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Federal Agencies Are Failing to Uphold Obama's Stated Commitment to Transparency

By Rebecca J. Rosen

A new report for the National Security Archive shows the majority of agencies lagging far behind in complying with a 2009 presidential order.



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On President Obama's very first full day as president in 2009, he issued a memorandum to the heads of federal agencies that said, in so many words, time to get serious about the Freedom of Information Act (FOIA). "The Freedom of Information Act should be administered with a clear presumption: In the

face of doubt, openness prevails," [Obama declared](#). He continued, "All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government." Two months later, Attorney General Eric Holder issued new guidelines to agency heads, urging them to streamline their FOIA process and make more information available.

But despite this urging, many agencies haven't exactly prioritized FOIA compliance. A new audit from the National Security Archive found that 62 of the 99 government agencies have not updated their FOIA regulations since then and the vast majority of those -- 56 -- have not even updated them since the passage of the OPEN Government Act of 2007, which "mandated that agencies reform their fee structures, institute request tracking numbers, publish specific data on their FOIA output, and cooperate with the new FOIA mediators at the Office of Government Information Services." Additionally, only six agencies (NARA, the EPA, Commerce, Treasury, the Federal Labor Relations Authority, and the Merit Systems Protection Board) have joined [FOIAonline](#), a one-stop shop for making and tracking FOIA requests.

Government agencies are not known for being nimble but this kind of foot-dragging is the result of more than some sort of inherent difficulty in the task: Administrators who are capable and care about FOIA can (and have) made progress. The problem lies in getting the slower agencies to follow the president's directive. Right now, that responsibility falls to the Office of Information Policy at the Department of Justice, but Nate Jones of the National Security Archive would like to see more enforcement coming from the White House directly. "If Obama is serious about ensuring his pledges on transparency are met," he told me, "the White House needs to install a 'FOIA bulldog' to monitor and ensure that the agencies he leads are not ignoring the law." Until that kind of force is behind the White House's push, greater transparency will remain a promise with little effect.

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