



OFFICE *of* GOVERNMENT INFORMATION SERVICES

April 13, 2012

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The Honorable Patrick J. Leahy
Chairman
The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Grassley:

This letter responds to your questions during the Committee's recent hearing on the Freedom of Information Act (FOIA) on March 13, 2012. I was pleased to appear before the Committee as the first Director of the Office of Government Information Services (OGIS), created to be the FOIA Ombudsman by the OPEN Government Act of 2007.

In OGIS's first two years, the Office handled more than 1200 requests for assistance, involving 42 agencies and requesters from 48 states, the District of Columbia, several territories and 13 foreign countries. A report on OGIS's first year was made available to the public during Sunshine Week 2011, and its second report was published recently. <https://ogis.archives.gov/about-ogis/ogis-reports.htm>

These reports, as well as information made available regularly through OGIS's web site, provide details about the kinds of requests for assistance and the types of issues the office is handling, and the outreach and review efforts of the office staff. Both reports highlight agency Best Practices in implementing FOIA and OGIS's expansion of its dispute resolution skills training for FOIA professionals.

As part of OGIS's work towards improving FOIA administration, I appreciated the Committee's questions at the hearing that focused on OGIS's partnership through its parent agency, the National Archives and Records Administration, with the Environmental Protection Agency and the Department of Commerce to collaborate in developing a FOIA portal. We believe that the project has potential to improve the public's access to government information and to save the taxpayers money by sharing agency resources and repurposing existing technology.



Senators Leahy and Grassley
April 13, 2012
Page 2

During the hearing, you asked about the status of policy recommendations to Congress. OGIS's statutory mission includes "recommend[ing] policy changes to Congress and the President to improve the administration of" FOIA. When OGIS submitted our recommendations to the Office of Management and Budget, we did not recommend any substantive revisions to the disclosure requirements of FOIA. Instead, based on our first year of operations, OGIS's identified recommendations focused on two areas: (1) minimizing misdirected inquiries by members of the public seeking assistance on matters outside OGIS's mandate; and (2) facilitating other agencies' sharing of information with OGIS, consistent with those agencies' legal obligations. OGIS submitted these recommendations to OMB last year, and as a result of the interagency consultation process, OGIS and OMB agreed that progress on these issues could be made administratively.

As noted above, we have thus far focused on improving internal coordination of government operations – and have not proposed any revisions to the disclosure requirements of FOIA. Given this, we do not feel that activities needed to address OGIS's concerns rise to the level of recommendations to Congress at this time. We are pursuing solutions with other agencies before further considering whether a legislative proposal would be necessary or appropriate. I expect to be working with the Privacy Officers Committee of the Chief Information Officers Council on the issues described above, and I would be pleased to update you on my progress in enhancing OGIS's performance of its statutory mission.

Thank you for your continued support of OGIS. We stand ready to answer any questions you may have.

Sincerely,



MIRIAM NISBET
Director, Office of Government Information Services

Cc:

The Honorable Jeffrey Zients
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The Honorable David S. Ferriero
Archivist of the United States
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