FOIA employees should be upper graded positions.

- 65 [REDACTED] is running well

- 66 Staffing; and educating requesters to have realistic expectations of what their request will provide. Requests need to be specific, not general  
67 need additional staff

- Make the reporting easier. We are trying so hard to get the FOIAs out timely - but we spend a lot of time reporting and doing other things so  
68 people can check to make sure we are doing our jobs- but the constant checking on us is disruptive to out over all productivity.  
If OPM could make FOIA a job series rather that having a mix match of job titles you may really get people who are qualified to do these jobs  
69 when you adverstise and not just someone who wants a government job.

70 NONE

Tighten the definition of news media.

Upgrade the administrative assistances who process FOIAs. Make FOIA a position priority so they can be given the needed priority before a response reaches its deadline.

71

Send me some information. My immediate need is a checklist or crash course on the correct procedures or actions expected of me as the

72 Agency Contact person or Coordinator.

Prior to the release of any declassified document, there should be an AGENCY level panel of subject matter experts which reviews the document prior to release to ensure the protection of classified info that could endanger national security or our Soldiers, but also to ensure

73 that everything which can be released, IS released.

74 Tell the administration to practice what they preach and we'll take their suggestions seriously.

We need additional time because the 20-day is less than that we have to prepare an administrative record and submit it to a Federal District Court.

We have to do the same search, review and release the records. So all the processes for litigation are the same as responding to a FOIA

75 request, so why not give us the same time for a FOIA request as we would have for responding to litigation.

Make all involved in FOIA government positions. That way we all have a voice as to how things should be accomplished. I want to reply 'no' to number 22 below, but I can not and also be able to put in a comment. I would love to participate, but being a contractor does not allow me

76 to make suggestions without static following...at least at [REDACTED] ...at least since the last FOIA Chief retired.

Proofread your products before you release them. Question #11 - 11. Are you aware of the FOIA Memo from Attorney General Eric Holder

77 dated March 19, 2009?

I think the best idea for improving the FOIA program is the staffing issue. Many FOIA Officers or Liaison personnel perform more than one

78 function under Records Management, and FOIA is a full time job

79 Create and implement full time FOIA positions in all levels of [REDACTED], not just in the DC offices.

Work to either: 1. Compel Congress to fully fund FOIA implementation; or 2. Compel Congress to make the FOIA applicable to itself (adding the Judicial Branch would be icing on the cake)--the inevitable consequences of THAT would set things right in short order.

80

Requesters must also keep an open mind relating to the shortage of manpower to deal with FOIA requests; and organizations such as CREW

81 must not automatically infer that a delayed response equals a refusal to produce the records.

82 No

83 N/A

84 Please centralize the core FOIA processes!!!

85 More funding

86 Provide more information to the public about what is releasable versus what is not.

Funding is a huge part of the problem. ASAP offers great training and panels for new FOIA personnel. There should be some type of advance training for more seasoned FOIA processors. Also specific agencies should have training specific to their agency for their personnel

87 and provide that training to other agencies personnel.

FOIA is treated as a collateral duty that is not given priority or respect. Departments need to review the skills set needed and make sure they

88 are hiring the right people.

89 Increasing the response time from 20 days to 30 days.

90 More manpower (at my location) -- hire a person to deal specifically with FOIA issues and requests.

Nothing is ever going to change because in the 18 years I've here, the employees are the same and everything is political. It's the cultural and the third-world mentality that will never change. Selecting individuals that have no leadership skills are our leaders at the [REDACTED]. At this agency,

91 [REDACTED] have all the power, it's political.

92 No

improved access to records schedules and preliminary finding aids for unprocessed records makes for more informed (and tighter) FOIA

93 requests - improved records management at agencies and transparency in its records management is critical

Change time frame for processing FOIA's to 30 days instead of 20.

Funding should be provided for training for all new military and civilian personnel that are required to work on FOIA.

Allow the people that actually process FOIA request and appeals to have an input in assisting to establish rules and regulations of FOIA and

94 especially in drawing up the document of the FOIA annual report.