



Highlights of [GAO-08-344](#), a report to the Chairman, Subcommittee on Information Policy, Census, and National Archives, Committee on Oversight and Government Reform, House of Representatives

Why GAO Did This Study

Under the Freedom of Information Act (FOIA), federal agencies must generally provide access to their information, enabling the public to learn about government operations and decisions. To help ensure proper implementation, the act requires that agencies report annually to the Attorney General on their processing of FOIA requests. For fiscal year 2006, agencies were also to report on their progress in implementing plans to improve FOIA operations, as directed by a December 2005 Executive Order. A major goal of the order was reducing backlogs of overdue FOIA requests (the statute requires an agency to respond to requests within 20 or, in some cases, 30 working days with a determination on whether it will provide records).

For this study, GAO was asked, among other things, to determine trends in FOIA processing and agencies' progress in addressing backlogs of overdue FOIA requests since implementing their improvement plans. To do so, GAO analyzed 21 agencies' annual reports and additional statistics.

What GAO Recommends

GAO is recommending, among other things, that Justice provide additional guidance to agencies on tracking and reporting overdue requests and planning to meet future backlog goals. The agencies reviewed, including Justice, generally agreed with GAO's assessment and recommendations or had no comment.

To view the full product, including the scope and methodology, click on [GAO-08-344](#). For more information, contact Linda D. Koontz at (202) 512-6240 or koontzl@gao.gov.

FREEDOM OF INFORMATION ACT

Agencies Are Making Progress in Reducing Backlog, but Additional Guidance Is Needed

What GAO Found

Based on data reported by major agencies in annual FOIA reports from fiscal years 2002 to 2006, the numbers of FOIA requests received and processed continue to rise, but the rate of increase has flattened in recent years. The number of pending requests carried over from year to year has also increased, although the rate of increase has declined. The increase in pending requests is primarily due to increases in requests directed to the Department of Homeland Security (DHS). In particular, increases have occurred at DHS's Citizenship and Immigration Services, which accounted for about 89 percent of DHS's total pending requests. However, the rate of increase is slightly less than it was in fiscal year 2005.

Following the emphasis on backlog reduction in Executive Order 13392 and agency improvement plans, many agencies have shown progress in decreasing their backlogs of overdue requests as of September 2007. In response to GAO's request, 16 agencies provided information on their recent progress in addressing backlogs; results showed that 9 achieved decreases, 5 experienced increases, and 2 had no material change. Notably, according to this information, DHS was able to decrease its backlog of overdue requests by 29,972, or about 29 percent. However, the statistics provided by the 16 agencies varied widely, representing both overdue cases and all pending cases, as well as varying time frames. Further, 3 of 21 agencies reviewed were unable to provide statistics supporting their backlog reduction efforts, and 1 provided statistics by component, which could not be aggregated to provide an agencywide result. (The remaining agency reported no backlog before or after implementing its plan.) Tracking and reporting numbers of overdue cases is not a requirement of the annual FOIA reports or of the Executive Order. Although both the Executive Order and Justice's implementing guidance put a major emphasis on backlog reduction, agencies were given flexibility in developing goals and metrics that they considered most appropriate in light of their current FOIA operations and individual circumstances. As a result, agencies' goals and metrics vary widely, and progress could not be assessed against a common metric.

The progress that many agencies made in reducing backlog suggests that the development and implementation of the FOIA improvement plans have had a positive effect. However, in the absence of consistent statistics on overdue cases, it is not possible to make a full assessment of governmentwide progress in this area. Justice's most recent guidance directs agencies to set goals for reducing backlogs of overdue requests in future fiscal years, which could lead to the development of a consistent metric; however, it does not direct agencies to monitor and report overdue requests or to develop plans for meeting the new goals. Without such planning and tracking, agencies may be challenged to achieve the reductions envisioned.