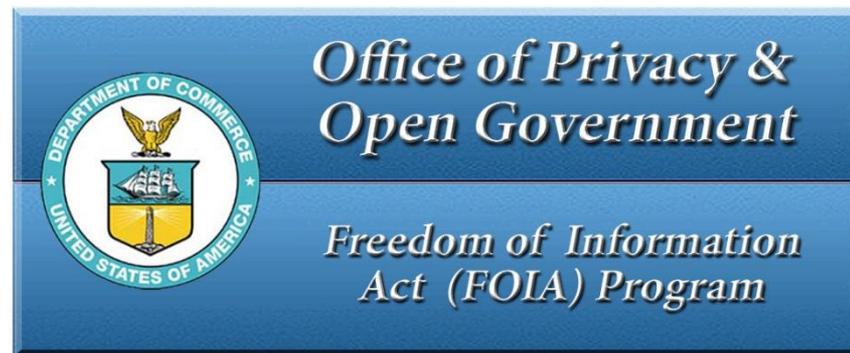


FOIA Improvement Act of 2016

*Presented to:
Departmental
Management Council*



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Overview

- On June 30, 2016, President Obama signed into law the *FOIA Improvement Act of 2016*.
- Highlights of the Act:
 - Identifies new duties for Chief FOIA Officers.
 - Creates a new Chief FOIA Officers Council.
 - Addresses a range of procedural issues.
- Impact to bureaus and operating units (BOUs).



Chief FOIA Officers New Duties

- Agency Chief FOIA Officers are now required to:
 - Offer training to agency staff regarding FOIA responsibilities.
 - Serve as the primary liaison with:
 - The Office of Government Information Services (OGIS), National Archives and Records Administration.
 - The Office of Information Policy, Department of Justice.



Chief FOIA Officers New Duties

- Required to at least annually review all aspects of their agency's administration of the FOIA to ensure compliance with the FOIA's requirements, to include:
 - Agency regulations,
 - Assessment of fees and waiver,
 - Timely processing of requests,
 - Use of exemptions, and
 - Dispute resolution services with OGIS or FOIA Public Liaison.



Chief FOIA Officers Council

- The *FOIA Improvement Act of 2016* creates a new Chief FOIA Officer Council within the Executive Branch which will serve as a forum for collaboration across agencies and with the requester community to explore innovative ways to improve FOIA administration.
- Chief FOIA Officers from each agency will be members.
- The Council shall consult regularly with requesters and the meeting will be open to the public.



Chief FOIA Officers Council

- The duties of the Council shall include:
 - Develop recommendations for increasing compliance & efficiency under the FOIA.
 - Disseminate agency experiences, ideas, best practices, and innovative approaches related to the FOIA.
 - Identify, develop and coordinate initiatives to increase transparency and compliance with the FOIA.
 - Promote development and use of “common performance measures for agency compliance” with the FOIA.



Procedural Issues Addressed

- Make available for public inspection in an electronic format, records “that have been requested 3 or more times.”
- Provide and maintain justification for disclosure of records “if the agency reasonably foresees that disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”
- Include new requirements in response letters.
- Limit certain fees when response times are delayed.



Impact to BOUs

- Increases role of FOIA Public Liaison.
- Increases need to identify records of general interest or use to the public that are appropriate for public disclosure, and for posting such records in a publicly accessible electronic format.
- Increases need to “justify” disclosures of records “if the agency reasonably foresees that disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”
- Increases need to take reasonable steps necessary to segregate and release nonexempt information.”



Impact to BOUs

- Add need to update of template response letters will be required because of changes to FOIA requirements under the Act.
- Adds tracking and reporting annually records made available for public inspection in an electronic format.
- Adds need to attend and/or update current training.



Office of Privacy &
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Freedom of Information
Act (FOIA) Program

Questions