

# The National Security Archive

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## Via Facsimile

Ms. Karen Siderelis  
Acting Chief Information Officer  
U.S. Department of the Interior  
MS-5312, MIB  
1849 C Street, NW  
Washington, D.C. 20240

Dear Ms. Siderelis:

We are writing to give you advance notice of our findings about the Department of Interior's FOIA performance. We have just completed the National Security Archive's fifth government-wide audit, "The Knight Open Government Survey."

As part of our ongoing efforts to ensure agency compliance with the FOIA, the Archive recently audited nearly 150 government agency and component Web sites to assess whether they had implemented the 1996 E-FOIA Amendments. The audit included the FOIA Web sites of all 91 agencies subject to FOIA and 58 agency components that received more than 500 FOIA requests in fiscal year 2005. The Web site reviews were completed at the end of February 2007.

Our reviewers followed a standardized methodology to assess each site. They examined whether the sites included required records in their electronic reading rooms and whether the sites provided mandatory guidance materials and other essential information for FOIA requesters. Our report, including our specific findings for each agency, will be released March 11, 2007, and will be available on our Web site at [www.nsarchive.org](http://www.nsarchive.org).

Our audit identified the Department of the Interior as one of the worst agencies with regard to E-FOIA compliance. We found several areas where your FOIA Web site fails to fulfill both the letter and the spirit of the 1996 E-FOIA Amendments. Specifically:

- The DOI FOIA Web site provides no guidance for requesters on how to file a FOIA request. The site currently indicates the "Guide for Obtaining Information" is being updated and therefore is unavailable. This means that until the guide is complete, a requestor has little recourse but to contact the DOI, sift through DOI's FOIA regulations, or search the Department of Justice website for assistance. Your agency *must* provide the required guidance at all times, and should post a previous version of the handbook or guide until the updated version is complete.

An Independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. Publication royalties and tax deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's Budget.

- Additionally, navigation on your agency's FOIA site is confusing, causing a search to be more complicated than necessary. For instance, the site includes links to an Electronic Reading Room, Guide for Obtaining Information, FOIA Policy and Guidance, and Reference Materials. Although the information under the links is not redundant, the labeling of the links can be misleading because of the similarity.
- In your electronic reading room there is a link to what is supposed to be an index of frequently requested documents. However, this page contains neither a list of nor links to the documents. Rather, it is information on where to send a FOIA request for general types of documents. Additionally, many of the links on this page are broken.
- On July 28, 2003, Judge Lamberth in the *Cobell v. Norton* Litigation issued an injunction that required most information on the Bureau of Indian Affairs (BIA) webpage to be taken offline until secured. Nearly four years later, the BIA still lacks a site with any FOIA information. (A link on the current, abbreviated BIA site redirects a requestor to the DOI's FOIA page) DOI FOIA officials should make an effort to restore information on the BIA or DOI site that is required by law and is of vital importance to the public.

We hope that you will take this opportunity to review your agency's FOIA Web site and make improvements that will bring your agency in line with Congress's vision when it passed the E-FOIA amendments ten years ago. Please do not hesitate to contact us to discuss your FOIA Web site or any questions you may have regarding our audit.

Sincerely,

Thomas S. Blanton  
Executive Director

Meredith Fuchs  
General Counsel