

GAO Highlights

Highlights of [GAO-13-650](#), a report to the Committee on Oversight and Government Reform, House of Representatives

Why GAO Did This Study

The *OPEN Government Act of 2007* amended FOIA and established OGIS within the National Archives and Records Administration to provide oversight and assistance to federal agencies in implementing FOIA. To evaluate how effectively the office is meeting its responsibilities, GAO assessed the actions that the office has taken to (1) implement its responsibilities for reviewing agencies' policies, procedures, and compliance with FOIA; (2) mediate disputes between FOIA requesters and federal agencies; and (3) recommend policy changes to Congress and the President and develop and issue guidance and best practices to improve the administration of FOIA. To do so, GAO analyzed documents describing the office's plans and activities for conducting reviews, mediation case files, and documents describing its policy recommendations made to Congress and the President and its guidance and best practices. GAO also interviewed officials at relevant agencies.

What GAO Recommends

GAO is recommending that OGIS fulfill its statutory responsibilities by establishing (1) a time frame for completing and implementing a methodology for proactively reviewing agencies' policies, procedures, and compliance with FOIA requirements and (2) measures and goals for its mediation services. In written comments on a draft of the report, the National Archives and Records Administration concurred with the recommendations.

View [GAO-13-650](#). For more information, contact Valerie C. Melvin at (202) 512-6304 or melvinv@gao.gov.

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FREEDOM OF INFORMATION ACT

Office of Government Information Services Has Begun Implementing Its Responsibilities, but Further Actions Are Needed

What GAO Found

Since its establishment in 2009, the Office of Government Information Services (OGIS) has provided comments on proposed *Freedom of Information Act* (FOIA) regulations for 18 of 99 federal agencies that administer FOIA, as well as a number of *Privacy Act* system of records notices. While OGIS has suggested improvements to a number of those regulations and notices, it has not performed the reviews of regulations and notices in a proactive, comprehensive manner, and has not conducted any reviews of agencies' compliance with the law. In addition, since it was established 4 years ago, the office has not developed a methodology for conducting reviews of agencies' FOIA policies and procedures, or for compliance with FOIA requirements. OGIS is in the early stages of developing a methodology for conducting such reviews, but has not established a time frame for completion. Until OGIS establishes a methodology and time frame for proactively reviewing agencies' FOIA policies, procedures, and compliance, the office will not be positioned to effectively execute its responsibilities as required by the act.

OGIS is providing mediation services and is resolving disputes that might otherwise go unresolved or lead to litigation, although not all of its efforts have been successful. OGIS has achieved positive results for about two-thirds of the cases reviewed by GAO where mediation services were provided. For example, in several cases, one or both parties took action or modified their position after OGIS's intervention. Nevertheless, the office lacks quantifiable goals and measures for its mediation activities, as required by law. For example, it does not have goals to measure timeliness or success. Without these important management tools, OGIS cannot determine how effectively its mediation services are in improving the implementation of FOIA.

Since April 2012, OGIS has issued nine recommendations to Congress and the President aimed at improving the administration of FOIA. These recommendations focus on areas where OGIS could help agencies improve their FOIA processes as well as areas where its role could be made more effective. These recommendations were based on its ongoing work with federal agencies and with members of the public. In addition, while not required to issue guidance or best practices, the office collects best practices for improving FOIA processing from several sources, including its reviews of agencies' annual FOIA reports and mediation case files, as well as anecdotally from persons involved in mediation cases facilitated by the office. OGIS shares these best practices in its annual reports and on its website and blog.