



# File Not Found:

10 Years After E-FOIA,  
Most Federal Agencies Are Delinquent

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- Pseudo-Secrets: A Freedom of Information Audit of the U.S. Government's Policies on Sensitive Unclassified Information (March 14, 2006). <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB183/press.htm>
- A FOIA Request Celebrates Its 17th Birthday: A Report on Federal Agency FOIA Backlog (March 12, 2006). <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB182/press.htm>
- Justice Delayed is Justice Denied: The Ten Oldest Pending FOIA Requests (November 17, 2003). <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB102/press.htm>
- The Ashcroft Memo: "Drastic" Change or "More Thunder Than Lightning"? (March 14, 2003). <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB84/press.htm>

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## EXECUTIVE SUMMARY

In 1996, Congress sought to revolutionize disclosure of government information to the public by directing federal agencies to use the Internet to make more information publicly available. Congress saw on the horizon huge returns: more public access to important government information and less time and money spent at agencies to process Freedom of Information Act (FOIA) requests.

Ten years after the provisions of the Electronic Freedom of Information Act Amendments (E-FOIA) came into force, the Executive Branch still has not obeyed Congress's mandate for change. The National Security Archive's Knight Open Government Survey of 149 federal agency and component Web sites found massive non-compliance with E-FOIA. The poor state of agencies' FOIA Web sites forces the conclusion that not only did the agencies ignore Congress, but lack of interest in FOIA programs is so high that many agencies have failed even to keep their FOIA Web sites on par with their general agency Web sites. Congress's best intentions have not had the desired impact.

Key findings of the Knight Open Government Survey are:

- **Only about one in five (21%) of the agencies reviewed had on its FOIA site all four categories of records that Congress explicitly required agencies to post.** (See Figure 1.) This audit found 41% of the agencies had not even posted frequently requested records. (See Figure 2.) Agencies have generally failed to use the Internet as a means to reduce the FOIA burden by posting as a matter of course records related to matters of strong public interest or categories of records generally requested by the public.
- **Only one in sixteen agencies (6%) had on its Web site all ten elements of essential FOIA guidance that the Archive's audit identified based on the E-FOIA statute, legislative history, and DOJ guidance.** (See Figures 3 and 4.) These include basic information on: (1) where to send a FOIA request (by mail and by fax or electronically), (2) fee status, (3) fee waivers, (4) expedited processing, (5) reply time, (6) exemptions, (7) administrative appeal rights, (8) where to send an administrative appeal, (9) judicial review rights, and (10) an index of records or major information systems.
- **Only about one in three agencies (36%) provided required indexes and guides to agency records, and many of those are incomprehensible or unhelpful.** The guidelines for major information system indexes and the related Government Information Locator Service (GILS) program need a major overhaul.

### WHAT CONGRESS INTENDED: TRANSFORMING FOIA

**Revolution in Web access.** Most government documents available on the Web as a matter of course. When agencies anticipate significant public interest in a topic or event, they post key records before FOIA requests are received.

**Fewer FOIA requests.** Public has immediate access to vital records online without adding another FOIA request into the backlogged system.

**Valuable FOIA tools.** Agencies provide FOIA requesters with information they need to make a request and comprehensive guides to agency records, reducing the administrative burden.

### THE REALITY: 10 YEARS LATER

**Agencies have not obeyed the law.**

- Only 1 in 5 posts all required records.
- Only 1 in 16 provides complete guidance for requesters.
- FOIA Web sites are poorly organized, difficult to use.

- Agencies have not incorporated many useful online tools that could ease their processing burden. **Only about one in four agencies (26%) has developed a Web-based FOIA submission form.**
- **Many agency FOIA Web sites are poorly organized and difficult to navigate.** Even on sites that provide some or all of the required materials, users may be unable to find the information they are seeking because agencies have not made an effort to design user-friendly FOIA sites. The organization of decentralized agency Web sites in particular is more likely to confuse FOIA requesters than help them. These agencies must establish agency-wide policies and exercise direction and oversight over their components' FOIA programs, particularly in the area of E-FOIA compliance.

Agencies clearly have failed to keep pace with the revolution in access to information. Today, nearly three-quarters of the adult public has Internet access, and the Web has become a principal means of conducting a broad range of personal and business communications. Yet the Knight Open Government Survey showed extremely disparate levels of effort by agencies to use FOIA Web sites as a means to communicate with the public.

There are several outstanding agencies whose efforts in complying with E-FOIA demonstrate that the burden of the law is not too high. For example, the National Aeronautics & Space Administration has **proactively posted records of great interest to the public**, such as those related to the Space Shuttle Columbia disaster. Also, the Department of Education **provides excellent guidance and tools such as online forms for FOIA requesters**. However, this audit identified a much larger number of agencies that are delinquent in complying with E-FOIA. For example, Immigration and Customs Enforcement (a Department of Homeland Security component) **has no dedicated FOIA page** at all; and the Air Force has **not posted any of the required records**. The Archive has sent letters to the Chief FOIA Officer or other FOIA administrator at each of the worst agencies, laying out the deficiencies found in their FOIA Web sites and recommending improvements.

No authority has compelled federal agencies to comply with the E-FOIA Amendments. This dearth of Executive Branch leadership and Congressional oversight on E-FOIA matters has allowed many agencies to remain far out of compliance for far too long. It is time for FOIA finally to catch up with the information revolution.

## ★ THE E-STARS: BEST OVERALL AGENCIES ★

In alphabetical order

### Department of Education

★ Goes above and beyond what is required with guidance and tools for requesters ★ Good guide, FAQs, FOIA request and appeal checklist ★ Excellent online FOIA appeal and request forms ★ Most of the required documents are available ★ <http://www.ed.gov/policy/gen/leg/foia/foiatoc.html>

### Department of Justice

★ Portal scheme links component FOIA sites and reading rooms ★ Excellent FOIA Reference Guide ★ Comprehensive index of major information systems ★ Well-organized electronic reading room ★ <http://www.usdoj.gov/oip/>

### Federal Trade Commission

★ Well-organized electronic reading room with extensive records ★ Good guidance ★ FOIA request checklist ★ <http://www.ftc.gov/foia/>

### National Aeronautics & Space Administration

★ Uses portal scheme to link all component FOIA Web sites ★ Good proactive disclosure (posted materials related to Space Shuttle Columbia) ★ Comprehensive guidance ★ <http://www.hq.nasa.gov/office/pao/FOIA/agency/>

### National Labor Relations Board

★ Excellent navigation scheme ★ Site is well organized and very easy to follow ★ Good guidance ★ Electronic reading room with a lot of available information ★ <http://www.nlr.gov/FOIA/>

The screenshot shows the U.S. Department of Education's website. At the top, it says "ED.gov U. S. Department of Education Promoting educational excellence for all Americans". There is a search bar and a "GO" button. Below the header, there are tabs for "Students", "Parents", "Teachers", and "Administrators". The main content area is titled "Freedom of Information Act (FOIA)" and includes a "FOIA e-Reading Room" section. The "FOIA e-Reading Room" section explains that the U.S. Department of Education (ED) makes certain types of records, created by the agency on or after November 1, 1996, available electronically on the Internet. It lists several categories of records available in the e-Reading Room, including frequently requested information, recently added documents, decisions rendered in the adjudication of administrative cases, final statements of policy, annual FOIA reports to Congress, and other documents, including ED's Records Disposition Schedule. There is also a "What's New" section with three items. Below that is the "FOIA Conventional Reading Room" section, which states that ED also maintains a conventional reading room where paper copies of all the documents mentioned above are available for inspection and copying. The primary ED reading room is located at the National Library of Education, 400 Maryland Ave. SW, Plaza Level (Level B), Washington, D.C. 20202, with hours from 9:00 AM to 5:00 PM, Monday through Friday. The right sidebar contains a "SECRETARY'S CORNER" section with links to "No Child Left Behind", "Higher Education", "American Competitiveness", and "Meet the Secretary". Below that is a "No Child Let Behind" banner and a "Related Topics" section that says "No Related Topics Found".

An example of an E-Star electronic reading room.

## 👉 THE E-DELINQUENTS: WORST OVERALL AGENCIES 👈

In alphabetical order

### [Air Force \(Department of Defense\)](#)

✖ Two distinct FOIA sites, one hidden from main agency home page ✖ Minimal guidance ✖ No required records ✖ Several broken links ✖ Inaccurate information for some sub-components ✖  
<http://www.af.mil/foia.asp> and <http://www.foia.af.mil/>

### [Department of Defense](#)

✖ Poor site structure and design ✖ Disorganized, unsearchable electronic reading room ✖ Many required documents could not be located ✖ <http://www.dod.mil/pubs/foi/>

### [Department of Interior](#)

✖ No guidance currently available ✖ Poor organization and badly-identified links ✖ Difficult to navigate ✖ One large component, Bureau of Indian Affairs, has no FOIA site ✖ <http://www.doi.gov/foia/>

### [Department of Labor](#)

✖ No central reading room and no required documents available ✖ Several components (ETA and EBSA) lack FOIA sites ✖ <http://www.dol.gov/dol/foia/main.htm>

### [Federal Labor Relations Authority](#)

✖ Two distinct FOIA pages, each very difficult to find from main site ✖ Poor guidance ✖ No required records available ✖ <http://www.flra.gov/hdbook4.html>

### [Immigration & Customs Enforcement \(Department of Homeland Security\)](#)

✖ No dedicated FOIA page ✖ Very limited guidance ✖ No required documents ✖  
<http://www.ice.gov/about/legal.htm#foia>

### [Office of the Director of National Intelligence](#)

✖ No guidance for requesters, only contact information provided ✖ Limited electronic reading room ✖  
<http://www.dni.gov/foia.htm>

### [Office of National Drug Control Policy](#)

✖ No substantive guidance ✖ No required documents except annual reports ✖ Poor navigation ✖  
<http://www.whitehousedrugpolicy.gov/about/foia.html>

### [Small Business Administration](#)

✖ Very poorly organized site, particularly guidance materials ✖ Few required documents available ✖ Documents and information very difficult to locate ✖ <http://www.sba.gov/aboutsba/sbaprograms/foia/>

### [Transportation Security Administration \(Department of Homeland Security\)](#)

✖ Limited guidance for requesters ✖ Few, poorly-identified records in electronic reading room ✖ Difficult to navigate ✖ <http://www.tsa.gov/research/foia/index.shtm>

### [U.S. Trade Representative](#)

✖ No FOIA link on agency home page ✖ No required documents identified on FOIA site ✖ Guidance scattered and incomprehensible ✖ [http://www.ustr.gov/Legal/Reading\\_Room/FOIA/Section\\_Index.html](http://www.ustr.gov/Legal/Reading_Room/FOIA/Section_Index.html)

### [Department of Veterans Affairs](#)

✖ Very limited guidance ✖ Site is poorly organized ✖ Information is difficult to locate ✖ Several broken links to required documents ✖ <http://www.va.gov/oit/egov/rms/foia.asp>



## INTRODUCTION

Computer-based information technology emerged as an indispensable tool for the general public in the 1990s. Personal computers, e-mail, databases, and the Internet became commonplace. The Clinton Administration and Congress were quick to see the trend and recognize the critical role such technology could play in improving government interaction with the public. As President Bill Clinton stated in 1993: “the federal government spends billions of dollars collecting and processing information . . . [but] many potential users do not know that it exists or do not know how to access it. We are committed to using new computer and networking technology to make this information more accessible to the taxpayers who paid for it.”<sup>1</sup>

Against this backdrop, Congress examined the plodding, backlogged, inefficient FOIA system at federal agencies and found it mired in the past. Determined to bring the agency FOIA programs into the technological present, Congress passed the Electronic Freedom of Information Act Amendments of 1996 (E-FOIA). E-FOIA sought, among other things, “to encourage on-line access to Government information available under the FOIA. . . . [Such access would] result in fewer FOIA requests, thus enabling FOIA resources to be used more efficiently in responding to complex requests.”<sup>2</sup>

As we mark the tenth anniversary of the E-FOIA Amendments, however, the promise of a revolution in access to information remains unfulfilled. The transformation Congress envisioned was thwarted by noncompliance at many federal agencies and only halfhearted compliance at most others.

In passing the E-FOIA Amendments, Congress mandated a new solution to the backlog and resource problems plaguing FOIA administration: make more commonly requested records available to the public as a matter of course, a measure that would not only dramatically underscore the principle of open government, but would also reduce the number of FOIA requests clogging the system. This concept was revolutionary because it had the potential to shift the FOIA from the principal means for the public to access government information into an exception to the rule of access to open records.<sup>3</sup>

The provision of the Amendments that is potentially the most powerful requires agencies to make available electronically those records that the agency determines “have become or are likely to become the subject of subsequent requests for substantially the same records”<sup>4</sup>—now commonly referred to as “frequently requested records.”<sup>5</sup> This approach offers benefits for agencies and requesters alike, as it removes much of the administrative burden for matters of strong public interest. It is far more consistent with the original purpose of FOIA, as expressed by President Johnson when he signed the bill into law: “[A] democracy works best when the people have all the information that the security of the nation will permit.”<sup>6</sup>

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<sup>1</sup> William J. Clinton and Albert Gore, Jr., *Technology for America's Strength: A New Direction to Build Economic Strength*, Government Printing Office (Washington, DC: February 1993).

<sup>2</sup> House Committee on Government Reform and Oversight, *Electronic Freedom of Information Amendments of 1996*, 104th Cong., 2nd sess., 1996, H.R. Rep. 104-795, 11.

<sup>3</sup> According to one commentator, the 1996 amendments altered the FOIA system such that “[a]n agency is no longer permitted to passively await requests and respond to each request one-by-one—a process that can delay access to records that have already been released for months or years.” Michael Tankersley, “Introducing Old Duties to New Technologies,” *Federal Lawyer* 45 (Sept. 1998): 26-27.

<sup>4</sup> *Freedom of Information Act*, 5 U.S.C. § 552(a)(2)(D).

<sup>5</sup> See Department of Justice, Office of Information and Privacy, *Agencies Continue E-FOIA Implementation*, FOIA Post, 2001.

<sup>6</sup> White House Press Release, *Statement by the President upon Signing S. 1160*, July 4, 1966, from Lyndon B. Johnson Library, Records of White House Offices, 1963-1969, White House Press Office Files, Box 49, “6/30/66-7/15/66 PR 210a – PR 2134a.”



The Amendments also mandate that agencies provide certain records and guidance on FOIA to make it easier for members of the public to file clear, targeted FOIA requests. Congress intended for the public to use indexes and guides provided by the agencies to determine what types of records are available at each agency and whether or not they can be obtained under FOIA. These provisions of the amendments were intended to provide FOIA requesters with the knowledge to make the FOIA an effective and powerful tool.

This audit examines federal agency compliance with E-FOIA's mandate that agencies harness technology to make the ideal of an open government a reality. We conducted a review of 149 agency and component Web pages during January and February 2007, and evaluated each site to assess compliance with E-FOIA as well as each agency's progress in using technology and the Internet to further the goals of the Act. The reviews considered compliance with E-FOIA and guidance from the Department of Justice (DOJ) and the Office of Management and Budget (OMB) concerning implementation of the law.<sup>7</sup> We gathered additional evidence by filing FOIA requests with some agencies and components regarding their E-FOIA policies, examining agencies' FOIA annual reports, and reviewing all of the FOIA improvement plans filed by agencies pursuant to Executive Order 13,392 of December 14, 2005. Our data indicate a striking level of noncompliance with both the letter and the spirit of the law.

To address this problem, this audit offers recommendations for government-wide policy changes and strategies for implementation on the agency level in the areas of: (1) electronic reading rooms; (2) FOIA reference materials and guidance; and (3) FOIA Web site structure and organization. Our goal is to help information access professionals focus on ways to make FOIA work better for their agencies and for the public.

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<sup>7</sup> Department of Justice (DOJ) has a statutory role under the FOIA to provide agencies with guidance on reporting standards and oversee annual FOIA reporting. Following enactment of the 1996 amendments, DOJ's Office of Information and Privacy (OIP) issued a series of guidance documents to assist agencies that were developing FOIA Web pages and to ensure uniform access to FOIA information on the Internet, which are referenced throughout this report.

## ELECTRONIC READING ROOMS:



### File Not Found

Since its inception, FOIA has required agencies to make “available for public inspection and copying” certain defined categories of records. For the first thirty years agencies satisfied this portion of the FOIA with “conventional reading rooms,” physical locations where members of the public could review paper copies of the records.

The E-FOIA Amendments revolutionized this approach by requiring virtual reading rooms, accessible to anyone with a computer and an Internet connection.<sup>8</sup> In addition to the long-required reading room records—“final opinions [and] orders, made in the adjudication of cases,” “statements of policy and interpretations adopted by the agency,” and “administrative staff manuals and instructions to staff that affect a member of the public”—E-FOIA established a new fourth category of reading room records—“frequently requested records.”<sup>9</sup> The electronic posting of these four categories of records is typically called “affirmative disclosure.”

Implementation of these requirements has been far from complete across the government. In some cases agencies began to comply just last year—nearly ten years after E-FOIA was enacted—only after President Bush issued an executive order calling on agencies to review their policies for public disclosure of information.<sup>10</sup> At least one agency, the Department of Veterans Affairs (VA), admitted in its 2006 FOIA improvement plan that it had not yet promulgated new regulations to implement the 1996 amendments.<sup>11</sup>

### PROBLEM: ELECTRONIC READING ROOMS ARE NONEXISTENT OR INCOMPLETE

#### FEW AGENCIES MAKE AVAILABLE ALL FOUR CATEGORIES OF RECORDS REQUIRED BY E-FOIA

*Only 21% of the agencies and components reviewed had on their FOIA Web sites all four required categories of records, including: opinions and orders, policy statements, staff manuals, and frequently requested records.* Noncompliance may be *even greater* than suggested by this statistic because many agencies put only a portion of required records from each of the four categories on their FOIA sites.

#### Agencies with all four categories of required records available

BLM (DOI)	FWS (DOI)
DOC (main)	IRS (TRE)
DOE (main)	MSHA (DOL)
DOI (main)	NLRB
DOJ (main)	NOAA
DOS	NRC
EOIR (DOJ)	ORO (DOE)
EPA (main)	OSHA (DOL)
EPA-2	OSHRC
EPA-4	SEC
ESA (DOL)	TRE (main)
FDIC	TVA
FRB	USDA (main)
FS (USDA)	USCG (DHS)
FSIS (USDA)	VA
FTC	

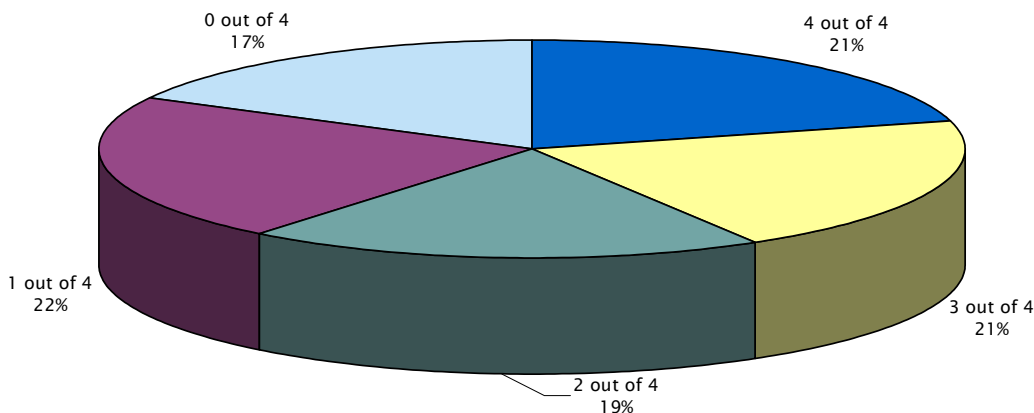
<sup>8</sup> As of November 1, 1997, federal agencies were required to make available “by computer telecommunications” all required reading room records created after November 1, 1996. 5 U.S.C. § 552(a)(2).

<sup>9</sup> These are records that “have become or are likely to become the subject of subsequent requests for substantially the same records.” 5 U.S.C. § 552(a)(2)(D).

<sup>10</sup> See Executive Order no. 13,392, sec. 3(a)(iv). The Executive Order and related DOJ guidance also call for “proactive disclosure,” whereby agencies make information available at their own discretion, often with the goal of reducing the number of FOIA requests received for that type of information. Department of Justice, Office of Information and Privacy, *Executive Order 13,392 Implementation Guidance*, FOIA Post, 2006.

<sup>11</sup> Department of Veterans Affairs EO 13392 Improvement Plan, June 13, 2006.

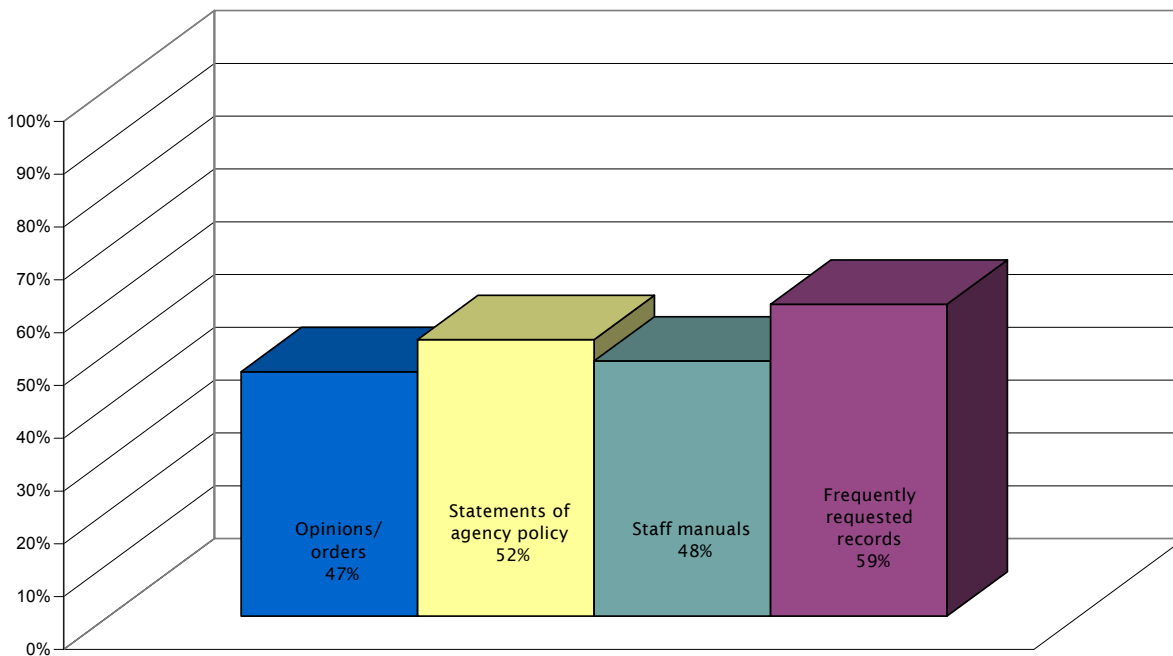
**Agency compliance with E-FOIA requirement to post four categories of records**



**Four categories of required records:**

- Agency opinions and orders
- Statements of agency policy
- Frequently requested records
- Guidance to agency staff

**Percentages of agencies that have posted each of four categories of E-FOIA required records**



***The three traditional categories of reading room records—opinions and orders, policy statements, and staff manuals—are absent from approximately half of all agencies’ FOIA Web sites.*** Congress intended to prevent agencies from developing “secret law” by requiring agencies to make available policies or precedent that bind the public without their knowledge. Our reviews found that only 47% of agencies have opinions and orders accessible from their FOIA sites, only 52% have policy statements, and only 48% have staff manuals.

It is difficult, if not impossible, to determine whether an agency actually possesses records that fit in each of the categories. In some cases, agencies that appear not to be in compliance may in fact have satisfied the statute because their agency does not produce records from a given category. In other cases, the required records may be available somewhere on the agency Web site but are not clearly identified and are not accessible from the agency's FOIA page. Because a member of the public confronted with a disorganized electronic reading room containing documents that are not clearly identified would be unable to locate the agency's definitive policy statement on a particular issue, our reviewers concluded in such cases that the agency was not in compliance.<sup>12</sup>

## FREQUENTLY REQUESTED RECORDS AND RECORD GROUPS OF INTEREST TO THE PUBLIC ARE OFTEN MISSING FROM AGENCY FOIA WEB SITES

*Only 59% of agencies have posted documents that are identified as "frequently requested records" or previously released records.* The posting of these materials or of categories of records that are of current interest to the public is intended to alleviate FOIA processing burdens by requiring agencies to post popular records online where they are directly accessible to the public. Our reviews suggest that agencies have failed to implement this provision in a comprehensive way.

*At certain large or decentralized agencies, there is very poor compliance with affirmative posting obligations.* Even though it is difficult for members of the public to assess whether agencies are posting frequently requested records, it seems unlikely that large departments receiving tens of thousands of FOIA requests each year do not receive multiple requests for at least some documents, particularly those that relate to current events or major policies or actions of the agency. In some cases, it was apparent that only one or two components contributed frequently requested records to agency electronic reading rooms or only a few components maintained their own electronic reading rooms.<sup>13</sup> Such lack of consistency and oversight across a large agency suggests that some E-FOIA required documents fall through the cracks and are never made available to the public.

## SOLUTION: AGENCIES SHOULD INSTITUTE POLICIES AND PROCEDURES FOR POPULATING AND MAINTAINING READING ROOMS

### AGENCIES SHOULD PROMULGATE POLICIES FOR IDENTIFYING AND POSTING RECORDS OF INTEREST TO THE PUBLIC

The agencies' disregard for the electronic reading room requirements is illustrated by the remarkable absence of policies and procedures for developing and maintaining FOIA sites at federal agencies.<sup>14</sup> A review of all FOIA Improvement Plans filed under E.O. 13,392 showed that, while

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<sup>12</sup> For example, the National Park Service (NPS) maintains a "Hot Docs" page, presumably serving as the electronic reading room. It includes frequently requested documents, reports, memoranda, and procedures, but the documents are listed in no particular order and without any categorical identification. Similarly, the Office of the Comptroller of the Currency (OCC) has named its reading room "Popular FOIA Requests." On this page, the OCC stores several types of documents required by FOIA—orders and policies—but the documents are included within a long list of additional materials such as news releases, letters, agreements, and notices.

<sup>13</sup> For example, the main Department of Labor (DOL) Web site does not have an electronic reading room and does not provide any required documents (except FOIA annual reports). The only acknowledgement of the E-FOIA reading room requirements is a link to public information that may be available on several other sections of the Web site ("About DOL," "Newsroom," or "Statistics, Research & Publications"), but no links to actual records. The main site links to the FOIA pages for each of the components; but only some of these sites have required records posted, and two major DOL components (Employment and Training Administration and Employee Benefits Security Administration) do not have their own FOIA sites at all.

<sup>14</sup> As an initial step in our study, we filed FOIA requests with 46 major agencies and components (those covered in previous Archive audits) regarding their policies for posting information in electronic reading rooms. We received an alarming number

several agencies addressed the need to add required records to electronic reading rooms, only a handful indicated that they had any specific policy or guidelines in place for identifying required materials or maintaining FOIA Web sites.<sup>15</sup> Many agencies included as one of their improvement plan goals a regular review of their documents and sites to make sure they were affirmatively and proactively disclosing information but did not outline what criteria would be used. Only a handful of agencies included the establishment of such criteria as part of their improvement plan goals.<sup>16</sup>

## AGENCIES SHOULD AFFIRMATIVELY POST RECORDS OF INTEREST TO THE PUBLIC

When Congress enacted E-FOIA, it sought to reduce the burden of FOIA requests by encouraging more affirmative and proactive disclosure by agencies. Our survey showed that there are only a few agencies that have taken this direction to heart.<sup>17</sup> Compliance with the law requires

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(approximately 20) of responses to our initial requests in which agencies claimed they had “no documents” or specifically stated that they lacked any such policies; more than 10 other agencies failed to respond to our request at all. We subsequently filed a second, narrower FOIA request for specific policies on the length of time the agencies maintain records in their reading rooms; the responses were similarly unhelpful. In the end, we concluded that few agencies have standard procedures for establishing, organizing, and maintaining the FOIA portions of their Web sites.

<sup>15</sup> Only the National Archives and Records Administration (NARA) specifically noted that it uses the “rule of three” for identifying frequently requested documents, although this is the approach that DOJ has recommended. NARA, *FOIA Improvement Plan under E.O. 13,392*, October 2006.

<sup>16</sup> For example, the U.S. Department of Agriculture (USDA) indicated in its improvement plan that by the end of 2006, it would establish guidelines that could be used by all of its components for affirmative disclosure. USDA, *USDA FOIA Review and Plan: FOIA Improvement Plan in Compliance with E.O. 13,392*, October 26, 2006. The Department of Education (ED) plans to develop protocols by March 2007 to identify in advance certain records or information that are likely to be of interest to the public or the news media. ED will identify grant and contract awards in advance that are likely to be the subject of FOIA requests and proactively post these in its electronic reading room. It plans to use the “rule of three” to identify frequently requested documents and will start using the FOIAExpress tracking software to assist in identifying multiple requests for similar information. *U.S. Department of Education FOIA Plan*, August 18, 2006.

The Department of Housing and Urban Development (HUD) will begin requiring program offices to submit quarterly reports on progress in posting documents in the electronic reading room as well as lists of new documents being posted. HUD’s plan indicated it would establish protocols for immediate release of information on successful grants and grant proposals. It would require FOIA division offices to identify documents repeatedly requested from various program areas. Program offices would be required to submit reports to the Chief FOIA Officer with lists of specific types of program documents that can be made available to the public as well as a weekly report on “hot button issues” that may result in an increase in FOIA requests, to allow HUD to proactively review and post information on its Web site. *U.S. Department of Housing and Urban Development: Review, Plan and Report on HUD’s Freedom of Information Act Operations*, June 14, 2006.

Other agencies that planned to establish guidelines and policies include: the Corporation for National and Community Service (CNS), the Federal Election Commission (FEC), the Federal Trade Commission (FTC), the Department of Interior (DOI), the DOL, and the NCUA. *Corporation for National and Community Service: Freedom of Information Act Review Report and Improvement Implementation Plan Pursuant to Executive Order 13,392*, June 14, 2006; Federal Election Commission, *Executive Order 13,392: Summary Report & Plan of the Federal Election Commission*; Federal Trade Commission, *Plan for Improvement of the Administration of the Freedom of Information Act Program at the Federal Trade Commission*, June 6, 2006; *U.S. Department of Interior Freedom of Information Act (FOIA) Report and Improvement Plan*, June 12, 2006; DOL, *Executive Order 13392 Plan and Report*, June 14, 2006; and *NCUA FOIA Program Review under Executive Order 13392*, June 13, 2006.

<sup>17</sup> For example, the Central Intelligence Agency (CIA) maintains a searchable database of reading room records, posts the top twenty-five documents requested each month and also categorizes the available frequently requested records by subject, such as “Bay of Pigs” and “Human Rights in Latin America.” See <http://www.foia.cia.gov/>. In 2004, the U.S. Coast Guard (USCG) began making available two categories of records on its Web site—“Merchant Vessels of the U.S. Data File” and “Marine Casualty and Pollution Data Report”—because those types of records were frequently requested (even if no one particular data report was ever requested three or more times). Department of Homeland Security, *Freedom of Information Act Annual Report for Fiscal Year 2004*, [http://www.dhs.gov/xlibrary/assets/foia/privacy\\_rpt\\_foia\\_2004.pdf](http://www.dhs.gov/xlibrary/assets/foia/privacy_rpt_foia_2004.pdf).

Similarly, the Department of State (DOS) has made available in its extensive online database of records a number of special collections and document sets, including more than 3000 transcripts of telephone calls of former Secretary of State Henry Kissinger, even though individual records in those collections may not have been subject to multiple requests. See <http://foia.state.gov/SearchColls/colhelp.asp>. The Food and Drug Administration (FDA) also maintains a comprehensive electronic reading room linking to documentation of drug approvals, enforcement actions, and other broad categories of information that is of potential interest to the public. See <http://www.fda.gov/foi/electr.htm>. A few other examples of good proactive disclosure include: USDA has placed an “electronic Purchase Cardholder system” on their FOIA page to reduce FOIA requests. USDA, *Freedom of Information Act Annual Report FY 2000*, February 2001, <http://www.usda.gov/da/foia/foia2000.htm>. The Civil Rights Division of DOJ posted reports regarding Disability Rights activity

systematic identification of frequently requested records and regular updating of the electronic reading room.

Reducing the influx of FOIA requests is not the only potential benefit from wider government Web use. When news breaks that is of urgent public interest, agencies can serve the public by proactively posting relevant records without waiting for FOIA requests. The National Aeronautics and Space Administration's (NASA) FOIA site includes a large collection of materials related to the loss of the Columbia Space Shuttle in 2003. According to NASA's Annual FOIA Report, "[t]he influx of requests caused this agency to create a separate electronic reading room for documents that were responsive to those specific requests about mission STS-107 and the Space Shuttle Program." NASA also used its discretion to waive exemption (b)(5) and disclose pre-accident records and other documents that might otherwise have been privileged.<sup>18</sup> Similarly, the National Archives and Records Administration (NARA) recently used proactive disclosure to make certain high-profile records—government documents relevant to the confirmation hearings of now Supreme Court Chief Justice John G. Roberts, Jr. and Justice Samuel A. Alito, Jr.—available to the public in anticipation of an influx of requests for these materials.

### **AGENCIES SHOULD ORGANIZE ELECTRONIC READING ROOMS TO MAXIMIZE PUBLIC ACCESS TO REQUIRED MATERIALS ON THE WEB**

*Agencies should arrange electronic reading rooms in an intuitive manner and index content throughout their Web sites.* Agencies should divide their reading rooms into separate sections for each of the required record categories. Uploaded records should be labeled plainly to reflect the contents of the record. If, instead, there is a link to another area of the Web site where required record(s) are located, that link should be unambiguous and lead directly to a record or a browsable or searchable database of required records. If the agency does not maintain any records that fit within a given category, the reading room page should indicate this fact. For example, Amtrak specifically states in its handbook that it does not create any opinions or orders because it does not conduct adjudications. Other agencies, including the Tennessee Valley Authority (TVA), list or reference each of the categories of required records in their reading rooms but do not have any records posted under one or more of the headings. A user can assume by this format that the agency does not have any such records to post.

### **THERE SHOULD BE A PRO-ACCESS, GOVERNMENT-WIDE DEFINITION OF WHAT CONSTITUTES FREQUENTLY REQUESTED RECORDS**

*This universal definition should directly serve the purposes of E-FOIA, including affirmatively opening government to the public and reducing FOIA backlogs.* DOJ recommends that agencies employ a "rule of three" to decide what records should be posted online: "when records are disclosed in response to a FOIA request, an agency is required to determine whether they have been the subject of multiple FOIA requests (i.e., two or more additional ones) or, in the agency's best judgment based upon the nature of the records and the types of requests regularly received, are likely to be the subject of multiple requests in the future."<sup>19</sup> Most agencies have interpreted this guidance to mean that there must be three or more requests for the *same* record in order for it to qualify for affirmative posting. However, requesters do not always specify a particular record in their requests, so an agency like the Federal Emergency Management Agency (FEMA) might get scores of requests for records related to Hurricane Katrina records, yet still not conclude that those requests concerned

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in response to a steady increase in FOIA requests for the material. DOJ, *FOIA Annual Report Fiscal Year 1998*, [http://www.usdoj.gov/oip/annual\\_report/1998/contents.html](http://www.usdoj.gov/oip/annual_report/1998/contents.html).

<sup>18</sup> NASA, *FY 2003 Annual Freedom of Information Act Report*, [http://www.hq.nasa.gov/pao/FOIA/FY\\_2003\\_report.pdf](http://www.hq.nasa.gov/pao/FOIA/FY_2003_report.pdf).

<sup>19</sup> Department of Justice, *Freedom of Information Act Guide: FOIA Reading Rooms*, May 2004; see also Department of Justice, Office of Information and Privacy, *FOIA Counsel Q&A: Frequently Requested Records*, FOIA Post, 2003.



the same records.<sup>20</sup> DOJ has also interpreted the provision to exclude all documents not *created* by the agency receiving the request,<sup>21</sup> when Congress clearly did not intend such a limitation.

### **AGENCIES SHOULD NOT USE CONCERNS ABOUT WEB SITE ACCESSIBILITY FOR PEOPLE WITH DISABILITIES AS AN EXCUSE FOR NOT COMPLYING WITH E-FOIA**

Some agencies have expressed a reluctance to post more information in their electronic reading rooms out of fear that the files will not be compliant with federal disability access law. Section 508 of the Rehabilitation Act, as amended in 1998, requires government Web sites to be accessible to individuals with disabilities. This generally is not a problem with HTML Web pages, which are already in an accessible format, but can be relevant when agencies upload records in PDF or another format. In many cases this means a file must be modified before it is posted on the Web site. Typically, additional information is added to the file to ensure screen readers will be able to understand what pictures, charts, and graphs indicate.

The necessary modification adds an extra step to the proactive posting of files in electronic reading rooms. It is generally not an onerous step, yet it can lead to agencies simply refraining from or delaying posting information that they are required to make available under E-FOIA. This attitude defeats the spirit of both FOIA and Section 508 of the Rehabilitation Act. One law does not trump the other. Both strive to provide the public with access to government information as a key component of self-governance and a strong democracy. Yet, if one law—Section 508—is being used to stifle the availability of information under another law—FOIA—then not only are people with disabilities being deprived of information, the public at large also is suffering.

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<sup>20</sup> Another problem with the interpretation of the law is that agencies have excluded records from the disclosure requirement that might otherwise be considered “frequently requested” under the definition. For example, “if an agency receives a second request, but then not a third one until many months or even years later,” reading room treatment may not be required if it does not satisfy the statutory purpose of diverting potential future FOIA requests. Department of Justice, Office of Information and Privacy, *FOIA Counsel Q&A: Frequently Requested Records*, FOIA Post, 2003.

<sup>21</sup> Department of Justice, Office of Information and Privacy, *Congress Enacts FOIA Amendments*, FOIA Update, Vol. XVII, No. 4, 1996; see also Tankersley, “Introducing Old Duties to New Technologies,” at 27.

## FOIA GUIDANCE FOR THE PUBLIC:



### File Not Found

The E-FOIA Amendments require agencies to make available to the public a guide for requesting records under FOIA.<sup>22</sup> The guide must include: (1) “an index of all major information systems of the agency,” (2) “a description of major information and record locator systems maintained by the agency,” and (3) “a handbook for obtaining various types and categories of public information from the agency.”<sup>23</sup> Congress’s intention in requiring record indexes and descriptions of major information systems was to provide the public insight as to the types of records maintained by each agency. The handbook is intended to be an instruction manual for the public on how to obtain particular types of information. It is supposed to simplify the FOIA process for requesters, thus saving time and resources for government agencies. Some agencies combine all of these materials within a single guidance document or page, while others treat them as three independent requirements.

### PROBLEM: MAJOR INFORMATION SYSTEM INDEXES ARE RARELY AVAILABLE OR ARE CONFUSING

#### COMPLIANCE WITH PROVISIONS FOR PUBLISHING INDEXES AND MAJOR INFORMATION SYSTEMS DESCRIPTIONS IS HIGHLY INCONSISTENT ACROSS AGENCIES

*Only 36% of agency sites include an identifiable list of major information systems, and only 28% have a link to the Government Information Locator Service (GILS).* Contrary to Congress’s intent to make agency record-keeping more transparent, the manner in which agencies present record indexes and guides varies widely and is more confusing than helpful for requesters. Many agencies have not attempted to describe their record holdings in a systematic and comprehensive way.<sup>24</sup> The indexes and major information system descriptions that are available vary widely in format and usability. Some agencies have sought to satisfy their obligations by providing a link to the agency’s GILS entries.<sup>25</sup> At best, GILS serves only to partially fulfill the major information systems requirement.<sup>26</sup> Moreover, the GILS database now appears to be defunct. As of October 17, 2002, only thirty-two agencies had added their GILS records to this server, and seven

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<sup>22</sup> 5 U.S.C. § 552(g) (“[t]he head of each agency shall prepare and make publicly available upon request, reference material or a guide for requesting records or information from the agency.”). The legislative history indicates that Congress intended for agencies to make the reference material available by electronic means in order to reach the broadest possible audience. H.R. Rep. 104-795, at 30.

<sup>23</sup> 5 U.S.C. § 552(g)(1)-(3).

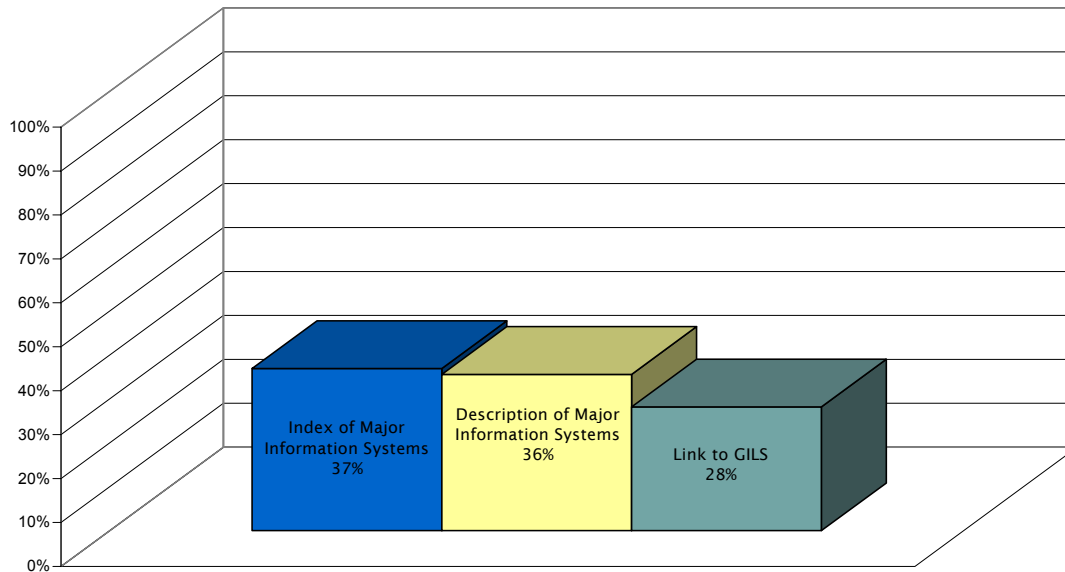
<sup>24</sup> Some agencies provide alternate record guides. A few, especially smaller agencies, have posted a list of the types of records they produce. For example, the Broadcasting Board of Governors (BBG) includes on its FOIA site an “index of records” that lists the nature and subject matter of the files that are maintained by each office in the agency. Another approach is to provide a description of the most popular types of records. For example, the Department of Homeland Security (DHS) has on its FOIA site a “Guide to Requesting Department of Homeland Security Records.” This page describes different types of information maintained by DHS—such as Immigration statistics and Genealogy data—and describes for requesters to which component they should send requests for each type of record.

<sup>25</sup> The Government Information Locator Service (GILS) was established on December 7, 1994, by the Office of Management and Budget (OMB). Housed on the GPO Access server, GILS is a database that provides users with abstracts and locations of existing agency records, but not the full text records. U.S. Government Printing Office, *What Is GILS?*, [http://www.access.gpo.gov/su\\_docs/gils/whatgils.html](http://www.access.gpo.gov/su_docs/gils/whatgils.html) (accessed March 6, 2007).

<sup>26</sup> See Tankersley, “Introducing Old Duties to New Technologies,” at 28.

agencies maintained GILS collections on their own servers. The GILS home page has not been updated since November 27, 2001.<sup>27</sup>

Percentage of agencies meeting major information systems requirements



## SOLUTION: OMB SHOULD REVIEW MAJOR INFORMATION SYSTEM REQUIREMENTS AND RECOMMEND EFFECTIVE REFORMS

Congress gave OMB responsibility for overseeing the development of indexes and record systems guidance, largely because OMB had already been directed in 1995 to establish GILS and ensure that all agencies develop information system directors for GILS. Today, OMB should review the index of major information systems and description of major information and record locator systems requirements of E-FOIA, as well as existing methods of compliance, and issue a government-wide policy for making agency record systems accessible to the public. The only agency that appears to come close to satisfying Congress's intent in this regard is DOJ, which maintains an extensive list with detailed descriptions of all major information systems agency-wide. This comprehensive approach allows members of the public to better identify and describe the type of records they are seeking and, in some cases, to access them through an online or publicly available database without filing a FOIA request. Currently, agencies are wasting resources by creating indexes in varied formats that are not comprehensible or useful to the public for identifying the types of records an agency maintains. Unfortunately, this congressional mandate has failed, at least with respect to providing the public insight into agency record-keeping and publicly available information.

<sup>27</sup> U.S. Government Printing Office, *Government Information Locator Service page*, [http://www.gpo.gov/su\\_docs/gils/index.html](http://www.gpo.gov/su_docs/gils/index.html) (accessed March 6, 2007). On some agencies' Web pages, the GILS link takes a user to the agency's own GILS entries on its site; on others, it searches a GPO-hosted GILS database and presents potentially relevant entries; on others, the link leads to a general government-wide GILS portal where a user must search for agency-specific entries; and on still others it takes users to an obviously outdated GILS reference page. There is little guidance for members of the public who seek to use the database (there is a "Help" link on the GILS site, but it does not function). A recent telephone call to the GILS "Client Services" number provided for federal agencies led to an employee who knew nothing about GILS.

## PROBLEM: DEFICIENT AGENCY FOIA HANDBOOKS AND GUIDANCE LEAVE THE PUBLIC WITHOUT CLEAR INSTRUCTIONS ON FOIA

### MOST AGENCIES DO NOT INCLUDE GUIDANCE COVERING EACH OF THE AREAS THAT ARE ESSENTIAL FOR FOIA REQUESTERS

*Only 6% of agencies provided all ten elements of essential guidance to FOIA requesters.* Based on the legislative history,<sup>28</sup> official guidance from DOJ and OMB,<sup>29</sup> and the experience of frequent FOIA users, the National Security Archive compiled the following list of basic elements that should be included in an agency's FOIA handbook or online guidance for requesters. These elements include:

- Information about where to send a FOIA request, including a mailing address and either a fax number or e-mail address;
- Fee status information;
- Fee waiver information;
- Instructions on requesting expedited processing;
- Basic information about reply time, including when a requester can expect a response;
- An explanation of exemptions that the agency may use to deny requests;
- Details about requesters' rights to administrative appeal;
- Information about where to send appeals;
- Information about judicial review rights; and
- An index of the agency's major information systems.<sup>30</sup>

#### Agencies with all ten guidance elements

CRT (DOJ)	FTC
DOJ (main)	NASA
FCC	OPM
FERC	USPS
FRB	

<sup>28</sup> The House Government Reform Committee report on the E-FOIA amendments, H.R. Rep. 104-795, provides:

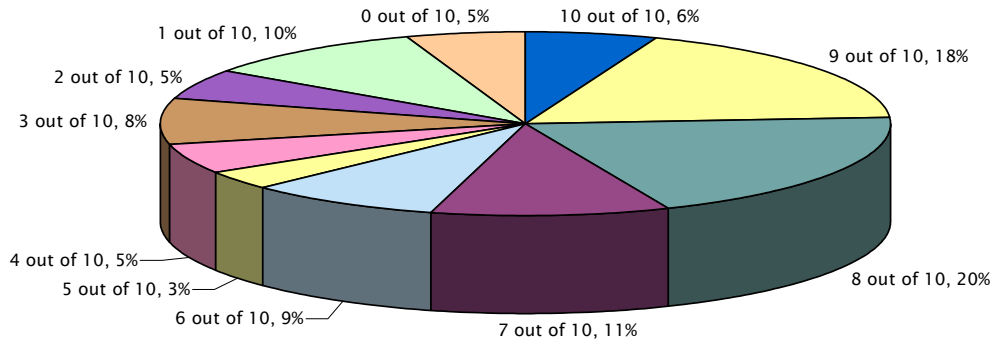
The guide is intended to be a short and simple explanation for the public of what the Freedom of Information Act is designed to do, and how a member of the public can use it to access government records. Each agency should explain in clear and simple language, the types of records that can be obtained from the agency through FOIA requests, why some records cannot, by law, be made available, and how the agency makes the determination of whether or not a record can be released.

Each agency guide should explain how to make a FOIA request, and how long a requestor can expect to wait for a reply from the agency. In addition, the guide should explain the requestor's rights under the law to appeal to the courts to rectify agency action. The guide should give a brief history of recent litigation it has been involved in, and the resolution of those cases. If an agency requires that certain requests, such as applications for expedited access, be completed on agency forms, then the forms should be part of the guide.

<sup>29</sup> See Department of Justice, FOIA Update, Vol. XVII, No. 4, 1997; Office of Management and Budget, *Memorandum: Updated Guidance on Developing a Handbook for Individuals Seeking Access to Public Information*, April 23, 1998, <http://clinton3.nara.gov/OMB/memoranda/m9809.html>.

<sup>30</sup> In addition to the statutorily required categories of information, President Bush's Executive Order 13,392, "Improving Agency Disclosure of Information," emphasized the importance of a "citizen-centered and results-oriented approach" to FOIA that ensures open channels of communication between the public and agency officials. Under the Executive Order, several new FOIA contact positions were established, namely a FOIA Service Center (for initial inquiries about requesting and status of requests), the FOIA Public Liaison (for contact regarding FOIA-related problems at the agency), and the Chief FOIA Officer (oversees agency-wide FOIA process under Executive Order 13,392). Contact information for each of these should be included on the FOIA page, but our reviews revealed that some agencies have not yet updated their sites to reflect the new FOIA personnel.

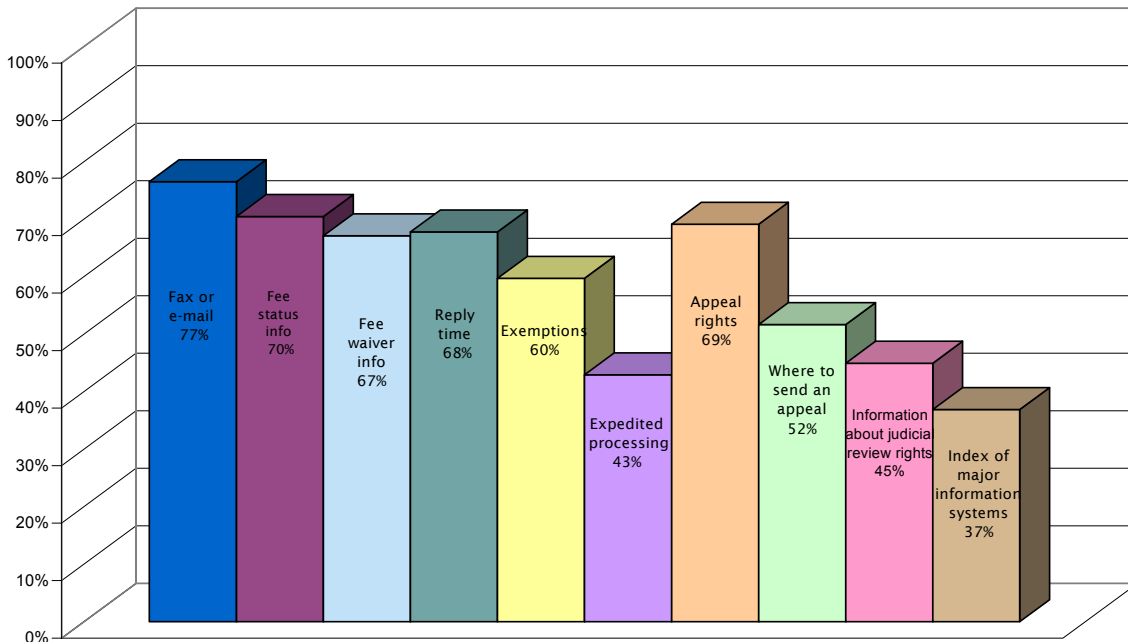
**Agency posting of ten categories of essential FOIA guidance**



**Ten categories considered:**

- Fax or e-mail address to submit a FOIA request
- Information on FOIA fee status
- Information on the possibility of a fee waiver
- Information on how long it might take the agency to reply
- Information on how to request expedited processing
- Explanation of exemptions used to deny a request
- Information on the existence of appeal rights
- Information on how to make an appeal
- Information on judicial review rights
- Index or description of agency major information systems

**Percentages of agencies that have posted each of ten categories of essential FOIA guidance**

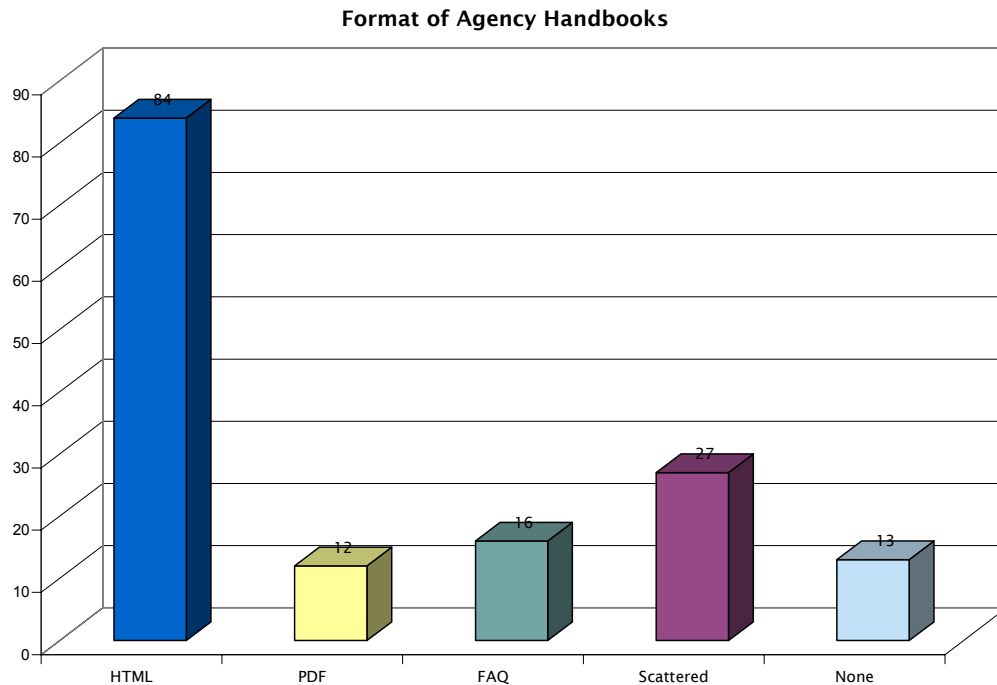


**FOIA HANDBOOK FORMATS VARY WIDELY AND MANY ARE INADEQUATE OR DIFFICULT TO USE**

*FOIA handbooks take many forms, from a single, comprehensive HTML page or a downloadable PDF file to several interconnected Web pages with vital information for requesters scattered throughout.* On many sites, locating basic guidance information—including fundamental details about FOIA processing and filing requests—is like a scavenger hunt, where users must click on one link after another and piece together bits of information spread throughout the site. While some agencies do provide very detailed information, translating the statutory and legal

requirements into plain language for requesters, others provide only the most minimal information and leave requesters guessing about how to proceed. A number of agencies also use FAQ-style guidance, which in many cases is beneficial as a quick guide but is not as complete as some more comprehensive handbooks. If basic information is provided only as FAQs, requesters whose questions do not fit within one of those presented may be left without the guidance they need.

The following chart shows the percentage of agencies using different approaches to present FOIA guidance:



## **SOLUTION: AGENCIES SHOULD INCLUDE EACH OF THE ESSENTIAL GUIDANCE ELEMENTS IN A HANDBOOK FOR FOIA REQUESTERS**

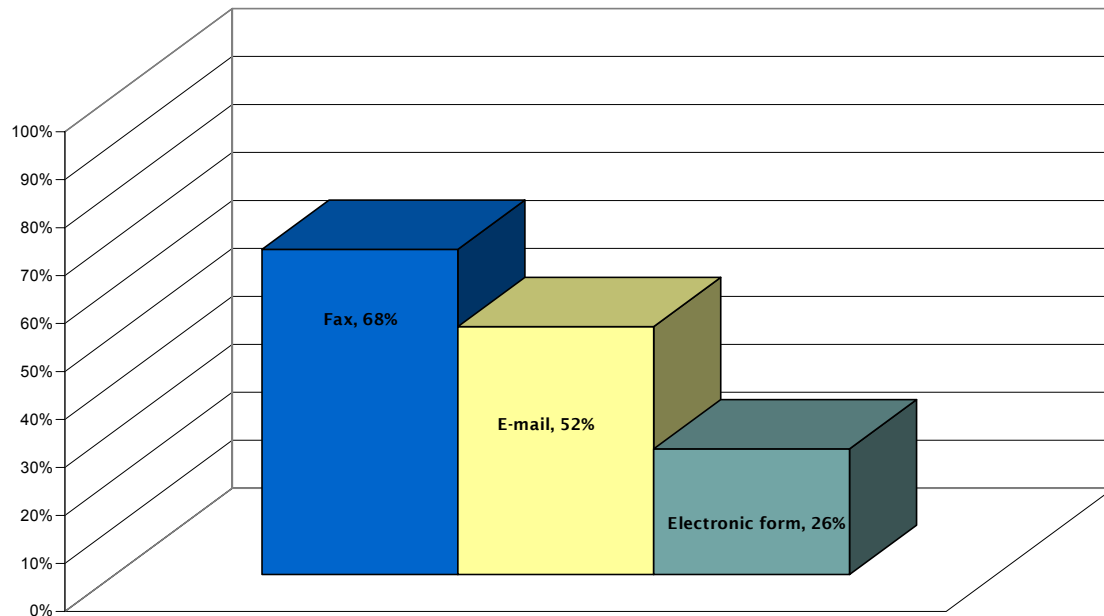
### **EVERY AGENCY SHOULD INCLUDE GUIDANCE ON THE TEN ESSENTIAL TOPICS IDENTIFIED BY THIS STUDY**

Each agency should make available all of the ten elements of information listed above, in addition to the contact information required by Executive Order 13,392. It is not enough to know where to mail a FOIA request; members of the public must also understand how the FOIA works and what the law requires so that they can determine whether or not an agency has complied with the law. Thus, FOIA Web sites should provide users with details about the rights and obligations of both requester and agency. Requesters should be informed about how agencies process requests and the justifications an agency can use for denying information. It is essential that FOIA requesters know that they can be charged fees and the basis on which those fees are determined; it is similarly essential that requesters be made aware of how to seek a fee waiver or expedited treatment for their request before filing. Without all of these details, an average member of the public inexperienced with FOIA will be at a distinct disadvantage vis-à-vis a federal agency in standing up for his or her rights under FOIA.



Some of the basic guidance elements offer essential conveniences. In the ten years since E-FOIA was enacted, the public has grown increasingly comfortable with electronic communications. At the same time, postal service to U.S. government offices has been plagued by unfortunate security delays. Thus, although the law does not require agencies to receive FOIA requests by any specific means, it is crucial for agencies to provide at least one form of contact information in addition to ordinary mail, such as fax or e-mail. The following percentages of agencies provide such information as part of their FOIA guidance:

**Percentages of agencies that provide fax, e-mail, and electronic forms for submitting FOIA requests**



### **AGENCIES SHOULD PROVIDE A SINGLE HANDBOOK IN A SIMPLE, CLEAR FORMAT CONTAINING ALL OF THE NECESSARY GUIDANCE**

After viewing the guidance material on each of the 149 agency and component pages, we concluded that the ideal format for agencies to use in providing FOIA guidance is a single HTML page or a linked series of pages, navigable by a hyperlinked table of contents. Although the handbooks often consist of a long narrative covering the various elements of FOIA guidance, one of the easiest ways to facilitate navigation through such narratives is with a linked table of contents. DOJ's FOIA Reference Guide makes excellent use of this technique, providing comprehensive information contained within chapters linked from the front page of the guide. NARA uses a single-page guide with a detailed set of links to the subsections of the guide. The NARA guide also includes as an appendix a sample FOIA request letter, which is a very useful tool for members of the public who do not regularly submit requests.<sup>31</sup>

Some agencies post their guides as PDF documents. This format can also be very effective if the guide is comprehensive, because it allows a user to access all the information necessary to file a request in a compact format that can be stored on a personal computer. It is important, however, that agencies provide a clear link to where users can download a free Adobe PDF viewer if they do not

<sup>31</sup> Some other good examples of this type of handbook are provided by the Equal Employment Opportunity Commission (EEOC), Environmental Protection Agency (EPA), Commodity Futures Trading Commission (CFTC), and Department of Transportation (DOT).

already have one. The Federal Trade Commission (FTC) is one agency with an excellent PDF guide—a comprehensive handbook covering all major issues relevant to FOIA requesters, including detailed discussion of exemptions, how to file requests, fees, and a list of major information systems as well as a description of the types of records held by the agency.

### **AGENCIES SHOULD INCLUDE IN THEIR HANDBOOKS ADVICE ON SEEKING RECORDS ALREADY PUBLICLY AVAILABLE**

In their handbooks or other guidance, agencies should inform the public about information that is already available to the public on their Web sites, whether under E-FOIA or otherwise, and instruct potential FOIA requesters how to search this information to determine whether the material they are seeking is available without a FOIA request. Only a few agencies use their FOIA Web pages to index and categorize materials available throughout their broader sites. For example, the Federal Deposit Insurance Corporation (FDIC) FOIA page directs users to different areas of the agency Web site containing enforcement decisions, statements of policy, and other required records; when organized in a straightforward manner, this approach saves time and effort for both requesters and agencies. Another good example of this method can be found on the FOIA site of the Internal Revenue Service (IRS), which provides an organized chart entitled “Additional Ways to Access Records” with links and information for ordering, receiving, and accessing a broad array of IRS information without filing a FOIA request.

### **AS A COMPLEMENT TO GOOD GUIDANCE, AGENCIES SHOULD FACILITATE ELECTRONIC COMMUNICATIONS WITH FOIA REQUESTERS**

The use of online submission forms to receive FOIA requests offers numerous benefits: speed, diminished possibility of lost requests, a permanent record of the request, ease of tracking, and the ability to follow up with requesters if, for example, they fail to provide all necessary information. *Online forms simplify the FOIA process for requesters and are clearly a best practice. This audit found, however, that only 26% of agencies now use Web-based FOIA request forms.*

The templates for these forms vary from agency to agency and even among agency components. Particularly helpful forms include those that walk the requester through the process of requesting a fee waiver or expedited processing.<sup>32</sup> In this way, an electronic form is far better than an e-mail address for submitting requests, particularly for the inexperienced requester. Some examples of agencies with good online forms include the Federal Reserve Board (FRB), which provides a field for the requester to select the preferred method of delivery for the documents; and the Department of Education (ED), whose FOIA Web site has an electronic appeal form in addition to an online request form. ED’s appeal form provides step-by-step guidance for submitting an appeal and—of great importance—allows requesters to attach documentation in support of their arguments.

A few agencies also allow FOIA users to check the status of their requests via the Web. This is a relatively new service, currently offered by the Centers for Disease Control (CDC), the Consumer Product Safety Commission (CPSC), and the U.S. Secret Service (USSS). All agencies should consider this as a way to further facilitate customer service as well as reduce the burden on agency FOIA offices of responding to inquiries.

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<sup>32</sup> Several agencies—the Department of Energy (DOE), the DOE Carlsbad Field Office (CFO), EPA Region 2 (EPA-2), and the Nuclear Regulatory Commission (NRC)—have detailed fee waiver sections on their online forms. DOE, CFO, Bureau of Prisons (BOP), and NRC have detailed sections to guide for requesters seeking expedited processing.



## FOIA WEB SITES: Missing Links

In passing the E-FOIA amendments, Congress sought to require agencies to use the rapidly developing electronic communications tools of the World Wide Web and the Internet to communicate with the public. The federal government now has a significant presence on the Web, with thousands of individual sites government-wide. Today, 73% of the adult public has Internet access.<sup>33</sup> As Americans increasingly turn to the Internet for a broad range of everyday needs, from research and financial matters to social interactions and shopping, it is only logical that they also look to government Web sites to provide information and services.

The accessibility of the FOIA Web site to the public is an obvious requirement that flows not only from the statutory provisions but also from the daily course of modern life. In this regard, the structure, design, and maintenance of agency FOIA sites are integral to E-FOIA compliance. Because of the vast and sprawling nature of the Internet, navigational structure and organization are key components of any Web site. A site that is filled with helpful information but is not organized in such a way that the information can be easily located and accessed is not a useful site.

### PROBLEM: AGENCY WEB SITES FAIL TO MAKE FOIA PROGRAMS UNDERSTANDABLE AND ACCESSIBLE

#### SOME AGENCY HOME PAGE LINKS ARE NOT EFFECTIVE

No FOIA Link	Hidden FOIA Link
BIA (DIA)	NSA
BOP (DOJ)	FERC
EPA-2	FLRA
OPM	FMC
ORO (DOE)	NRC
RD (USDA)	OSTP
USTR	SSA
	FAA

DOJ gives agencies clear direction on how to organize their electronic FOIA information: “Web users need to be able to access your FOIA home page quickly and simply from your agency’s home page. This point cannot be made too emphatically. Therefore, on your agency’s home page there should be a link that is unquestionably the link to your FOIA site.”<sup>34</sup> Records that can be found only by someone with extensive computer or Web experience, or only by searching or clicking through a complex chain of links are, in effect, inaccessible to the general public.<sup>35</sup>

Most agencies and components—95% of those we reviewed—have a FOIA link on their main agency home page. **Notable agencies that do not link to FOIA information from their home pages include the Office of Personnel Management (OPM), the U.S. Trade Representative (USTR), Oak Ridge Operations Office (ORO), Bureau of Indian Affairs (BIA), Bureau of Prisons (BOP), EPA Region 2 (EPA-2),**

<sup>33</sup> According to the Pew Internet & American Life Project, 73% of the adult population is online, including 71% of baby-boomers (50-64), 63% of the rural residents, and 84% who have completed “some college.” Pew Internet & American Life Project, *Internet Penetration and Impact*, 2006, [http://www.pewinternet.org/pdfs/PIP\\_Internet\\_Impact.pdf](http://www.pewinternet.org/pdfs/PIP_Internet_Impact.pdf).

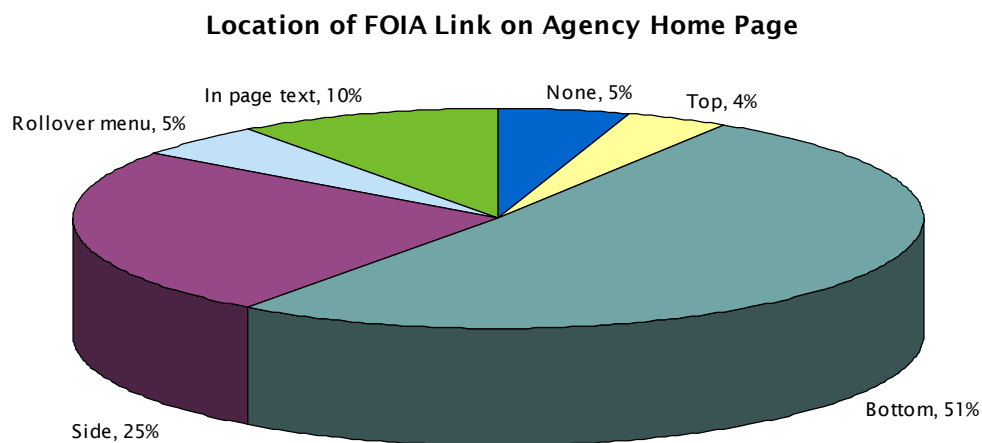
<sup>34</sup> Department of Justice, Office of Information and Privacy, *Web Site Watch: Locating and Maintaining Accurate Information on FOIA Home Pages*, FOIA Update, Vol. XIX, No. 2, 1998.

<sup>35</sup> For example, the Air Force maintains two FOIA Web sites. One of the sites is linked to from the Air Force homepage. (<http://www.af.mil/foia.asp>). This site contains almost no information of use to a potential FOIA requester. There is a second, “hidden” Air Force FOIA Web site (<http://www.foia.af.mil/>) that is not linked from the Air Force home page. Yet, this is the site that links on the DOD and other DOD component pages lead to. The hidden site contains some of the information required by the FOIA, but none of the required records. It is unclear which page is the official FOIA site. As per our methodology, our review looked only at the FOIA site linked from the Air Force homepage.

*and Office of Rural Development (RD).* Most agencies also follow DOJ's recommendation to title the link "FOIA" or "Freedom of Information Act."<sup>36</sup>

*A few agencies use what DOJ refers to as "obscure, inadequate links."* Two agencies—the Nuclear Regulatory Commission (NRC) and Federal Maritime Commission (FMC)—have labeled the FOIA links on their home pages "Electronic Reading Room," with no reference to FOIA. Several others have FOIA links that appear within rollover menus, only visible when the cursor moves over them.<sup>37</sup> For example, the Federal Labor Relations Authority (FLRA) has a FOIA link located in a rollover menu entitled "Introduction to the FLRA." Similarly, the Social Security Administration (SSA) has placed its FOIA link inside a rollover menu entitled "Useful Links." These types of links do not provide the public easy access to the FOIA Web site.

*Placement of the FOIA link within the home page varies widely.* While most agencies do satisfy the basic requirement, not all FOIA links are created equally. Our reviews found that placement breaks down as follows:



DOJ emphasizes the need for a FOIA link that can be accessed "quickly and simply" and is "readily accessible to the most inexperienced user." We found that 51% of agencies place the link at the very bottom of their home page. Some of these links are adequate because the text is large enough and visible when a user arrives on the page. In cases where the home page is long, however, users must scroll down to find what is usually a small link in grey text alongside the copyright notice and Webmaster contact information. Such placement makes FOIA appear to be a mere formality or part of the "fine print," rather than a central tool for members of the public to learn about their government.

<sup>36</sup> FOIA Update, Vol. XIX, No. 2 (1998). Some added such a link only recently. For example, the U.S. Postal Service (USPS) admitted in its 2006 FOIA Improvement Plan that it did not have a FOIA link on its home page. A link was finally established by August 2006, ten years after the passage of E-FOIA and eight years after the issuance of the DOJ Guidance regarding agency FOIA sites.

<sup>37</sup> A rollover menu (sometimes also referred to as a drop-down, pop-up or fly-out menu) is a dynamic HTML function that is hidden until the cursor is placed over a certain image or text on a Web site. In addition to concealing information, this type of menu poses a problem for people with disabilities. Users with impaired motor skills may not be able to maneuver the cursor at the right angles to keep the menu open and select the desired option. Rollover menus can also be incompatible with technologies that assist the visually impaired with viewing Web sites. Roger Hudson, "Navigation Accessibility 1: Menus and Links," Web Usability (Aug. 2004), <http://www.usability.com.au/resources/menus-links.cfm>.

The following agencies have hidden FOIA links inside rollover menus on their home pages: Federal Aviation Administration (FAA), Federal Energy Regulatory Commission (FERC), Federal Labor Relations Authority (FLRA), Federal Maritime Commission (FMC), NRC, National Security Agency (NSA), Office of Science and Technology Policy (OSTP), Social Security Administration (SSA).

## MANY AGENCY WEB SITES ARE POORLY ORGANIZED AND DIFFICULT TO NAVIGATE

*The most common general criticism that arose through our Web site review was that agency sites were disorganized, poorly structured, and difficult to navigate.* In some cases, the design and structure of the sites made finding basic information challenging. The most problematic sites are those that provide copious amounts of information but are so poorly organized and difficult to navigate that the information is virtually useless.<sup>38</sup>

*Many FOIA pages are characterized by poorly-identified and improperly-placed links to move through the sites.* In some cases, links are inappropriately named, ambiguous, or redundant. For example, the Department of the Interior (DOI) site has a static FOIA navigation bar on the left side of each FOIA page, but the links do not communicate to the user what is contained on each page: there is one link entitled “FOIA Contacts” and another “FOIA Service Centers/Liaisons,” but each includes contact information for different offices and bureaus; one link for the “Electronic Reading Room” contains some documents, and a nearby link to “Frequently Requested Documents” leads to a page with a variety of required records, including FOIA annual reports. This haphazard approach is confusing to users.

*Very few agencies have consistent links to the most important FOIA information within the FOIA pages.* Most agency Web sites have an overarching navigation scheme for the entire site, with static links on each page that allow users to move through various sections of the general site. Almost none have that structure for their FOIA pages. The absence of static links to bring users back to important information makes it likely that users will get lost on the Web site. The Department of Housing and Urban Development (HUD) FOIA site is an example of the difficulties that arise when a FOIA site lacks good navigation. Although this site is full of useful information about making a FOIA request and contains many publicly-available materials, it is very difficult to navigate. A box with “Helpful Links” appears only on the first page, and after several clicks to find FOIA guidance—for example, to “Making a FOIA Request” and then to a subsequent page about “Fees and Fee Waivers”—it takes several more non-intuitive clicks to get back to the main FOIA page where other relevant links are located. Another example of poor link placement is the Department of the Army FOIA site, which uses rollover menus containing basic FOIA-related links, including some for required documents. The menus are difficult to read and may not be fully functional in some Web browsers or accessible for some users with disabilities. Moreover, the designated links within each menu are ambiguous and redundant.

## MANY FOIA SITES LACK UP-TO-DATE AND ACCURATE CONTENT AND LINKS

*Many agencies do not provide a date when the site was last updated, so there is no way to determine the timeliness of the information.* DOJ’s recommendations regarding key elements of a good FOIA page emphasize “the accuracy and timeliness of the information on the page and the currency of links.” DOJ directs agencies to “thoroughly review each aspect of their FOIA home pages on at least a quarterly basis.”<sup>39</sup> In several cases, we found sites that had not been updated for a year or more prior to the time of the review.

*Another problem that plagues many FOIA sites is the presence of incorrect information.* For example, a member of the National Security Archive staff was searching for a fax number to send a request to Air Materiel Command, a component of the Air Force. The only list of contact information we could find, buried deep on the Air Force FOIA site, provided a fax number for the

<sup>38</sup> For example, the DOD FOIA site is a series of Web pages with extensive guidance, contact information, and hundreds of publicly available records. But the main site is disorganized and difficult to read; unrelated items are posted one after the other with no way to navigate through them. To find the electronic form to submit a FOIA request, as well as links to DOD components, a user must scroll through several screens of text. There is a note on the page that DOD will soon launch a new FOIA site. Hopefully the new version will be more user-friendly than the current site.

<sup>39</sup> FOIA Update, Vol. XIX, No. 2, 1998.

component. However, the number given was not an Air Force fax at all, but rather the phone number for a patient room in a hospital. We could not locate a working fax number for Air Materiel Command despite extensive research, and our phone calls to the Air Materiel Command FOIA office went unreturned.

***Other pages appear outdated because of numerous broken links or obsolete information.***

For example, in the section of the VA electronic reading room entitled “Agency Policy” (which actually includes links to policy documents as well as manuals and legal materials related to adjudications and appeals), nearly half of the links listed on the page were broken. Although upon cursory inspection it appears that the VA had posted E-FOIA required records in a number of important categories, in actuality the information available on this site is very limited because of the problems in accessing the links. While VA may have made some initial effort to set up this portion of its FOIA site, VA has failed to check the site for accuracy or follow up regularly to ensure that links continue to function.

### **SOME AGENCY WEB SITES EMPLOY FORMATS AND TECHNOLOGY THAT ARE EITHER DYSFUNCTIONAL OR INACCESSIBLE TO MANY USERS**

***Several agencies provide information in multiple formats*** (e.g., Microsoft Word, PDF, Microsoft Excel, HTML, and even “zipped” files). While some of these formats are common, easy to use, and the only reasonable format for the information they convey, others may be unfamiliar to many users or inaccessible to people using public computers. In particular, it is very difficult to navigate a site when various links lead to materials in different formats and from different sources that are not identified as such.<sup>40</sup>

***Some agencies also employ advanced Web design technologies to produce visually stimulating multimedia elements that cannot be accessed by all users.*** The most common of these is Adobe Flash, which requires installation of the Flash Player on a user’s computer in order for the Web site to function fully. The U.S. Coast Guard (USCG) site in particular includes a FOIA tutorial in the form of a Flash show—a combination of text, graphics, and animation that plays as a video clip. The video is slow to load, and the only way to find certain guidance is by viewing the clip, which many less technologically-advanced users may not be able to do.

### **ELECTRONIC READING ROOMS ON MANY SITES ARE NOT WELL IDENTIFIED AND ARE DIFFICULT TO LOCATE OR ACCESS**

***Only two-thirds of the reviewed agencies actually refer to a portion of their site as an “electronic reading room,”*** despite the fact that DOJ consistently uses this term in its guidance. This disparity could be confusing to members of the public using various agency Web sites. Other designations used by some agencies include:

- “Document Center” (Carlsbad Field Office)
- “Documents Online” (National Science Foundation)
- “Popular FOIA Requests” (Office of Thrift Supervision)
- “Hot FOIAs” (Mine Safety & Health Administration and Employment Standards Administration)
- “Hot Docs” (National Park Service)
- “Current Index” (Farm Credit Administration)

<sup>40</sup> The potential for overwhelming many users is clear on the Small Business Administration (SBA) site, for example, where several links open different pieces of guidance in varied formats. A link entitled “Introduction to FOIA” opens a short Microsoft Word document with a description of the statute; another link with the title “SBA Guide to Public Information” leads to an HTML page with some general descriptions of SBA documents and contact information for a FOIA officer; a third link, “General Information,” opens a longer PDF document with detailed guidance for FOIA requesters.



## **SOLUTION: AGENCIES SHOULD DESIGN FOIA SITES TO ENSURE SMOOTH NAVIGATION AND EASY ACCESS TO REQUIRED INFORMATION**

### **AGENCIES SHOULD LABEL FOIA LINKS APPROPRIATELY AND DISPLAY THEM PROMINENTLY ON THEIR HOME PAGES**

Although nothing in the statute requires an agency's FOIA link to be of a certain size or prominence on the home page, some links are easier to find than others. Agencies should give their FOIA links sufficiently prominent placement on their home pages for the links to be viewed by a user without scrolling or taking any other action on the page. Only a handful of agencies have adopted this best practice. For example, the Federal Trade Commission Web site displays a FOIA tab just below the site header in a main navigation bar with seven other general administrative links for the agency. Other agencies—including the Federal Communications Commission and the Department of Transportation—place their FOIA links in navigation bars running down the side of the page with other essential links for users of the agency Web site. These links are clear and readable, fulfilling E-FOIA's purpose of easy access.

### **AGENCIES SHOULD USE CLEAR, TRANSPARENT NAVIGATIONAL SCHEMES ON THEIR FOIA PAGES AND THROUGHOUT THEIR WEB SITES**

The Webby Award has become a standard for evaluating all types of Web sites and commending Internet best practices. Structure and navigation of sites is one of the key judging areas, and federal agencies should take the organization's basic criteria to heart in assessing their own FOIA Web sites: "Sites with good structure and navigation are consistent, intuitive and transparent. They allow you to form a mental model of the information provided, where to find things, and what to expect when you click. Good navigation gets you where you want to go quickly and offers easy access to the breadth and dept of the site's content."<sup>41</sup>

There are many resources available for Web designers to assist with improving navigation and usability of sites. Most importantly, the federal government itself provides extensive support for agency Web site development, primarily through the Interagency Committee on Government Information, established and overseen by OMB.<sup>42</sup> Many of the agency home pages and Web sites generally do follow the basic government usability guidelines, but most of the FOIA sites appear to have been left behind when good Web practices were adopted agency-wide. It should not, therefore, be a difficult step for agencies to upgrade deficient sites to make FOIA-related materials more accessible.

A few very basic additions and revisions to some of the organizationally deficient FOIA sites could make a significant difference in the usability and user-friendliness of these sites. In particular, agencies should use a consistent navigation bar within their FOIA pages to direct users to the most significant FOIA-related information. A static navigation scheme also helps to ensure visual consistency and ease of use. Links within these static menus should be simple, intuitive and provide a roadmap that does not leave users guessing where to click to find the information they are seeking.<sup>43</sup> Electronic reading rooms within the site should be clearly labeled as such, so that users can easily

<sup>41</sup> "Judging Criteria," The Webby Awards, 2006, <http://www.webbyawards.com/entrie/criteria.php>.

<sup>42</sup> See Interagency Committee on Government Information, *Final Report: Recommended Policies and Guidelines for Federal Public Websites*, June 9, 2004, [http://www.firstgov.gov/webcontent/about/documents/icgi\\_report.htm](http://www.firstgov.gov/webcontent/about/documents/icgi_report.htm).

<sup>43</sup> One agency that makes effective use of static FOIA links is the Legal Services Corporation (LSC). On every LSC FOIA page, there are consistently placed links to: (1) an overview of the FOIA, (2) the LSC FOIA Handbook, (3) annual FOIA Reports, (4) the electronic reading room, (5) FOIA FAQs, (6) LSC Laws & Regulations, (7) LSC Federal Register Notices, and (8) the Board of Directors page. Links to the major (non-FOIA) sections of the LSC Web site appear at the top of each page as well. NARA and BBG also use static links on their FOIA sites to allow users to navigate easily among the various FOIA-related pages.

locate the required records on an agency site and so that Congress can effectively assess the compliance of all agencies.

### **AGENCIES SHOULD FORMAT THEIR SITES TO BE ACCESSIBLE TO THE GREATEST NUMBER OF POTENTIAL USERS**

HTML pages should be the standard format for essential information and guidance for requesters, where possible, because basic HTML can be viewed by all users, including those with older platforms or slower Internet connections. Agencies should never use advanced Web technologies as the only means to convey information on their sites. When agencies appeal to Web-savvy users, they should be mindful of not leaving others—those with limited skills or technology resources—behind. If an agency chooses to provide information in several different formats, these options should be clear and easy to find. NASA accomplishes this by offering a Flash version, a regular HTML version (text and images), and a text-only version of its comprehensive site. The Inter-American Foundation uses Flash technology but offers a non-Flash version of its site as well.

For documents not originally in electronic form, agencies should post the files as PDFs because PDF is the format that best preserves the integrity of records. However, agencies that make documents available in PDF form should include an obvious link to download the free Adobe PDF viewer, which can be used with all common computer platforms.

### **AGENCIES SHOULD SEEK PUBLIC FEEDBACK ON THEIR WEB SITES**

Agencies should solicit and consider public feedback from FOIA requesters and others who regularly use the sites. In a noteworthy effort, the Department of State in December 2006 held a forum for the public to comment on its FOIA Web site as part of an effort to enhance the site and improve FOIA processing under Executive Order 13,392. This forum gave frequent requesters an opportunity to suggest improvements, including revising the navigation structure and link titles throughout the site. The State Department continues to show an interest in making its Web site, and its FOIA program, effective, efficient, and user-friendly. Several other agencies have included pop-up comment forms on their pages that allow users to rate their experiences in real time. This type of process for feedback could be very useful, but the forms we saw generally only allowed for a very basic determination of whether or not the site was helpful but no specific comments or suggestions.

### **PROBLEM: MAIN AGENCIES FAIL TO COORDINATE THEIR COMPONENTS' FOIA PROGRAMS**

Many Departments and other large agencies are organized in a decentralized manner. At some agencies, such as Department of Homeland Security (DHS) and DOD, separate components are responsible for very different programs. Other agencies, such as the Department of Energy (DOE), Environmental Protection Agency (EPA), and VA, have components or field offices with regionally defined responsibilities. In many cases, these agencies have decentralized FOIA programs, which means that each of the components receives, processes, and responds directly to FOIA requests from members of the public. Some agencies, such as DOD, have individual components that are also decentralized, with sub-components that maintain their own FOIA programs.

There are benefits to decentralization. It puts responsibility for finding and processing records in the hands of the people who know them best. A major disadvantage, however, is that it can create a challenging maze for the ordinary FOIA requester to navigate. Our reviews found that the deficiencies in the organization of FOIA Web pages tended to be magnified when the agency is decentralized. In such cases, the absence of any overall FOIA leadership within the agency has led to disparate and confusing Web pages—and practices—at most of the agencies.

Generally, components of decentralized agencies do maintain their own FOIA sites, and DOJ guidance endorses this practice in most cases.<sup>44</sup> But our reviews revealed that compliance with E-FOIA across components was inconsistent and, in some cases, components lacked FOIA pages entirely when the agency's Web site scheme suggested that each component was supposed to maintain its own FOIA page.

### **SOME COMPONENT FOIA PAGES AND ELECTRONIC READING ROOMS ARE DIFFICULT TO LOCATE OR INACCESSIBLE FROM MAIN AGENCY SITES**

*Of the major agencies with components, 38% did not include links to their component FOIA Web pages and 29% did not have FOIA contact information for their components.* While many components maintain their own FOIA Web pages and electronic reading rooms, there are not always links to these sites from the main agency FOIA Web page. Without contact information and links, members of the public may never find the resources housed on the component pages and may indeed never discover that the components exist.

In other cases, components or sub-components do not maintain their own FOIA sites. When an agency neglects to provide information about components that is necessary to file requests, requesters are left without guidance. For example, the Air Force FOIA pages do not contain adequate guidance or an electronic reading room with required documents. Instead, what is called an "Electronic Reading Room" is merely a page with links (many broken) to the main Web site for each Air Force sub-component. The requester must then sift through these Web sites to find information on how to file a FOIA request with each of these subcomponents.

### **AGENCY GUIDANCE REGARDING COMPONENTS IS INADEQUATE IN MANY CASES**

*There is significant disparity in how component sites provide guidance on submitting FOIA requests.* In some cases, components provide their own FOIA guidance. In other cases, components provide only very limited or partial guidance and rely heavily on the main agency's FOIA Web page for other information. On sites with this type of organization, it can be very difficult to navigate between the component and the main agency, and links to agency-wide guidance send a user back to the main site with no easy way to return to the component FOIA page.<sup>45</sup>

*Contact information and basic guidance for each component is not provided on component Web sites in all cases.* FEMA, a component of DHS, exhibits this problem because the component site provides no address or fax number for filing a request. Guidance links lead back to the main DHS FOIA site, where a user must search through several pages to find component-by-component contact information giving details about how to send a request to FEMA.

*In decentralized agencies, it is often unclear which component is responsible for what types of records.* A FOIA requester who is not familiar with the structure and organization of a large agency may be lost on some FOIA sites. Many large agencies specifically direct that requests should be filed with the component the requester believes holds the information. But in some cases, there are minimal, if any, descriptions of the components' record holdings, and the vast majority of components have not complied with the record indexing requirements in the statute. Therefore, a requester is left either to guess blindly about where to file the request or contact the main FOIA

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<sup>44</sup> "Agencies of such size that they contain sub-agencies or major agency components that administer the FOIA on a decentralized basis and have their own Web sites may maintain multiple 'electronic reading rooms,' so long as they are linked together clearly and efficiently for Web site users." DOJ, *FOIA Guide: FOIA Reading Rooms*, 2004.

<sup>45</sup> For example, several DOL and EPA components link back to the main agency FOIA Web page but do not make it clear that the user left the component page and returned to the main site (because all of the sites follow a similar format and are linked together without a transparent navigation scheme).

office or one or more component offices to get more details when such information could simply be posted on the agencies' and components' FOIA sites.

## **SOLUTION: AGENCIES MUST GUIDE AND PROVIDE OVERSIGHT FOR DECENTRALIZED COMPONENTS**

### **AGENCIES SHOULD ISSUE GUIDELINES TO COMPONENTS AND PROVIDE ASSISTANCE IN DEVELOPING WEB SITES COMPLIANT WITH E-FOIA**

Agency-wide compliance with E-FOIA is the responsibility of each agency, whether or not its FOIA processing is decentralized. Agencies should issue guidance to all components and ensure that the components are complying with all E-FOIA requirements. The responsibility for compliance should not be pushed onto the individual components.

In particular, agencies should assist their components by providing a template or standard procedures for establishing a FOIA page. Some DOJ components appear to base their FOIA pages on a template. This is a simple strategy that other agencies should adopt. Not only would consistency among components make it easier for members of the public to find information, it could also make it easier for components to ensure that they are complying with the law without having to expend significant resources.

### **AGENCIES SHOULD ENSURE SMOOTH NAVIGATION BETWEEN MAIN AND COMPONENT FOIA SITES AND AMONG COMPONENTS**

Each main agency FOIA Web page should contain clear links to its component FOIA Web pages with descriptions of the records that are held by that particular component. A good example of this is the Department of Health and Human Services (HHS) FOIA Web page, which includes a list of all its components with a brief description of each and a link to each FOIA page. DOJ also provides as an appendix to its FOIA Guide a comprehensive list of components and a general description of their missions as well as links and contact information for filing requests. This approach provides the requester with the necessary guidance to determine which component may hold the records he or she is seeking; it also helps to direct the requester to the correct component's FOIA site or electronic reading room to look for available records.

Agencies can also use a portal scheme to connect the FOIA information made available by each of their components. NASA recently redesigned its main FOIA Web page to serve as a portal to all thirteen NASA centers, with direct links to each of the centers' FOIA resources. Users of this site can easily move among the different pages but always return directly to the central site if one page does not provide the information they are seeking. This scheme also facilitates oversight of each component by the NASA FOIA staff to ensure that their sites are accurate, up-to-date, and in compliance with the law.

### **ALL COMPONENTS SHOULD PROVIDE ADEQUATE GUIDANCE, OR AT LEAST ENSURE EASY AND CLEAR ACCESS TO AGENCY-WIDE GUIDANCE**

If a component does rely on an agency-wide guide or handbook, there should be a direct link to the guide from the FOIA site with an explanation of the applicability of agency-wide guidance to the component. There should also be simple navigational tools for returning to the component site. Nonetheless, certain basic guidance—contact information and any component-specific requirements for filing FOIA requests—should be easily accessible on each component site without the need to return to the main site or search for this information.

## CONCLUSION

For ten years, the E-FOIA amendments have languished largely unfulfilled and unenforced, while backlogs of pending FOIA requests at federal agencies grow dramatically. FOIA has been marginalized, underfunded, and at times ignored in many federal agencies. As a result, the promise of a revolution in access to government information through the use of the Internet has never materialized. Not only have agencies not had the money or the will to comply, but they have rarely been exhorted, much less ordered, to do so.

Congress, as well, has failed to demand compliance with the E-FOIA amendments, which it passed with great fanfare more than ten years ago. Only two hearings (June 1998 and June 2000) have been held on E-FOIA oversight, both by a subcommittee of the House Committee on Government Reform. In 2000, three years after the amendments came into force, Subcommittee Chairman Stephen Horn concluded that “the Electronic Freedom of Information Act has not been as successful as intended. . . . In part, some agencies do not know what the law requires.”<sup>46</sup> Despite that bleak assertion, Congress never followed up on E-FOIA or took any further action to inform agencies about the law or ensure that they were complying with it.

The law requires affirmative publication of particular records and of already released records in certain circumstances. There is no reason, however, that agencies should stop there. If there are categories of records—for example, contracts, reports, licenses, and the like—that are often the subject of FOIA requests, agencies can and should make these available in their electronic reading rooms. Further, when significant events take place, agencies should proactively place records on their Web sites that are likely to be requested. The agency may be able to complete processing of FOIA requests by directing requesters to the electronic reading rooms. Several agencies have used these approaches and can serve as models for federal FOIA programs government-wide.

Moreover, agencies can take minimal steps to provide basic guidance to requesters and offer options to smooth the FOIA process. In particular, all agencies should make available a comprehensive FOIA handbook, a task as easy as adapting agency regulations or DOJ guidance into a format easily accessible to Web users. In addition, all agencies should implement systems for electronic receipt of and response to FOIA requests. Using Web submission forms can cut down on manpower and facilitate recordkeeping, as well as assist requesters in formulating good, complete requests from the start.

Resources continue to be a problem for FOIA programs government-wide. Agencies in many cases do not have the funding they need to do their jobs well and comply with the law. This is a matter for Congress, which must do more to ensure that FOIA is treated as a priority rather than an encumbrance at each federal agency. Continued oversight and direction will bring FOIA into the twenty-first century and fulfill E-FOIA’s transformative vision.

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<sup>46</sup> House Committee on Government Reform, Subcommittee on Government Management, *Information, and Technology, Agency Response to the Electronic Freedom of Information Act*, 106th Cong., 2nd sess., June 14, 2000.



## METHODOLOGY

The National Security Archive has conducted four previous audits of federal government FOIA administration. For each audit, the Archive submitted FOIA requests to federal agencies requesting policies or data for analysis and cross-agency comparison. The Archive set out to conduct this audit in the same manner. After submitting 46 FOIA requests to the largest agencies and components regarding their policies for posting information in their electronic reading rooms, and another 46 requests for policies on the length of time the agencies maintain the records in their reading rooms, the Archive received an overwhelming number of “no records” responses and concluded that most agencies do not have policies in place for populating and maintaining their electronic reading rooms. The Archive then designed a comprehensive methodology to review each agency’s Web site and assess compliance with E-FOIA based on that review.

This government-wide review of E-FOIA compliance covered 149 agencies and agency components. The list includes each independent agency that is subject to FOIA and submitted an Improvement Plan to the Department of Justice under the FOIA Executive Order 13,392.<sup>47</sup> Of those agencies with decentralized FOIA processing, the review separately included their components (bureaus, offices, divisions, or other sub-agencies) that receive more than 500 FOIA requests per year, based on FY2005 data reported in their FOIA annual reports.<sup>48</sup>

The design of agency FOIA sites is as varied as the number of agencies and components. In part, this may be because the statute does not mandate a particular structure or format that agencies must use when making available required information and guidance. Thus, to produce the most accurate results regarding agency compliance, we developed a set of uniform standards for reviewing the agency and component Web sites, based on authoritative interpretations of the statute.

The review focused on three key areas: basic elements of a good FOIA Web site, guidance or a handbook for FOIA requesters, and the online availability of specific records and categories of records. Reviewers additionally made a subjective assessment of each site based on the data gathered and their overall impression and experience as to the organization and usability of the site.

The reviewers first looked at the basic Web site elements. These included features of the agency Web site generally, such as the presence of a FOIA link on the agency’s home page; whether the agency maintained a FOIA Web page; if the site could be searched; for decentralized agencies, if the components and agencies linked to each other; and if there was a designated “electronic reading room.” Reviewers looked specifically for these words. In many cases, agencies had the functional equivalent of a reading room, but called it something else (i.e. Document Center or Popular FOIAs). In these cases, reviewers took note of the designation but still did not consider the agency to have an “electronic reading room.”

Reviewers then assessed whether agencies made available certain critical FOIA guidance information. The statute requires agencies to have a handbook with this information, but many agencies do not have a single document or Web page explicitly entitled “handbook.” In these cases, the reviewer noted what individual pieces of information were available on the site and where they

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<sup>47</sup> Agency FOIA Improvement Plans under E.O. 13,392, can be accessed at [www.usdoj.gov/oip/agency\\_improvement.html](http://www.usdoj.gov/oip/agency_improvement.html).

<sup>48</sup> Some agencies do not report component data. For several of those, including Department of Commerce (DOC) and DOI, we inquired with the agency to obtain the data. For several others, the component data was not available. For DOD, the reviews cover the four major service branches (Air Force, Army, Navy, and Marine Corps) and the two major military intelligence agencies (Defense Intelligence Agency and National Security Agency). Data also was not available for NASA. However, in its recent FOIA Improvement Plan, NASA indicated its intention to combine the Web sites of all of its components into a single, E-FOIA compliant Web portal, and apparently has done so as of the beginning of 2006. See <http://www.hq.nasa.gov/office/pao/FOIA/EO13392.pdf>. We therefore opted only to review the main NASA site for current compliance.



were located. Reviewers considered compilations of general guidance to be handbooks. Frequently, they were entitled “Reference Guide” or something similar.

Specifically, reviewers checked handbooks or sites for a variety of FOIA guidance information, including: contact information for sending requests; fee waiver and fee status information; an explanation of FOIA exemptions and reply time; guidelines for requesting expedited processing; and administrative and judicial appeal rights and details. The 1996 amendments to FOIA require a major information systems index, and OMB mandates that agency guidance also include a link to the “agency’s Government Information Locator Service presence.” Agencies were found to be in compliance with this broad requirement only if they had an index and descriptions, which might include but was not limited to a link to GILS. Because of the vague nature of this requirement, we found compliance when an agency site contained a page labeled “major information system” index or description and the page contained a list describing various types of records, files, and/or databases retained by the agency—because we were unable to determine with certainty whether the records described actually fall within the definition of “major information systems” promulgated by OMB.

The final area reviewers assessed was whether agencies made available on their Web sites certain categories of documents required by E-FOIA. These categories include: agency final opinions and orders, statements of policy and interpretations, administrative staff manuals, frequently requested records previously released, annual FOIA reports, and the agency’s current FOIA regulations. This was the most challenging area because many electronic reading room documents are not organized by category or even clearly marked as to the nature of each record. In many cases, they are presented in a long, randomized list of available materials that a user must sift through to find a single record.

When the records posted on the FOIA site were not organized by category, the reviewers looked to see whether they could identify some records, for example by their title, which clearly fell into one of these required categories. If some documents were labeled as agency policy statements, for example, we concluded that the agency had satisfied this requirement. If records in a required category were not posted or linked from the FOIA site but are available in another location on the larger agency Web site, we found the agency in compliance only when the link to the records could be located on the FOIA site and was unambiguous—for example, a link on the reading room to “Adjudications” and leading directly to a database of all agency opinions and orders. The agency was found to be not in compliance, however, if finding the required records necessitated additional searching—for example, where a user must click through several pages to reach the link for “Opinions and Orders” or use a site search engine to find the type of documents being sought. This conclusion logically follows from the structure of the statute: the FOIA statute requires agencies to affirmatively disclose certain types of records so that individuals would not have to request them. In order to fully satisfy the statute, members of the public must be able to locate the disclosed materials, for example from a central FOIA Web page, or else the provision would be practically without force.

For frequently requested records, if a heading or introductory description on the FOIA site stated that the records consisted of frequently requested records under (a)(2)(D), we concluded that the agency had complied. If a list of various records was posted but not identified, we concluded that the agency had not complied because, in essence, we were unable to determine compliance: the agency has made some records available, but we do not know whether they are frequently requested FOIA documents or other materials that the agency has proactively disclosed.

An inherent shortcoming of this type of review is that we had no way to determine whether an agency has posted *all* of the records of a particular type that it retains. Some of the reviewed agencies or components that receive a small number of FOIA requests may never receive multiple requests for the same record. Even though they may have no “frequently requested records” to post, they would have received a non-compliant rating in that category because we had no way of proving the negative (unless the agency specifically noted on its site that it did not possess any records in a particular category, in which case we found them in compliance).

After conducting this comprehensive examination, reviewers made subjective determinations regarding the site's content, usability, structure and navigation, visual appearance, and overall experience. They considered whether documents were posted in PDF format, which retains the original integrity of a document and is easily accessible to most users, and if links to free viewers were available. Reviewers also noted whether broken links were prevalent on the site or if there were other indications that the site was not up-to-date or regularly updated. Finally, reviewers considered several factors related to the ease of use of each site, namely whether the menus and navigation structure made moving around the site simple and straightforward and whether the site had a professional, modern look that made information readable and accessible. This information is not reported in our appendices as qualitative data, but rather is reflected in our general assessments and recommendations about how agencies should structure their FOIA sites to best serve the public under E-FOIA.

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## APPENDIX 1

### GLOSSARY OF AGENCY ACRONYMS

AID	Agency for International Development
AMBC	American Battle Monuments Commission
AMTRAK	Amtrak (National Railroad Passenger Corporation)
APHIS (USDA)	Animal & Plant Health Inspection Service
ATF (DOJ)	Bureau of Alcohol, Tobacco, Firearms, and Explosives
BBG	Broadcasting Board of Governors
BIA (DOI)	Bureau of Indian Affairs
BLM (DOI)	Bureau of Land Management
BOP (DOJ)	Bureau of Prisons
CBFO (DOE)	Carlsbad Field Office
CBP (DHS)	Customs & Border Protection
CCR	Commission on Civil Rights
CDC/ATSDR (HHS)	Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry
CEQ	Council on Environmental Quality
CFTC	Commodity Futures Trading Commission
CIA	Central Intelligence Agency
CIS (DHS)	Citizenship and Immigration Services
CMS (HHS)	Center for Medicare & Medicaid Services
CNS	Corporation for National Service
CO (LOC)	Copyright Office, Library of Congress
CPSC	Consumer Product Safety Commission
CRIM (DOJ)	Criminal Division
CRT (DOJ)	Civil Rights Division
CSB	Chemical Safety and Hazard Investigation Board
CSOSA	Court Services and Offender Supervision Agency for DC
DA (DOD)	United States Army
DEA (DOJ)	Drug Enforcement Administration
DHS (main)	Department of Homeland Security
DIA (DOD)	Defense Intelligence Agency
DNFSB	Defense Nuclear Facilities Safety Board
DOC (main)	Department of Commerce
DOD (main)	Department of Defense
DOE (main)	Department of Energy
DOI (main)	Department of Interior
DOJ (main)	Department of Justice
DOL (main)	Department of Labor
DOS	Department of State
DOT (main)	Department of Transportation
EBSA (DOL)	Employee Benefits Security Administration
ED	Department of Education
EEOC	Equal Employment Opportunity Commission
EIB	Export-Import Bank
EOIR (DOJ)	Executive Office for Immigration Review
EOUSA (DOJ)	Executive Office for United States Attorneys
EPA (main)	Environmental Protection Agency
EPA-2	EPA Region 2
EPA-3	EPA Region 3

EPA-4	EPA Region 4
EPA-5	EPA Region 5
EPA-6	EPA Region 6
EPA-7	EPA Region 7
EPA-9	EPA Region 9
ESA (DOL)	Employment Standards Administration
ETA (DOL)	Employment and Training Administration
FAA (DOT)	Federal Aviation Administration
FBI (DOJ)	Federal Bureau of Investigation
FCA	Farm Credit Administration
FCC	Federal Communications Commission
FCSIC	Farm Credit System Insurance Corporation
FDA (HHS)	Food & Drug Administration
FDIC	Federal Deposit Insurance Corporation
FEC	Federal Election Commission
FEMA (DHS)	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FHFB	Federal Housing Finance Board
FLETC (DHS)	Federal Law Enforcement Training Center
FLRA	Federal Labor Relations Authority
FMC	Federal Maritime Commission
FMCS	Federal Mediation and Conciliation Service
FMCSA (DOT)	Federal Motor Carrier Safety Administration
FMSHRC	Federal Mine Safety and Health Review Commission
FOMC	Federal Open Market Committee
FRB	Federal Reserve System, Board of Governors
FS (USDA)	Forest Service
FSA (USDA)	Farm Service Agency
FSIS (USDA)	Food Safety & Inspection Service
FTC	Federal Trade Commission
FWS (DOI)	Fish & Wildlife Service
GSA	General Services Administration
HHS (main)	Department of Health and Human Services
HUD	Department of Housing and Urban Development
IAF	Inter-American Foundation
ICE (DHS)	Immigration & Customs Enforcement
IMLS	Institute of Museum and Library Services
IRS (TRE)	Internal Revenue Service
ITC	United States International Trade Commission
JMD (DOJ)	Justice Management Division
JWOD	Committee for Purchase From People Who Are Blind or Severely Disabled
LSC	Legal Services Corporation
MCC	Millennium Challenge Corporation
MSHA (DOL)	Mine Safety and Health Administration
MSPB	Merit Systems Protection Board
NARA	National Archives and Records Administration
NASA	National Aeronautics and Space Administration
NCOC	National Capital Planning Commission
NCUA	National Credit Union Administration
NEA	National Endowment for the Arts
NEH	National Endowment for the Humanities

NIGC	National Indian Gaming Commission
NIH (HHS)	National Institutes of Health
NLRB	National Labor Relations Board
NMB	National Mediation Board
NOAA (DOC)	National Oceanic & Atmospheric Administration
NPS (DOI)	National Park Service
NRC	Nuclear Regulatory Commission
NSA (DOD)	National Security Agency
NSF	National Science Foundation
NTSB	National Transportation Safety Board
OA	Office of Administration
OCC (TRE)	Office of the Comptroller of the Currency
ODNI	Office of the Director of National Intelligence
OFHEO	Office of Federal Housing Enterprise Oversight
OGE	Office of Government Ethics
OMB	Office of Management and Budget
ONDCP	Office of National Drug Control Policy
OPIC	Overseas Private Investment Corporation
OPM	Office of Personnel Management
ORO (DOE)	Oak Ridge Operations Office
OSC	Office of Special Counsel
OSHA (DOL)	Occupational Safety and Health Administration
OSHRC	Occupational Safety and Health Review Commission
OSTP	Office of Science and Technology Policy
OTS (TRE)	Office of Thrift Supervision
PC	Peace Corps
PRC	Postal Rate Commission
PBGC	Pension Benefit Guaranty Corporation
RD (USDA)	Rural Development
EMCBC (DOE)	Rocky Flats Environmental Management Consolidated Business Center
RRB	Railroad Retirement Board
SBA	Small Business Administration
SEC	Securities and Exchange Commission
SSA	Social Security Administration
SSS	Selective Service System
STB	Surface Transportation Board
TDA	United States Trade and Development Agency
TRE (main)	Department of Treasury
TSA (DHS)	Transportation Security Administration
TVA	Tennessee Valley Authority
USAF (DOD)	United States Air Force
USCG (DHS)	United States Coast Guard
USDA (main)	Department of Agriculture
USMC (DOD)	United States Marine Corps
USMS (DOJ)	U.S. Marshals Service
USN (DOD)	United States Navy
USPC (DOJ)	U.S. Parole Commission
USPS	United States Postal Service
USSS (DHS)	United States Secret Service
USTR	Office of the U.S. Trade Representative
VA	Department of Veterans Affairs

## APPENDIX 2

# GLOSSARY OF INTERNET TERMINOLOGY

**Browse:** The process of moving through a Web site or "surfing the Net," using a World Wide Web browser and clicking on a variety of hyperlinks. Derived from the notion of "browsing" through a store, the term implies you are "just looking," but in fact, you are interacting: You must point-and-click to get to the next Web page. (from [www.netlingo.com](http://www.netlingo.com))

**Browser** (or Web browser): A program used to view, download, upload, surf, or otherwise access documents (for example, Web pages) on the Internet. Netscape Navigator and Internet Explorer are well-known "Web browsers" that enable you to view and interact with Web sites. (from [www.netlingo.com](http://www.netlingo.com))

**Content:** The textual and graphical information contained in a Web site. Content also refers to the structure and design in which the information is presented. (from [www.netlingo.com](http://www.netlingo.com))

**Domain name:** The address or URL of a particular Web site; it is the text name corresponding to the numeric IP address of a computer on the Internet. There is an organization called InterNIC that registers domain names for a fee, to keep people from registering the same name. (from [www.netlingo.com](http://www.netlingo.com))

**FAQ** (short for frequently asked questions): a FAQ is an online document that poses a series of common questions and answers on a specific topic. FAQs originated in Usenet groups as a way to answer questions about the rules of the service. Frequently, FAQs are formatted as help files or hypertext documents. (from [www.webopedia.com](http://www.webopedia.com))

**Home page** (or home or homepage): The first page or front page of a Web site. It serves as the starting point for navigation. (from [www.netlingo.com](http://www.netlingo.com))

**HTML** (short for "Hypertext Markup Language"): The authoring language used to create documents on the World Wide Web. HTML is a mark-up language (versus a programming language) that uses tags to structure text into headings, paragraphs, lists, and links. The tags tell a Web browser how to display text and images. (from [www.netlingo.com](http://www.netlingo.com))

**Hyperlink:** An element in an electronic document that links to another place in the same document or to an entirely different document. Typically, you click on the hyperlink to follow the link. Hyperlinks are the most essential ingredient of all hypertext systems, including the World Wide Web. (from [www.webopedia.com](http://www.webopedia.com))

**Internet:** A global network connecting millions of computers. More than 100 countries are linked into exchanges of data, news and opinions. Unlike online services, which are centrally controlled, the Internet is decentralized by design. Each Internet computer, called a host, is independent. Its operators can choose which Internet services to use and which local services to make available to the global Internet community. (from [www.webopedia.com](http://www.webopedia.com))

**Link:** Text or images on a Web page that a user can click on in order to access or connect to another document. Links are most commonly thought of as the technology that connects two Web pages or Web sites. They are most commonly seen on your browser as underlined words. (from [www.netlingo.com](http://www.netlingo.com))

**Menu:** A list of items you can select. This term also loosely refers to any type of drop-down menu, dialog box, check box, or list of option buttons that appear on a Web site. (from [www.netlingo.com](http://www.netlingo.com))

**Rollover menu:** A rollover menu is a dynamic HTML function that is triggered when the cursor is placed over a certain image or text on a Web site (the “navigation label”). Thus, a rollover menu is hidden until the user positions the cursor over the navigation label.

**Popup menu:** a menu that appears outside of the menu bar and that pops up when a user clicks on it. (from [www.usabilityfirst.com/glossary](http://www.usabilityfirst.com/glossary))

**Dropdown menu** (or drop-down menu): in a menu bar, an item you can click that brings down a list of options to choose, typically used to perform commands or set options. (from [www.usabilityfirst.com/glossary](http://www.usabilityfirst.com/glossary))

**Navigation bar** (or nav bar): The set of directional tools presented on a Web site, or the hyperlinked options that when clicked on take you to other sections of the site. The names on a nav bar are usually determined by the titles of the sections within a Web site. Almost all Web pages are linked in numerous places to numerous other pages, per the nature of the Web itself, and nav bars are supposed to guide users through what could seem like a tangled mess. (from [www.netlingo.com](http://www.netlingo.com))

**PDF** (short for Portable Document Format): A file format developed by Adobe Systems. PDF captures formatting information from a variety of desktop publishing applications, making it possible to send formatted documents and have them appear on the recipient's monitor or printer as they were intended. To view a file in PDF format, you need Adobe Reader, a free application distributed by Adobe Systems. (from [www.webopedia.com](http://www.webopedia.com))

**Plugin or plug-in:** A software program that extends the capabilities of your browser in a specific way, giving you, for example, the ability to play audio samples or view movies on your computer screen. Think of a plugin as a smaller, add-on computer program that works in conjunction with a larger application by enhancing its capabilities. (from [www.netlingo.com](http://www.netlingo.com))

**Upload:** To copy a file from your local computer to a server or host system; the reverse process of download. (from [www.netlingo.com](http://www.netlingo.com))

**URL** (Uniform Resource Locator): the global address of documents and other resources on the World Wide Web. The first part of the address indicates what protocol to use, and the second part specifies the IP address or the domain name where the resource is located. (from [www.webopedia.com](http://www.webopedia.com))

**User:** A term that defines the online audience, it also refers to anyone who uses a computer. (from [www.netlingo.com](http://www.netlingo.com))

**Web page:** A single HTML file that contains text and images, is part of a Web site, and has an individual file name assigned to it. When viewed by a Web browser, this file could actually be several screen dimensions long (appearing as more than "a page"). Many times, on the Web, a user must "scroll down the page" in order to view the rest of the contents on the screen. Even if "the page" prints out at ten pages long, that one HTML file is considered a single "Web page." (from [www.netlingo.com](http://www.netlingo.com))

**Web Site:** A place on the Internet or World Wide Web. It refers to a body of information as a whole, for a particular domain name. A Web site is a place made up of Web pages. (from [www.netlingo.com](http://www.netlingo.com))

**World Wide Web:** A system of Internet servers that support specially formatted documents. The documents are formatted in a markup language called HTML (HyperText Markup Language) that supports links to other documents, as well as graphics, audio, and video files. This means you can jump from one document to another simply by clicking on hot spots. Not all Internet servers are part of the World Wide Web. (from [www.webopedia.com](http://www.webopedia.com))

**APPENDIX 3**  
**WEB SITE REVIEW DATA**



Agency	FOIA link on home page	FOIA page	Designated electronic reading room	Opinions and orders	Policy statements	Staff manuals	Frequently requested records	FOIA annual reports FY1998 – FY2005	Fax for requests	Email for requests	Online request form	Fee status information	Fee waiver information	Reply time	Exemptions	Expedited processing	Index of Major Information Systems	Description of Major Information Systems	GILS link	Appeal Rights	Where to send appeal	Judicial review rights	Service Center contact	Public Liaison contact	Link to components	Components contacts
ABMC	Y	Y	N	N	N	N	N	Y*	N	N	N	N	N	Y	N	N	N	N	N	N	N	Y	Y	N/A	N/A	
AID	Y	Y	N	N	N	N	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y	N	N	Y	Y	N	N	Y	N/A	N/A
Amtrak	Y	Y	N	Y	Y	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	N/A	N/A
BBG	Y	Y	Y	N	N	N	N	Y*	Y	N	N	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	Y	Y	N
CCR	Y	Y	N	N	N	N	N	Y	Y	Y	N	N	N	Y	N	N	N	N	N	Y	Y	N	Y	Y	N/A	N/A
CEQ	Y	Y	Y	N	Y	N	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N/A	N/A
CFTC	Y	Y	Y	Y	Y	N	N	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	N/A	N/A
CIA	Y	Y	Y	N	N	N	Y	Y	Y	N	N	Y	Y	N	Y	Y	N	N	N	Y	Y	Y	Y	N	N/A	N/A
CNS	Y	Y	Y	N	N	Y	N	Y	Y	N	N	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	Y	N/A	N/A
CPSC	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	Y	Y	N	N	N	N	N	Y	N	N	N	Y	Y	N/A	N/A
CSB	Y	Y	Y	N	N	N	N	Y*	N	N	N	Y	Y	Y	N	Y	Y	Y	N	Y	N	Y	N	N	N/A	N/A
CSOSA	Y	Y	Y	N	Y	N	Y	Y*	Y	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N/A	N/A
DHS-main	Y	Y	Y	N	N	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	N	Y	N	N	N	Y	Y	N	Y
DHS-CBP	Y	Y	Y	Y	Y	Y	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	N	N	N/A	N/A
DHS-CIS	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	N	N	N	N	Y	Y	N	N	N	N	Y	N	N/A	N/A
DHS-FEMA	Y	Y	Y	N	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N/A	N/A
DHS-FLETC	Y	Y	Y	N	N	N	N	Y*	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	N	N	N/A	N/A
DHS-ICE	Y	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N/A	N/A
DHS-TSA	Y	Y	Y	N	N	N	N	Y*	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N/A	N/A
DHS-USCG	Y	Y	Y	Y	Y	Y	Y	Y*	Y	Y	N	Y	Y	N	N	N	Y	N	N	N	N	N	N	N	N/A	N/A
DHS-USSS	Y	Y	Y	N	N	N	N	Y*	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	Y	Y	N/A	N/A
DNFSB	Y	Y	N	N	N	N	Y	Y	N	Y	N	N	N	Y	N	Y	Y	N	N	N	N	N	N	N	N/A	N/A
DOC-main	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y
DOC-NOAA	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	N	Y	N	Y	Y	Y	N	N	N	N/A	N/A
DOD-main	Y	Y	Y	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	N	N	Y	Y	Y	Y
DOD-DA	Y	Y	Y	N	N	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	N	N	Y	Y	N	Y	Y	Y	N/A	N/A

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DOD-DIA	Y	Y	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	N	N	N	Y	N	Y	Y	N/A	N/A		
DOD-NSA	Y	Y	N	N	N	N	Y	Y	Y	N	Y	N	Y	Y	N	Y	N	N	N	Y	Y	N	Y	Y	N/A	N/A	
DOD-USAF	Y	Y	N	N	N	N	N	N	Y	Y	N	N	N	Y	N	N	N	N	N	Y	Y	N	Y	Y	N/A	N/A	
DOD-USMC	Y	Y	Y	N	Y	Y	N	Y*	Y	Y	N	Y	N	N	Y	N	N	N	N	Y	Y	N	Y	N	N/A	N/A	
DOD-USN	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	N	Y	Y	N/A	N/A	
DOE-main	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y*	N	
DOE-CBFO	Y	Y	N	N	N	Y	N	Y*	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	N/A	N/A	
DOE-ORO	N	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	Y	Y	Y	N	Y	N	Y	Y	Y	N/A	N/A	
DOI-main	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	Y	Y	Y	N	Y	N	Y	Y	Y	Y	
DOI-BIA	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
DOI-BLM	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	Y	Y	Y	Y	N	N	N	Y	Y	N	N	Y	Y	N/A	N/A	
DOI-FWS	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	N	N	N	N	Y	Y	N	N	N	N/A	N/A	
DOI-NPS	Y	Y	N	N	Y	Y	Y	N	Y	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N/A	N/A
DOJ-main	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	
DOJ-ATF	Y	Y	Y	N	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	N	N/A	N/A	
DOJ-BOP	N	Y	Y	N	Y	Y	Y	N	N	N	Y	Y	Y	N	Y	Y	N	N	N	Y	Y	N	Y	Y	N/A	N/A	
DOJ-Crim	Y	Y	Y	N	N	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N/A	N/A	
DOJ-CRT	Y	Y	Y	Y	N	N	Y	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N/A	N/A	
DOJ-DEA	Y	Y	Y	N	Y	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N/A	N/A	
DOJ-EOIR	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N/A	N/A	
DOJ-EOUSA	Y	Y	Y	N	N	Y	Y	N	N	N	N	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	N/A	N/A	
DOJ-FBI	Y	Y	Y	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N/A	N/A	
DOJ-JMD	Y	Y	Y	N	N	N	Y	N	N	N	N	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	N/A	N/A	
DOJ-USMS	Y	Y	Y	N	Y	N	Y	N	N	Y	N	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	N/A	N/A	
DOJ-USPC	Y	Y	Y	N	N	Y	N	N	N	N	N	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	N/A	N/A	
DOL-main	Y	Y	N	N	N	N	N	Y	Y	N	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	

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DOL-EBSA	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N/A	N/A
DOL-ESA	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N	N	N	N/A	N/A
DOL-ETA	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N/A	N/A
DOL-MSHA	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N/A	N/A
DOL-OSHA	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N/A	N/A
DOS	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N/A	N/A
DOT-main	Y	Y	Y	N	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
DOT-FAA	Y	Y	Y	N	Y	Y	N	Y*	Y	Y	N	Y	N	N	N	N	N	N	N	N	N	N	Y	Y	N/A	N/A
DOT-FMCSA	Y	Y	Y	N	N	Y	N	Y*	Y	Y	N	Y	Y	N	Y	N	N	N	N	Y	Y	N	Y	Y	N/A	N/A
ED	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	N/A	N/A
EEOC	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	N	Y
EIB	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N	N	Y	Y	N/A	N/A
EPA-main	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
EPA-2	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	N	N/A	N/A
EPA-3	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	N	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	N/A	N/A
EPA-4	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	N	N/A	N/A
EPA-5	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N	N/A	N/A
EPA-6	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N	N/A	N/A
EPA-7	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	N	N	N/A	N/A
EPA-9	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	N	N/A	N/A
FCA	Y	Y	N	Y	Y	Y	N	Y*	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	N/A	N/A
FCC	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N/A	N/A
FCSIC	Y	Y	N	Y	Y	N	N	Y*	Y	Y	N	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	N/A	N/A
FDIC	Y	Y	N	Y	Y	Y	Y	Y*	Y	N	Y	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	N/A	N/A
FEC	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	Y	Y	Y	N	N	N	N	N	Y	N	N	Y	Y	N/A	N/A
FERC	Y	Y	N	Y	Y	N	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N/A	N/A

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FHFB	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N/A	N/A	
FLRA	Y	Y	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	Y
FMC	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N	N	N	Y	N	N	N	N	N	N	N	N	Y	Y	N/A	N/A
FMCS	Y	Y	N	N	N	Y	N	Y*	Y	Y	N	N	N	N	Y	N	N	N	N	N	N	N	Y	Y	N/A	N/A
FMSHRC	Y	Y	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N/A	N/A
FOMC	Y	Y	N	N	N	N	N	Y*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N/A	N/A
FRB	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N/A
FTC	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N
FRTIB	Y	Y	Y	N	N	N	Y	Y	N	N	N	Y	Y	Y	Y	Y	N	N	N	Y	N	N	N	N	N/A	N/A
GSA	Y	Y	N	Y	Y	N	N	Y*	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	N	Y	Y	Y	N/A	Y
HHS-main	Y	Y	Y	Y	N	Y	N	Y	N	N	Y	N	N	N	N	Y	Y	N	Y	N	N	N	N	Y	Y	Y
HHS-CDC	Y	Y	N	N	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	Y	N	N	N	Y	N	Y	N	Y	N/A	N/A
HHS-CMS	Y	Y	Y	N	N	N	N	Y	Y	N	N	Y	Y	Y	N	Y	N	N	Y	Y	N	Y	Y	Y	N/A	N/A
HHS-FDA	Y	Y	Y	N	N	Y	Y	Y	Y	N	N	Y	N	N	Y	N	N	N	N	N	N	N	N	N	Y	N
HHS-NIH	Y	Y	Y	N	Y	N	N	Y	Y	N	N	Y	Y	N	Y	N	Y	Y	Y	Y	Y	N	Y	Y	N	Y
HUD	Y	Y	Y	Y	N	Y	Y	Y	N	N	Y	Y	Y	N	N	Y	N	N	N	Y	N	N	Y	Y	N/A	N/A
IAF	Y	Y	N	N	N	N	N	Y*	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N/A	N/A
IMLS	Y	Y	N	N	Y	N	N	Y*	Y	Y	N	Y	Y	Y	Y	N	N	N	N	Y	Y	N	Y	Y	N/A	N/A
ITC	Y	Y	N	Y	N	N	Y	Y	N	N	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	N/A	N/A
JWOD	Y	Y	N	N	Y	Y	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N/A	N/A
LOC-CO	Y	Y	N	N	Y	N	N	Y	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N	Y	Y	N/A	N/A	
LSC	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	Y	Y	N	N	N	N/A	N/A
MCC	Y	Y	N	N	N	N	N	Y*	N	Y	N	Y	Y	N	N	Y	N	N	N	N	N	N	N	N	N/A	N/A
MSPB	Y	Y	Y	Y	N	N	N	N	N	Y	N	Y	Y	Y	N	N	N	N	N	Y	Y	N	Y	Y	N/A	N/A
NARA	Y	Y	Y	N	N	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	N/A	N/A
NASA	Y	Y	Y	N	Y	N	Y	Y*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

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NCPC	Y	Y	N	Y	N	N	N	Y*	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N/A	N/A	
NCUA	Y	Y	N	Y	N	N	Y	Y	Y	Y	N	Y	N	Y	Y	N	Y	Y	N	N	N	Y	N	N/A	N/A	
NEA	Y	Y	Y	N	Y	N	Y	Y*	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N/A	N/A
NEH	Y	Y	Y	N	Y	N	Y	Y	N	N	Y	Y	Y	N	N	N	Y	Y	N	Y	N	N	Y	Y	N/A	N/A
NIGC	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y	Y	Y	Y	N	N	N	Y	Y	N	Y	N	N/A	N/A
NLRB	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	N	Y	Y	Y	N/A	N/A
NMB	Y	Y	N	Y	Y	Y	N	Y	Y	Y	N	N	N	N	M	N	N	N	N	N	N	N	Y	Y	N/A	N/A
NRC	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	N/A	N/A
NSF	Y	Y	N	N	Y	N	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N/A	N/A
NTSB	Y	Y	N	Y	Y	N	Y	Y*	Y	N	Y	N	N	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	N/A	N/A
OA	Y	Y	Y	N	N	N	Y	Y	Y	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	N	N/A	N/A
ODNI	Y	Y	Y	N	Y	Y	N	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N/A	N/A
OFHEO	Y	Y	N	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	Y	N	Y	Y	Y	Y	N/A	N/A
OGE	Y	Y	N	Y	N	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	N	N	Y	Y	N	Y	Y	Y	N/A	N/A
OMB	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	N/A	N/A
ONDCP	Y	Y	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N/A	N/A
OPIC	Y	Y	N	Y	Y	N	N	Y	Y	Y	N	Y	Y	N	N	N	N	N	Y	N	N	N	N	N	N/A	N/A
OPM	N	Y	Y	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N/A	N/A
OSC	Y	Y	N	N	Y	N	Y	Y*	Y	N	N	Y	N	Y	Y	Y	N	N	N	Y	Y	Y	Y	N	N/A	N/A
OSHRC	Y	Y	Y	Y	Y	Y	Y	Y*	Y	N	N	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	N/A	N/A
OSTP	Y	Y	N	N	Y	N	Y	Y	Y	Y	N	N	N	Y	N	Y	N	N	N	Y	N	N	N	N	N/A	N/A
PC	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	Y	Y	Y	N	N	N	Y	N	Y	Y	Y	N/A	N/A
PRC	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	Y	Y	N	N	Y	Y	N/A	N/A
PSGC	Y	Y	Y	Y	N	N	N	Y	Y	N	N	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	N/A	N/A
RRB	Y	Y	N	Y	N	Y	Y	Y*	N	N	N	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	N/A	N/A
SBA	Y	Y	N	N	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N	Y	Y	N	N	Y	Y	N/A	N/A

Y\* = annual reports only available for some years  
N/A = not applicable

	FOIA link on home page	FOIA page	Designated electronic reading room	Opinions and orders	Policy statements	Staff manuals	Frequently requested records	FOIA annual reports FY1998 – FY2005	Fax for requests	Email for requests	Online request form	Fee status information	Fee waiver information	Reply time	Exemptions	Expedited processing	Index of Major Information Systems	Description of Major Information Systems	GILS link	Appeal Rights	Where to send appeal	Judicial review rights	Service Center contact	Public Liaison contact	Link to components	Components contacts	
<b>Agency</b>																											
SEC	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	N	N	N	Y	N	Y	Y	Y	N/A	N/A	
SSA	Y	Y	N	Y	N	Y	Y	Y*	N	N	N	Y	N	Y	Y	Y	N	N	Y	Y	N	Y	N	N	N/A	N/A	
SSS	Y	Y	Y	N	N	N	Y	Y*	N	N	N	N	N	Y	Y	N	N	N	Y	Y	N	N	N	N	N/A	N/A	
STB	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	N/A	N/A	
TDA	Y	Y	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N/A	N/A	
TRE-main	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	Y	Y	Y	Y	
TRE-IRS	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	N	Y	N/A	N/A	
TRE-OCC	Y	Y	N	Y	N	N	Y	Y*	Y	Y	N	Y	N	Y	N	N	N	N	N	N	N	N	Y	N	N/A	N/A	
TRE-OTS	Y	Y	N	N	N	N	Y	Y*	Y	Y	N	Y	N	N	N	N	N	N	N	N	N	N	Y	Y	N/A	N/A	
TVA	Y	Y	Y	Y	Y	Y	Y	Y*	Y	N	N	Y	Y	Y	Y	N	N	N	Y	Y	Y	N	Y	Y	N/A	N/A	
USDA-main	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	N	N	Y	Y	N	Y	Y	Y	Y	Y	
USDA-APHIS	Y	Y	Y	N	Y	Y	Y	Y*	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N/A	N/A
USDA-FS	Y	Y	Y	Y	Y	Y	Y	Y*	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	N/A	N/A	
USDA-FSA	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N/A	N/A	
USDA-FSIS	Y	Y	Y	Y	Y	Y	Y	Y*	Y	Y	N	Y	Y	Y	Y	N	N	N	N	Y	N	N	N	N	N/A	N/A	
USDA-RD	N	Y	N	N	N	Y	N	Y*	Y	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N/A	N/A	
USPS	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N/A	N/A	
USTR	N	Y	Y	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	N	Y	N	N	Y	Y	N/A	N/A	
VA	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N	Y	Y	N/A	N/A	

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**APPENDIX 4**  
**WEB SITE REVIEW TEMPLATE**

<b>AGENCY:</b>				
<b>Web Site Address:</b>				
<b>Date of Review:</b>				
<b>Reviewer:</b>				
	<b>Available?</b>	<b>Easy to Locate?</b>	<b>Notes</b>	<b>Potential Best/Worst Practice?</b>
<b>A. Web Site Basics</b>				
1. FOIA link on main agency home page (note where on page link is found)				
2. Agency/component maintains FOIA page				
3. Agency web search feature (from FOIA page)				
4. Designated "electronic reading room" Links to component ERRs				
<b>B. FOIA Reference Material</b>				
1. Initial request information:				
Contact name for initial requests				
Mailing address				
Fax number				
Email to submit request				
Electronic submission form				
Sample FOIA letter				
2. Fee status information				
3. Fee waiver information				
4. Basic information about reply time				
5. Explanation of exemptions				
6. Reference to publicly available information				
7. Location of agency conventional reading rooms				
8. Information on multi-track processing				
9. Information on expedited processing				
10. Index of major information systems				
Description of major information and record locator systems				
Link to GILS				

11. Appeal information:				
Description of appeal rights				
Contact person/office for appeals				
Mailing address				
Fax number				
E-mail/electronic submission				
12. Information about judicial review rights				
13. Contact Information				
FOIA Service Center				
Public Liaison				
Chief FOIA Officer				
14. Additional useful FOIA info/guidance available?				
<b>C. Required records available on FOIA web site:</b>				
1. Agency final opinions and orders				
2. Statements of policy and interpretations				
3. Administrative staff manuals and instructions to staff affecting public				
4. Frequently requested records: have been or likely to become subject of subsequent requests				
5. Index of frequently requested records				
Including non-electronic (pre-1996) frequently requested records				
6. Annual reports [FY1998 to present]				
7. Agency's current FOIA/PA regulations				
8. Additional records or links on FOIA home page or in electronic reading room				
<b>D. FOIA Site Links</b>				
1. For decentralized agencies: Links to FOIA pages of agency components				
Other contact info for component FOIA offices (i.e. where to file a request)				
Description of component mission/records				

holdings				
2. Each FOIA page contains link to agency/component main home page				
For components: return link to agency's main FOIA home page				
<b><i>E. Overall subjective assessment of website</i></b>				
<i>1. Content:</i> clear and concise; easy to read; appropriate for audience				
<i>2. Usability</i>				
All links accurate and current (note how many broken links on main FOIA page, if any)				
Date last updated, if available (main FOIA page)				
Site loads quickly, is generally functional				
Content and design seems suitable for a broad range of different users, platforms, etc.				
File format: most pages in standard HTML				
Alternative formats: PDF for downloadable docs; include link to free viewer; provide HTML version of doc whenever feasible				
<i>3. Structure and navigation</i>				
Consistent navigation scheme; link placement/function is same across site				
Intuitive and transparent structure; easy to find what you are looking for				
<i>4. Visual appearance of site:</i> high quality, clear, appropriate for audience				
<i>5. Overall Experience</i>				

