



Highlights of [GAO-06-1022T](#), a testimony before the Subcommittee on Government Management, Finance, and Accountability, Committee on Government Reform, House of Representatives

Why GAO Did This Study

The Freedom of Information Act (FOIA) establishes that federal agencies must provide the public with access to government information, thus enabling them to learn about government operations and decisions. To help ensure appropriate implementation, the act requires that agencies report annually to the Attorney General, providing specific information about their FOIA operations. In addition, a recent Executive Order directs agencies to develop plans to improve their FOIA operations, including, among other things, goals to reduce backlogs in FOIA requests.

GAO has reported previously on the contents of these annual reports for 25 major agencies. For this hearing, GAO was asked to testify both on the annual reports for fiscal year 2005 and on the recently developed improvement plans for these 25 agencies. GAO based its testimony on its ongoing work on these topics. Upon completion of its ongoing review, GAO expects to make recommendations to improve agency implementation of the Executive Order, including efforts to reduce and eliminate backlog.

www.gao.gov/cgi-bin/getrpt?GAO-06-1022T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Linda Koontz at (202) 512-6240 or koontzl@gao.gov.

FREEDOM OF INFORMATION ACT

Preliminary Analysis of Processing Trends Shows Importance of Improvement Plans

What GAO Found

According to data reported by agencies in their annual reports, the public continues to request and receive increasing amounts of information from the federal government through FOIA; however, excepting one case—the Social Security Administration (SSA)—the rate of increase has flattened in recent years. (SSA reported an additional 16 million requests in 2005, dwarfing those for all other agencies combined, which together total about 2.6 million; SSA attributed this rise to an improvement in its method of counting requests. However, Justice officials have suggested that SSA consider treating the bulk of these requests as non-FOIA requests and thus not include them in future reports.) When SSA's numbers are excluded, data reported by the other 24 major agencies show that the number of requests received increased by 27 percent from fiscal year 2002 to 2005, but by only about 2.5 percent from fiscal year 2004. As more requests come in, agencies also report that they have been processing more of them—25 percent more from 2002 to 2005 (but only about 2.0 percent more than from 2004). Despite processing more requests, agencies have not kept up with the increase in requests being made: the number of pending requests carried over from year to year has been steadily increasing, rising to about 200,000 in fiscal year 2005—43 percent more than in 2002. The rate of increase in requests pending is also growing: the increase from fiscal year 2004 to 2005 is 24 percent, compared to 11 percent from 2003 to 2004.

Most of the agency improvement plans discussed reducing backlog, but not all consistently followed the Executive Order or implementing guidance provided by the Justice Department. Of the 25 agencies, 3 had not posted their plans in time to be included in this testimony, and 1 reported no backlog. Of the remaining 21 agencies, 12 followed the Executive Order's instruction to establish measurable, outcome-oriented objectives for reducing or eliminating their backlogs, as well as timetables with milestones for meeting these objectives. Nine agencies did not do this, although they accounted for a substantial fraction—about 29 percent—of the requests reported to be pending at the end of fiscal year 2005. (Most agencies did provide goals and timetables for other kinds of objectives, however, such as performing staffing analyses and reviewing progress.) In addition, agencies generally did not specify the dates or numbers they were using as the baselines for their existing backlogs, which will be important for measuring improvement. GAO's ongoing work suggests that factors contributing to these deficiencies include difficulties in coordinating responses among components in large, decentralized agencies and limitations in the systems that track FOIA processing. In addition, neither the Executive Order nor Justice guidance established a baseline date for measuring the backlog or directed agencies to establish such a date. Without clearly defined baselines, specific objectives, and timetables for reducing backlog, it could be challenging for agency heads, Justice, and the Congress to gauge progress in improving FOIA processes as intended by the Executive Order.