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United States Department of State  
and the Broadcasting Board of Governors

*Office of Inspector General*

## SPECIAL INQUIRY

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# Response to Congressional Inquiry on Department of State Leadership's Role in Freedom of Information Act Processes

**Report Number ISP-I-11-09, October 2010**

### IMPORTANT NOTICE

This report is intended solely for the official use of the Department of State or the Broadcasting Board of Governors, or any agency or organization receiving a copy directly from the Office of Inspector General. No secondary distribution may be made, in whole or in part, outside the Department of State or the Broadcasting Board of Governors, by them or by other agencies or organizations, without prior authorization by the Inspector General. Public availability of the document will be determined by the Inspector General under the U.S. Code, 5 U.S.C. 552. Improper disclosure of this report may result in criminal, civil, or administrative penalties.

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## **PURPOSE, SCOPE AND METHODOLOGY OF THE INSPECTION**

This inspection was conducted in accordance with the Quality Standards for Inspections, as issued by the President's Council on Integrity and Efficiency, and the Inspector's Handbook, as issued by the Office of Inspector General for the U.S. Department of State (Department) and the Broadcasting Board of Governors (BBG).

### **Purpose**

The Office of Inspections provides the Secretary of State, the Chairman of the BBG, and Congress with systematic and independent evaluations of the operations of the Department and the BBG. Inspections cover three broad areas, consistent with Section 209 of the Foreign Service Act of 1980:

- **Policy Implementation:** whether policy goals and objectives are being effectively achieved; whether U.S. interests are being accurately and effectively represented; and whether all elements of an office or mission are being adequately coordinated.
- **Resource Management:** whether resources are being used and managed with maximum efficiency, effectiveness, and economy and whether financial transactions and accounts are properly conducted, maintained, and reported.
- **Management Controls:** whether the administration of activities and operations meets the requirements of applicable laws and regulations; whether internal management controls have been instituted to ensure quality of performance and reduce the likelihood of mismanagement; whether instance of fraud, waste, or abuse exist; and whether adequate steps for detection, correction, and prevention have been taken.

### **Methodology**

In conducting this inspection, the inspectors: reviewed pertinent records; as appropriate, circulated, reviewed, and compiled the results of survey instruments; conducted on-site interviews; and reviewed the substance of the report and its findings and recommendations with offices, individuals, and organizations by this review.



United States Department of State  
and the Broadcasting Board of Governors

*Office of Inspector General*

## PREFACE

This report was prepared by the Office of Inspector General (OIG) pursuant to the Inspector General Act of 1978, as amended, and Section 209 of the Foreign Service Act of 1980, as amended. It is one of a series of audit, inspection, investigative, and special reports prepared by OIG periodically as part of its responsibility to promote effective management, accountability and positive change in the Department of State and the Broadcasting Board of Governors.

This report is the result of an assessment of the strengths and weaknesses of the office, post, or function under review. It is based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

It is my hope that this report will result in more effective, efficient and/or economical operations. I express my appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in black ink, appearing to read "H. W. Geisel".

Harold W. Geisel  
Deputy Inspector General



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## KEY JUDGMENTS

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- OIG found no indication that Department of State (Department) political leadership approves, obstructs, or otherwise unduly influences the Department's processing of Freedom of Information Act (FOIA) requests.
- The Office of Information Programs and Services (A/GIS/IPS) carries out its FOIA mandate with great independence.
- A/GIS/IPS releases FOIA responses after clearance and approval at the office director level.
- A/GIS/IPS follows sound management practices, providing a weekly standard information memorandum through its chain of command to inform senior Department leadership about its wide range of information-related responsibilities, including FOIA activities.

The review took place in Washington, DC, between September 3 and 29, 2010. Senior inspector Tom Carmichael conducted the inquiry.

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## CONTEXT

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This special inquiry was limited to establishing whether Department political appointees obstruct the release of information or otherwise unduly influence the FOIA process. OIG undertook the inquiry in response to a letter dated August 23, 2010, from Senator Charles E. Grassley of Iowa and Representative Darrell Issa of California (Appendix 1). The letter requested an accounting of OIG findings by September 17, 2010, a deadline that was extended to October 5, 2010.

OIG reviewed FOIA procedures and standard operating procedures and carried out confidential interviews with Department employees in the Bureau of Administration's Office of Government Information Services' Office of Information Programs and Services (A/GIS/IPS) and several other bureaus. A/GIS/IPS provides Department-wide FOIA case management and coordination, as well as gathers and reviews for release FOIA requested information on, among other things, foreign policy issues, the major and most complex workload. OIG also carried out interviews and reviewed procedures in several other Department elements that hold smaller, specialized archives and gather and review their own records, under the A/GIS/IPS management. The OIG inspector also reviewed OIG's FOIA processes.

Before receiving the August 23 letter from Senator Grassley and Representative Issa, OIG had scheduled a full, routine inspection of A/GIS/IPS for spring 2011.

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## BACKGROUND

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The Freedom of Information Act, 5 U.S.C. 552, “generally provides that any person has the right to request access to federal agency records or information...and all agencies of the Executive Branch of the U.S. Government are required to disclose records upon receiving written requests, except those records protected from disclosure by nine exemptions to the statute...”<sup>1</sup>

The nine categories of exemptions include: information currently and properly classified in the interest of national defense or foreign relations; information relating solely to internal personnel rules and practices of an agency, including trivial administrative matters and material whose release would allow circumvention of the law; information that is prohibited from disclosure by a qualifying Federal law; trade secrets and other confidential business information; interagency or intra-agency communications that are protected by legal privileges, including predecisional deliberative process material, attorney-client privileged material, and attorney work product; information whose disclosure would be a clearly unwarranted invasion of personal privacy; certain records or information compiled for law enforcement purposes; information relating to the supervision of financial institutions; and geological information on wells.

The Privacy Act of 1974 allows American citizens and permanent resident aliens to request records about themselves. The Department treats a request from a qualifying individual as being made under both the Privacy Act and FOIA when appropriate in order to provide the maximum access to the requested records. The Department incorporates the number of its Privacy Act requests with the number of its FOIA requests in its FOIA annual reports.

Several additional executive orders and legislation have further strengthened transparency under FOIA and refined the Department’s FOIA structure. Executive Order 13392 established the position of agency Chief FOIA Officer – “a high-level official responsible for monitoring FOIA administration throughout the agency...”<sup>2</sup> The Secretary of State named the Assistant Secretary for Administration as this official. Based upon the Executive Order, the Department also established a FOIA Requester Service Center to assist requesters. The A/GIS/IPS’s Requester Liaison Division (A/GIS/IPS/RL) fills this role. A/GIS/IPS’s office director is the Department’s primary FOIA public liaison. The Executive Order also mandates annual reports on FOIA activities and improvement plans. The Open Government Act of 2007 amends FOIA and creates penalties for an agency’s lack of responsiveness to a request and mandates new reports aimed at greater transparency in FOIA implementation.

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<sup>1</sup> *FOIA Guidance for State Department Employees*

<sup>2</sup> *FOIA Guidance for State Department Employees*

In response to these requirements, the Department created a FOIA administrative structure unique among U.S. Government agencies. Within the Office of Government Information Services (A/GIS), A/GIS/IPS carries out centralized management of the Department's FOIA requests. It is staffed primarily by Civil Service employees and Foreign Service officers all of whom retired at upper grade levels and now serve as reviewers working in when-actually-employed status. A/GIS/IPS staff tracks requests Department-wide, collects responsive information, and decides if FOIA exemptions apply to the responsive material. There are no political appointees in A/GIS. A/GIS/IPS has been allotted 151 full-time direct hire positions plus nearly 215 intermittent positions to address a broad spectrum of information issues, of which FOIA processing is but one. According to the FOIA Annual Report of 2009, the Department fills 138 of its 151 full-time staff positions for FOIA processing.

A/GIS/IPS's long list of responsibilities relate to matters concerning the management of information as a critical resource, specifically relating to records life-cycle management, public and need-to-know access to information, classification management and declassification, privacy, research of official records and public information, and corporate records archives. (Appendix 2 provides a list of these functions per 1 FAM 214.2.) Of additional note is A/GIS/IPS's responsibility for mandatory declassification reviews, a process with parallels to FOIA through which an individual may request the declassification of specific material held in another agency (in most instances presidential libraries and the National Archives and Records Administration) so it may be reviewed and released if appropriate. In addition, A/GIS/IPS's Systematic Review Program Division (A/GIS/IPS/SRP) reviews for classification or declassification, 25-year-old Department records determined to have permanent historical value and performs declassification review of records for inclusion in the *Foreign Relations of the United States*, the official documentary historical record of major foreign policy decisions and significant diplomatic activity of the U.S. Government.

# DEPARTMENT FOIA STRUCTURE AND PROCESS

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Among its many responsibilities, A/GIS/IPS provides centralized administration for the Department's Information Access Program, which includes all access requests made under the FOIA and Privacy Act for Department records. A/GIS/IPS also conducts appeals at several levels in connection with the requests. A/GIS/IPS seeks to ensure that requests are timely, accurate, and complete, as required by these statutes.

A/GIS/IPS carries out the Department's largest and most complex searches and reviews. In addition it tracks, coordinates, and in some cases provides additional review for several Department offices and bureaus that maintain decentralized files and hold, gather, and review their own records. Searches and reviews in these files are generally less complex than the searches and reviews A/GIS/IPS carries out. These decentralized files are concerned with the Department's specialized or unique activities. They include medical records kept by the Office of Medical Services (MED); personnel records kept by the Bureau of Human Resources (HR); records kept by the Bureau of Diplomatic Security (DS); and records kept respectively by the Bureau of Consular Affairs (CA) divisions: Visas (CA/VO), Passports (CA/PPT), and Overseas Citizens Services (CA/OCS). The records in these files are of a personal nature rather than relevant to foreign policy issues. The great majority of requests for records in the decentralized files are from individuals for information about themselves.

OIG also maintains its own specialized records. OIG receives FOIA requests directly from requesters, as well as through A/GIS/IPS requests for information. When requesters ask OIG directly for information, it gathers, reviews, and releases responsive items directly to them. When A/GIS/IPS requests information, OIG gathers and reviews the information, providing redacted information to A/GIS/IPS. A/GIS/IPS may use the information in more complex FOIA requests that may involve other Department entities. OIG provides A/GIS/IPS tracking information, but maintains its own casework files, and gathers, reviews, and releases its own responses.

A/GIS/IPS conducts by far the greatest number of FOIA reviews of responsive materials gathered during the Department's FOIA processes. These reviews deal with foreign policy issues; can generate additional search requests to other Department elements and review requests to U.S. Government entities; and are typically more complex than reviews that the decentralized bureaus and offices conduct on responsive information from their files. For comparison, in FY 2009, A/GIS/IPS reviewed

material in 91 percent of the 9,104 reviews associated with FOIA direct requests and those of other U.S. Government agencies referred to the Department for review. In contrast, other Department elements controlling the smaller, decentralized, specialized files (HR, CA, MED, etc.) reviewed material in 78 percent of the 509 reviews associated with Privacy Act direct cases and those of other U.S. Government agencies referred to the Department for review.

## TRACKING AND CASE MANAGEMENT

A/GIS/IPS centrally manages the Department-wide FOIA process. A requester can send a FOIA request in written form directly to one of the decentralized elements mentioned above or directly to A/GIS/IPS by letter or fax. A customer can also submit a request through A/GIS/IPS's electronic FOIA request form on the Department's FOIA Internet homepage.

Requesters also can submit written requests directly to OIG. OIG has its own FOIA request tracking database, FOIAXpress, into which these requests and other requests A/GIS/IPS refers to it are maintained. OIG applies its own, and A/GIS/IPS's, tracking number to the requests for coordination between the two operations in searches and reviews of responsive material. A/GIS/IPS gathers statistics on OIG FOIA requests and incorporates them into its FOIA annual report.

With the exception of requests sent directly to OIG, all others initially go to A/GIS/IPS/RL's Requester Communication Branch (A/GIS/IPS/RL/RC) to log in along with a request case number in the FREEDOMS project-tracking database. To maintain integrity in the tracking procedures, only A/GIS/IPS, some Office of the Legal Adviser personnel, and the Department Historian have access to FREEDOMS. In addition, only the A/GIS/IPS employee who has written a comment in a request's FREEDOMS tracking records can edit that comment. The FREEDOMS entry and processing is generally "first-in, first-out." A/GIS/IPS tries to meet the strict time limits and requirements for written communications with the requester as established by the FOIA.

A/GIS/IPS/RL/RC reviews each new request to determine whether the information requested is maintained in Department files, the request has sufficient detail to allow identification of responsive records, and includes a fee agreement. If A/GIS/IPS/RL/RC determines the request does not have the necessary elements listed above, it notifies the requester of necessary changes for possible resubmission.

A requester may ask A/GIS/IPS to expedite a request, charge a lower fee rate, or waive a processing fee. A requester's appeal on a negative response from A/GIS/IPS

on fees or expedited processing goes in written form to the chief of A/GIS/IPS/RL. If the division chief approves the appeal, the decision goes to the Office of the Legal Adviser for that office's clearance.

## MANAGEMENT REPORTING

A/GIS/IPS follows sound, standard management practices and informs its chain of command about its activities. A/GIS/RL/RC informs the A/GIS/IPS co-directors about the division's activities, including FOIA requests of interest. The A/GIS/IPS co-directors subsequently select among activities for inclusion in its "IPS Weekly Achievement Report" memorandum to the deputy assistant secretary (DAS) of A/GIS. The DAS selects input from A/GIS offices for the "A/GIS Weekly Achievement Report" to the Bureau of Administration's DAS for Operations. One memorandum heading is "FOIA Requests of Interest," if any are included that week. These highlighted requests may touch on issues that are historic, contemporary, sensitive, high-profile, or simply professionally interesting. The memorandum may also provide an update on ongoing FOIA activities. The Bureau of Administration's DAS for Operations prioritizes and selects items from all its divisions for the weekly memorandum to the Under Secretary for Management.

Elements along individual chains of command upload their memoranda to the Department's internal Web site, making them available to other sections. The procedures reinforce internal Department transparency and are useful to Department leadership and other sections in anticipating issues they may face.

## INFORMATION SEARCHES

A/GIS/IPS/RL/RC analyzes and assigns each FOIA request to the appropriate branch within the Statutory Compliance and Research Division (A/GIS/IPS/CR). Its branches include: European, Africa, and Near Eastern Affairs Branch (EAN), Western Hemisphere and East Asia and Pacific Affairs Branch (WEP), and Management and Public Diplomacy Branch (MPD). If the request is for information on foreign policy issues, A/GIS/IPS/RL/RC sends it to the A/GIS/IPS/CR branch with the specific regional and functional staff expertise. A/GIS/IPS/RC sends the MPD branch requests that will be directed to information found in the decentralized files kept by CA/VO, CA/PPT, CA/OCS, MED, DS, or OIG.

A/GIS/IPS must coordinate and track the many FOIA and Privacy Act requests received by the Department that require searches of multiple records systems, offices, and overseas posts. A/GIS/IPS processes these requests incrementally. As it retrieves and finishes its review of responsive information from one element of a search, A/GIS/IPS releases the information to the requester as it continues other elements of the search. Because a search may uncover the possibility of other elements holding responsive information, A/GIS/IPS/CR cannot project reliably how complex a search will become.

A request may require that A/GIS/IPS search information from the State Archiving System (the Department's corporate archive) and of retired office and post files. A/GIS/IPS/CR may need to request assistance of posts and offices in searching retired files because of the many ways they may describe retired files.

A/GIS/IPS/CR case analysts send information requests to domestic offices or to overseas posts that may have the information, often consulting contacts designated to handle A/GIS/IPS/CR's information requests in the functional or regional bureaus. The requested offices or overseas posts providing information send it back with any comments that they feel are useful in the A/GIS/IPS/CR review of the information. These contacted elements must submit all responsive information without any redactions.

## REVIEWS AND DENIALS OF INFORMATION

A/GIS/IPS/CR reviewers provide independent, professional review of the responsive information to identify material that should not be disclosed. The reviewers are retired Foreign Service officers, whom at least two bureaus have certified their expertise in specific functional and geographic areas. Many have served as FOIA reviewers through several administrations. They carry out a two-tiered, often line-by-line review of the responsive materials during which senior reviewers check the initial reviewers' determinations, directing any reconsiderations necessary. The reviewers consult regularly with bureaus and offices on current sensitivities that may affect redaction decisions, but elements requesting redactions bear the burden of showing the necessity of those redactions while reviewers assume final authority over the outcome of their reviews.

A/GIS/IPS conducts ongoing training for reviewers on proper application of FOIA exemptions. A/GIS/IPS's senior advisor, a former Foreign Service officer and attorney with experience in security classification, conducts training sessions to ensure that reviewers' legal understandings remains current. A/GIS/IPS also provides regular forums for discussion of review issues among reviewers and senior reviewers to inform their procedures and decisions.

A/GIS/IPS/CR reviewers, upon receiving responsive information, determine what information and documents are releasable to the requester, holding back documents or redacting information based on the nine FOIA exceptions. Reviewers may direct their counterpart A/GIS/IPS/CR FOIA analysts to gather additional information, if they believe other sources may hold responsive information.

Once an A/GIS/IPS/CR reviewer determines what responsive information is releasable, it is sent out along with a written explanation of specific exemptions applied to withheld material and the amount of that material. A/GIS/IPS also releases portions of the requested information as it is gathered and then cleared for release.

A/GIS/IPS may also find within the information it has gathered, material originating with other agencies. Depending upon the nature of the information, A/GIS/IPS may consult with the originating agency for its review and a decision on whether A/GIS/IPS may release the information or A/GIS/IPS may send it to the originating agency for its decision and direct reply to A/GIS/IPS or to the requester.

When A/GIS/IPS asks the originating agency to reply directly to the requester, A/GIS/IPS informs the requester that documents have been referred to the originating agency for its review and direct reply to the requester. A/GIS/IPS will also tell the requester when it is consulting with other agencies and that it will advise the requester on the outcome of that consultation. A/GIS/IPS/CR reviewers may also provide, in rare instances, additional reviews of decisions that decentralized unit reviewers have made.

## RELEASE OF MATERIALS

Department political leadership neither reviews nor approves, and does not direct the review or approval of, the release of information requested under FOIA. For instance, responsive information is released after A/GIS/IPS/CR review with A/GIS/IPS clearance only. The senior reviewer signs the release form on behalf of the A/GIS/IPS office director.

The decentralized divisions have similar procedures when disclosing responsive information. For instance, in DS the senior reviewer signs off for the division chief, if all information is disclosed or for the principal DAS, if any information is being withheld. OIG's FOIA process requires the Deputy Inspector General's approval for releases. Other bureaus and offices release FOIA responses at lower levels. For instance, the office director of CA/PPT signs off on releases of its information. The division chief of HR's FOIA and Privacy Act Team signs off on HR's FOIA responses. The head of MED's Quality Improvement Program, a physician, clears the release of MED's information.

## DECENTRALIZED ELEMENTS

The gathering and two-tier review of responsive information in the decentralized files held by CA, MED, HR, and OIG parallel A/GIS/IPS's processes, providing professional, independent review of that information. Variations, however, exist among these two-tier review procedures depending upon the number and types of requests and the resources of the elements.

For example, records covering a specific function, such as CA/VO visa records, may be held in more than one location. In this example, A/GIS/IPS and CA/VO divide the responsibility for searches. The CA/VO office is responsible for searches, and subsequent review, of records in its electronic database. A/GIS/IPS gathers records by tasking overseas posts to conduct searches and it reviews any responsive information.

With a single employee, MED's FOIA office is the smallest of the decentralized operations. In FY 2009 it responded to four cases only. MED sends all incoming requests immediately to A/GIS/IPS for FREEDOMS tracking numbers, but then gathers, reviews, and releases responsive information, keeping A/GIS/IPS apprised for tracking and report purposes. DS has its own offices with case analysts and reviewers who process information requests. DS often sends out FOIA responses after its own research and review; however, it may send responsive information to A/GIS/IPS for review, especially if the information touches on national security.

## APPEALS

A/GIS/IPS assembles independent appeals panels to adjudicate differences between requester and Department judgments on denials of responsive materials. If a requester does not agree with the Department's decision to withhold information, he or she may submit an appeal to the Department's Appeals Panel. This panel is organized by A/GIS/IPS's Program and Policy Division's Information Life Cycle Management Branch (A/GIS/IPS/PP/LC). The three-person Appeals Panel members are drawn on a rotating basis from a cadre of five retired ambassadors, one of whom has served as panel chairperson for nearly 20 years through several administrations. A/GIS/IPS/CR chooses reviewers other than those who had worked on the initial determination to analyze the appeals and submit a recommendation to the Appeals Panel. The Appeals Panel will then make an independent and final decision on the appeal.

## PRINCIPAL OFFICIALS

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Deputy Assistant Secretary for Operations of the Bureau of Administration	Stephen J. Rodriquez	January 20, 2009 <sup>3</sup>
Deputy Assistant Secretary of the Office of Global Information Services	Margaret P. Grafeld	September 12, 2010 <sup>4</sup>
Office of Information Programs and Services Co-Director	Alex Galovich	September 12, 2010
Office of Information Programs and Services Co-Director and Senior Advisor for Privacy Policy	Charlene W. Thomas	September 12, 2010

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<sup>3</sup> Mr. Rodriquez also assumed the responsibilities and authorities of Assistant Secretary for the Bureau of Administration at this time.

<sup>4</sup> Ms. Grafeld was promoted from A/GIS/IPS office director to A/GIS DAS on September 12, 2010. At this time, Mr. Galovich (formerly deputy director) and Ms. Thomas (senior advisor) were promoted into the vacated A/GIS/IPS office director position as co-directors until a director is selected.



# ABBREVIATIONS

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A	Bureau of Administration
A/GIS	Office of Government Information Services
A/GIS/IPS	Office of Information Programs and Services
A/GIS/IPS/CR	Statutory Compliance and Research Division
A/GIS/IPS/PP/LC	Program and Policy Division, Information Life Cycle Management Branch
A/GIS/IPS/RL	Requester Liaison Division
A/GIS/IPS/RL/RC	Requester Communication Branch
A/GIS/IPS/SRP	Systematic Review Program Division
Department	Department of State
DAS	Deputy assistant secretary
DS	Bureau of Diplomatic Security
CA	Bureau of Consular Affairs
CA/OCS	Bureau of Consular Affairs – Overseas Citizens Services
CA/PPT	Bureau of Consular Affairs – Passports
CA/VO	Bureau of Consular Affairs – Visa
FOIA	Freedom of Information Act
HR	Bureau of Human Resources
MED	Office of Medical Services



# APPENDIX 1

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**Congress of the United States**  
**Washington, DC 20510**

August 23, 2010

**Via Electronic Transmission**

The Honorable Harold W. Geisel  
Deputy Inspector General  
Office of the Inspector General  
U.S. Department of State  
Washington, DC 20522

Dear Deputy Inspector General Geisel:

According to recent press reports, the Department of Homeland Security (DHS) under Secretary Janet Napolitano has impeded Freedom of Information Act (FOIA) requests by creating a new layer of political review. Specifically, the *Associated Press* reported that DHS political appointees required requests from “lawmakers, journalists, activist groups or watchdog organizations... to go to the political appointees” for review, and they routinely probed “for information about the requesters and delay[ed] disclosures deemed too politically sensitive.”<sup>1</sup> In the case of requests from Congress, DHS employees were told to specify the party affiliation of the requester.

This new layer of political review is not only alarming, but a betrayal of President Obama’s pledge to increase transparency in government. The President campaigned for office on a promise to “return government to the people by bringing government to the people,” and make government “open and transparent so that anyone can see that our business is the people’s business.”<sup>2</sup> It appears that not everyone in the Administration has taken this pledge to heart. We write to you today to inquire about the full breadth of this practice, and whether the Department of State is also engaged in the political filtering of information requests.

As the Deputy Inspector General of the Department of State, we request that you conduct an inquiry into the agency’s FOIA office to determine whether, and if so, the extent to which political appointees are made aware of information requests and have a role in request reviews or decision-making. We also request that you provide us an account of your findings by no later than September 17, 2010.

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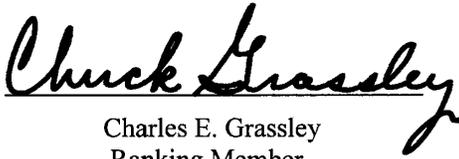
<sup>1</sup> Ted Bridis, *AP IMPACT: A Political Filter for Info Requests*, ASSOCIATED PRESS, Jul. 21, 2010, available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/21/AR2010072103534.html>.

<sup>2</sup> Senator Barack Obama, Remarks at Manchester, New Hampshire (June 22, 2007).

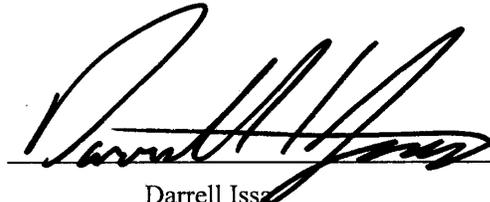
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Thank you for your cooperation and attention to this important matter. If you have any questions, please do not hesitate to contact Christopher Armstrong for the Committee on Finance at (202) 224-4515 or Jonathan Skladany for the Committee on Oversight and Government at (202) 225-5074. All formal correspondence should be sent electronically in PDF format to [Brian\\_Downey@finance-rep.senate.gov](mailto:Brian_Downey@finance-rep.senate.gov) or via facsimile to (202) 228-2131.

Sincerely,



Charles E. Grassley  
Ranking Member  
U.S. Senate Committee on Finance



Darrell Issa  
Ranking Member  
Committee on Oversight and Government Reform  
United States House of Representatives

## APPENDIX 2

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### **1 FAM 214.2 Office of Information Programs and Services (A/GIS/IPS)**

*(CT:ORG-210; 05-01-2009)*

- a. The Office of Information Programs and Services (A/GIS/IPS) serves as the primary point of contact and principal advisor on all matters concerning the management of information as a critical resource specifically relating to records life-cycle management, public and need-to-know access to information, classification management and declassification, privacy, research of official record and public information resources, and corporate records archives.
- b. A/GIS/IPS plans, develops, implements and evaluates information and records-related programs, policies, rules, regulations, practices, and procedures on behalf of the Secretary to ensure compliance with the letter and spirit of relevant statutes, Executive orders, and guidelines. These include the Federal Records Act (FRA), the Freedom of Information Act (FOIA) and electronic FOIA (EFOIA) provisions, the Privacy Act, 22 U.S.C. 4354 (pertaining to document production for the Congress and the Foreign Relations of the United States (FRUS) series acceleration), Executive Order (E.O.) 12958 concerning national security information, relevant portions of the E-Government Act of 2002, Office of Management and Budget (OMB) Circular A-130, covering information resources management, pertinent successor mandates in this area and E.O. 13392 concerning improving agency disclosure of information.
- c. A/GIS/IPS advises A/GIS on issues concerning the Department's compliance with the requirements of the FOIA.
- d. A/GIS/IPS serves as the Secretary's delegated records authority with responsibility for implementing all aspects of the Federal Records Act. As such, A/GIS/IPS ensures Department-wide compliance with the life-cycle management of all Department records. This includes Department-wide documentation and preservation of the execution of the foreign relations of the United States.
- e. A/GIS/IPS exercises primary responsibility for the official corporate records archives (Central Foreign Policy Records), which includes the State archiving system (SAS), in addition to office, post, and lot files.
- f. A/GIS/IPS serves as the Secretary's representative to the Archivist of the United States and the National Archives and Records Administration (NARA), as well as to other Federal and regulatory agencies on all records issues.

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- g. A/GIS/IPS promotes the integration of life-cycle management principles in the Department's business and operations, particularly in the development and application of new technology.
- h. A/GIS/IPS administers the Department's Information Access Program, both for the need-to-know foreign affairs and national security community in executive agencies and the Congress and for the public, in response to the FOIA, Privacy Act, Ethics in Government Act, E.O. 12958, 22 U.S.C. 4354, discovery orders, subpoenas, and other special document production demands. A/GIS/IPS ensures that responses to such requests are timely, accurate, and complete.
- i. As delegated by the Secretary through the Under Secretary for Management, A/GIS/IPS ensures implementation of and compliance with the classification management and declassification requirements of Executive Order 12958.
- j. A/GIS/IPS responds to administrative appeals, as required, under statutory, regulatory, and Executive order requirements. A/GIS/IPS executes affidavits and provides supporting evidence to the Department of Justice in defense of the Department in records-related lawsuits.
- k. A/GIS/IPS administers the Department's Privacy Program as the Privacy Coordinator to ensure compliance with the Privacy Act and the safeguarding of the privacy of U.S. citizens and aliens admitted for permanent residence to the United States in their interaction with the Department and adherence to established privacy policies and procedures.
- l. A/GIS/IPS provides technical support and expertise to the Privacy Protection Governance Board in its development of Department-wide privacy policy.
- m. A/GIS/IPS manages the Department's Library, a unique foreign policy collection. The library develops, administers, and promotes a desktop electronic capability for accessing this collection and numerous other data sources and services.
- n. A/GIS/IPS coordinates special document production efforts to ensure the Secretary's compliance with court orders, Congressional subpoenas, and other similarly mandated demands.
- o. A/GIS/IPS develops, operates, maintains, evaluates, and enhances those systems that archive the corporate records archives and for the information access and declassification programs, as well as unique business applications related to the office's mission.
- p. A/GIS/IPS promotes customer service principles within the office and institutes initiatives to comply with applicable laws, regulations, and policies regarding customer service standards.

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