



FOIA STRATEGIES & TACTICS

● WHAT ARE WE DISCUSSING?

○ FOIA Basics

Observations on FOIA

Countering Agency Denials

Strategies & Tactics

Records You Can Ask For

FOIA BASICS

1

How to make a Freedom of Information request



Find the FOIA officer's email address



Describe what you want in plain English



Hit send

PLACE
STAMP
HERE

GOOGLE

CLASSIC

QUERY:

☐ IMAGES ☐ NEWS ☐ VIDEO ☐ MAPS ☐ OTHER

SEND YOUR QUERY TO: GOOGLE INC., 1600 AMPHITHEATRE PARKWAY, MOUNTAIN VIEW, CA 94043, UNITED STATES

PLEASE ALLOW 30 DAYS FOR SEARCH RESULTS

● FOIA BASICS

- ✓ Mention the Freedom of Information Act
- ✓ Your contact information
- ✓ The agency's FOIA Office location
- ✓ What records (not info) you want
- ✓ Your fee category
- ✓ Willingness to pay fees up to \$25
- ✓ What format – usually electronic

- FOIA BASICS

- ✓ If they say no, you can appeal
 - ✓ If they don't respond soon, you can appeal
 - ✓ They are required to give you an estimated completion date upon request
 - ✓ You can discuss the request with them

✓ What format – usually electronic

- FOIA BASICS

- ✓ Letters sent certified mail, return receipt requested may be taken more seriously than portal or email requests
- ✓ The receipt can prevent the agency from claiming they never received it
- ✓ Check in periodically with the agency to find out the status of your request

2

OBSERVATIONS ON FOIA



- FOIA IS LIKE A PUZZLE

- Don't start by thinking about the questions you want answered

Better to imagine or research documents that should or would exist that answer the questions you have

FOIA OFFERS A WIDE VARIETY OF TOOLS FOR ANY IMPORTANT ACTIVITY



- THE GOOD NEWS



FOIA: an existing
statutory process,

involving trained
career agency staff,

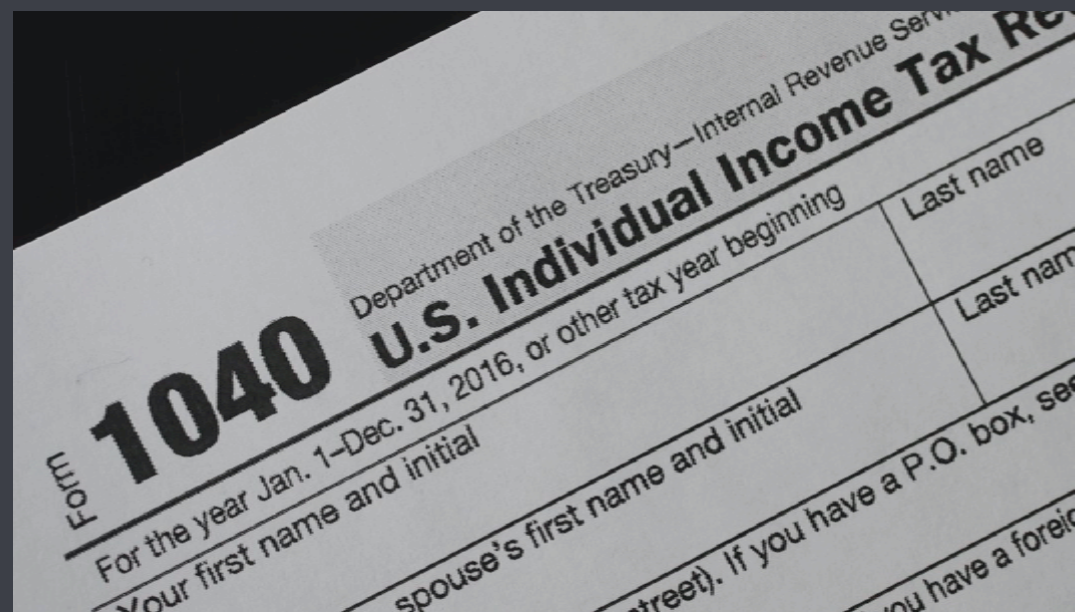
is hard to change
overnight

- PUBLIC RECORDS ARE YOURS

- Agency records are public except if subject to specific exemptions

Taxpayer funded

You have
bought it
already; it
is your
property



- WHAT'S UP, DOC?

- ✓ FOIA Backlogs

- ✓ Insufficient training

- ✓ Poorly framed requests

- ✓ Agency reluctance to process/release

- ✓ Difficult to locate records internally

- ✓ Feigning Ignorance



- STRUCTURAL PROBLEMS

- ✓ Agencies use FOIA as a default method for the public to access info
- ✓ No internal constituency for making records public



● PUBLIC DATA CHALLENGES

No records menu

Indirect queries only

Can't ask questions

Unhelpful response mechanisms

Not much outreach from agency staff



- FROM WHAT AGENCIES DO YOU REQUEST RECORDS?

- A difficult problem

- Become familiar with relevant agencies

- Do news article searches

- Ask people

- Ask agencies

- Think strategically who may be involved

- Get to know the various agencies



A HURDLE

to the use of FOIA
has been the
stubborn notion
that you must
somehow know
what's there, and
get the records in
ONE request

Varying approaches in FOIA requests is productive.



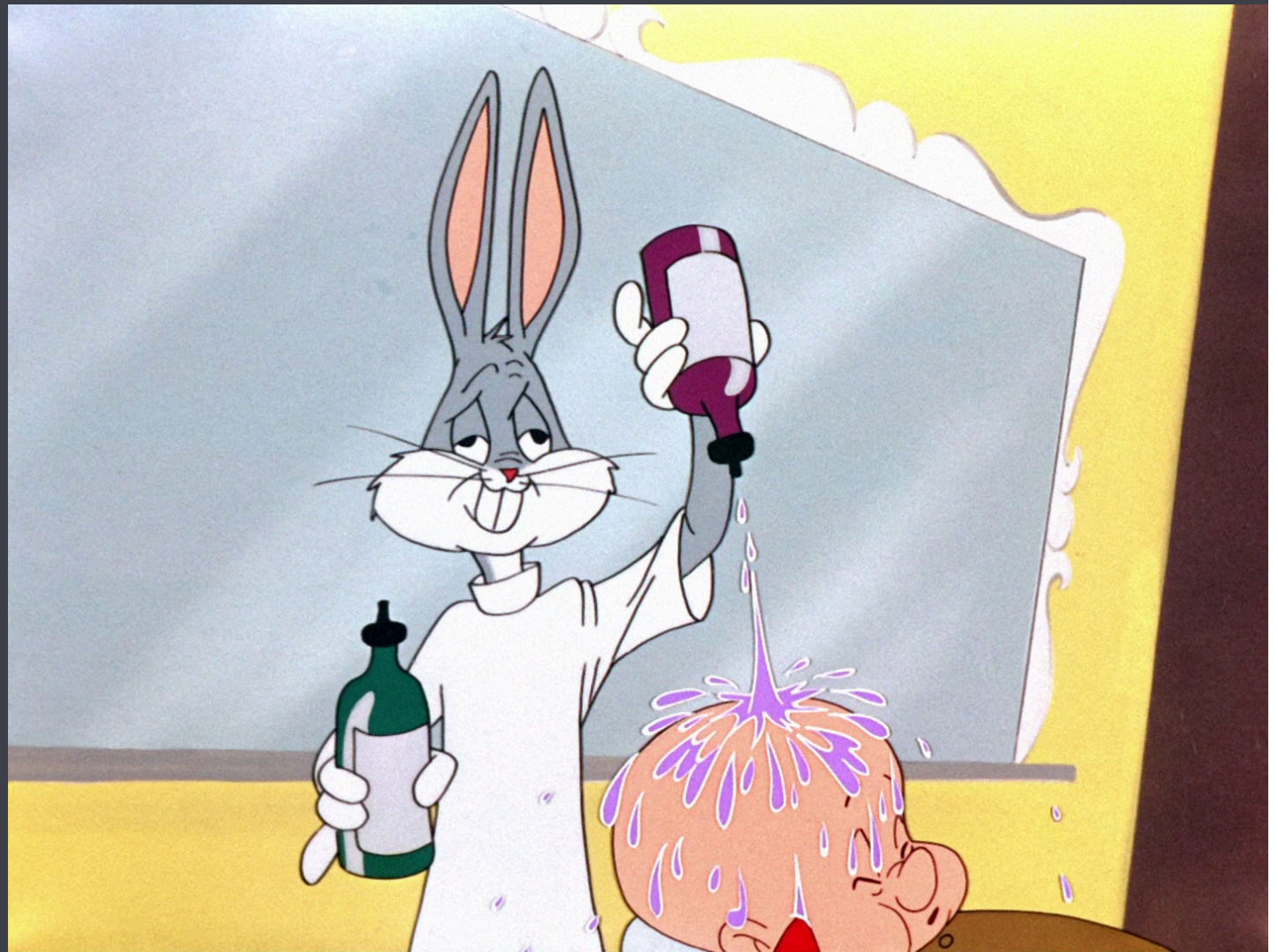


Targeted Requests



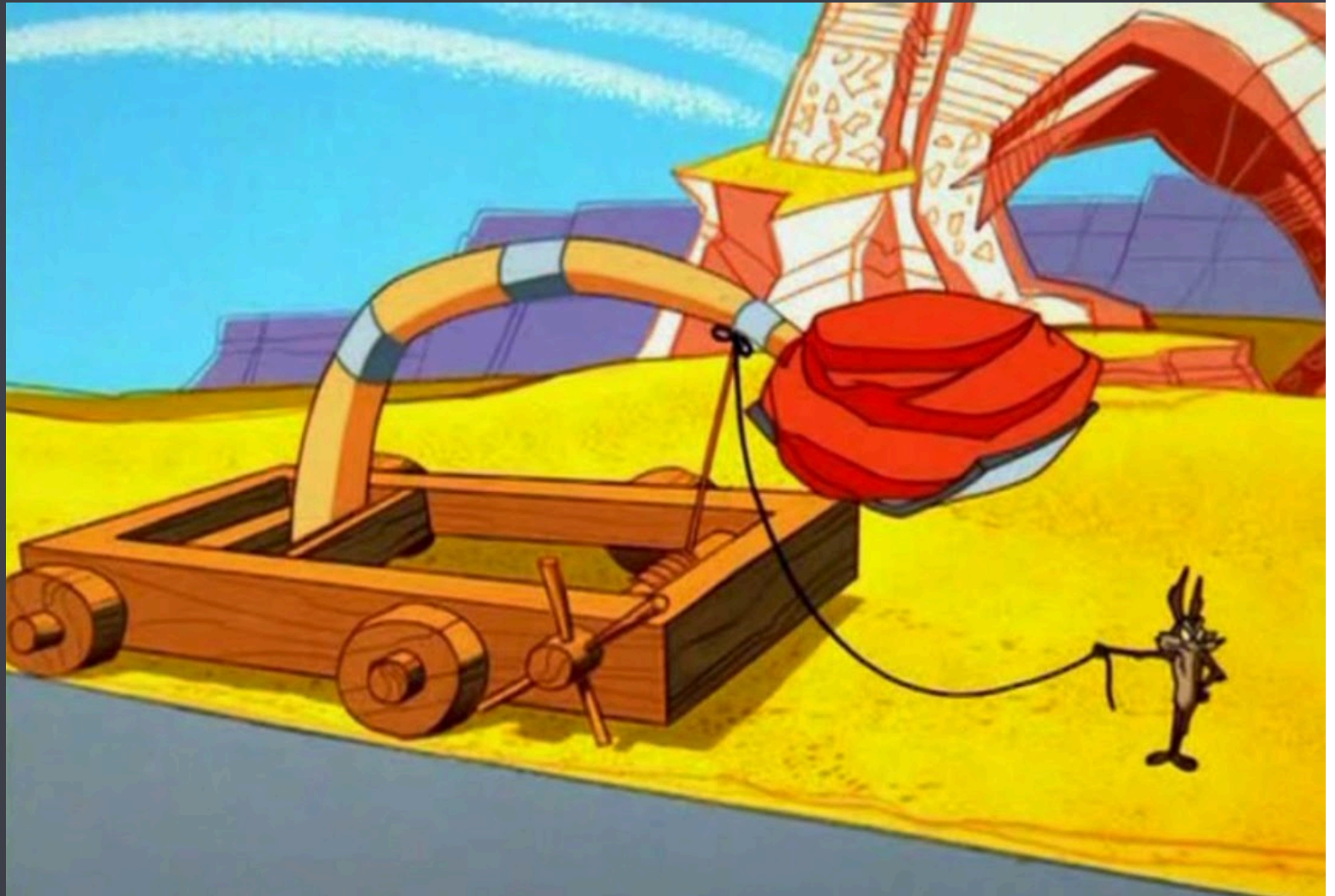


Laboratory Trials





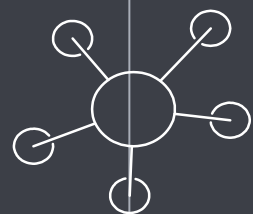
Dynamic Environment (tactic and countertactic)



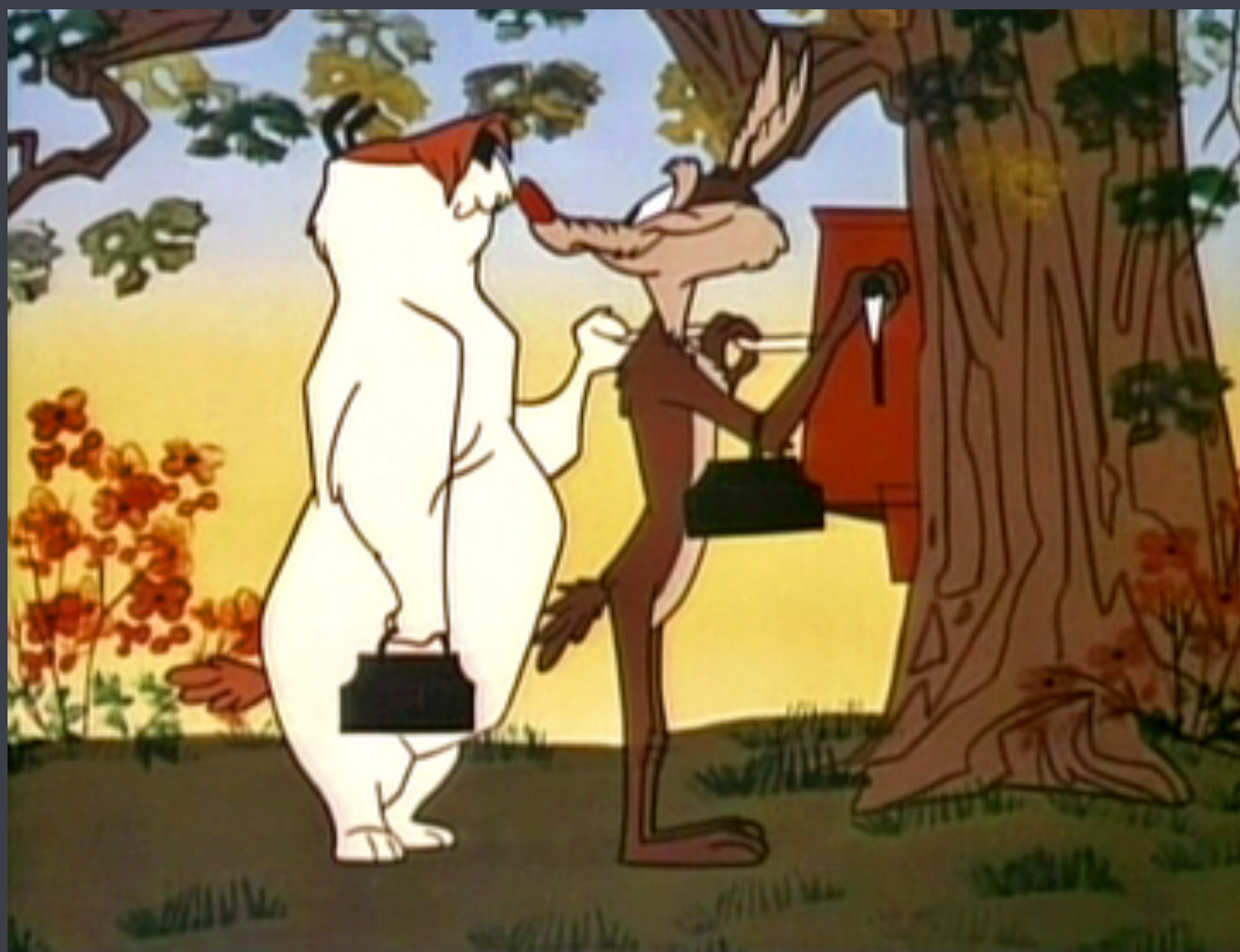
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**KEEP
CALM
AND
FILL THE
PIPELINE**



Cooperation With Other Requesters





Requests often work well
in strategic volleys

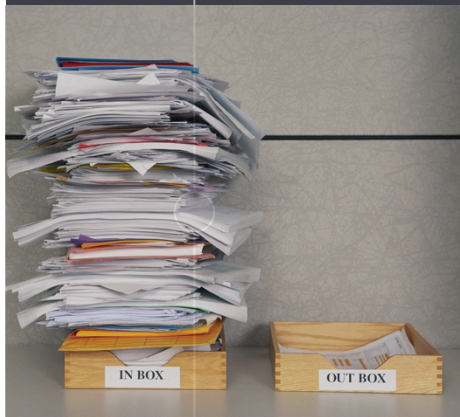
BETTER REQUESTS



Keep it simple and
straightforward

Make it records-oriented

Would you understand it?



Step into the shoes of the FOIA Officer

SUBMITTING A REQUEST

Agencies are making it increasingly harder to find their FOIA Contact Information

- Mail
- Fax
- Email
- Website
- Portal



THE FOIA.GOV WEB SITE

 An official website of the United States government [Here's how you know](#) ✓



UNITED STATES DEPARTMENT OF JUSTICE



FOIA.gov

Welcome to the first iteration of the new FOIA.gov. We'll continue to improve upon this site in the future and look forward to your input. Submit feedback to National.FOIAPortal@usdoj.gov.

[Learn about FOIA](#) ✓

[Before you request](#) ✓

[Create a request](#)

[Agency FOIA data](#) ✓

[Agency login](#)

The basic function of the Freedom of Information Act is to ensure informed citizens, vital to the functioning of a democratic society.

This site can help you determine if filing a FOIA request is the best option for you and help you create your request when you're ready.

[Tips for making a request](#) or

[Start your request](#)



ALL AGENCIES

Next>>

| | | | | |
|--|---|--|--|--|
| Department of Agriculture | National Railroad Passenger Corporation (Amtrak) | Equal Employment Opportunity Commission | Federal Mine Safety and Health Review Commission | National Capital Planning Commission |
| Department of Commerce | Armed Forces Retirement Home | Council on Environmental Quality | Federal Open Market Committee | National Credit Union Administration |
| Department of Defense | Appraisal Subcommittee | Office of Management and Budget | Board of Governors of the Federal Reserve System | National Council on Disability |
| Department of Education | Broadcasting Board of Governors | Office of National Drug Control Policy | Federal Retirement Thrift Investment Board | National Endowment for the Arts |
| Department of Energy | Central Intelligence Agency | Office of Science and Technology Policy | Federal Trade Commission | National Endowment for the Humanities |
| Department of Health and Human Services | Chemical Safety and Hazard Investigation Board | Office of the United States Trade Representative | Gulf Coast Ecosystem Restoration Council | National Indian Gaming Commission |
| Department of Homeland Security | U.S. Commission on Civil Rights | Export-Import Bank of the U.S. | U.S. General Services Administration | National Labor Relations Board |
| Department of Housing and Urban Development | Commission on Fine Arts | Farm Credit Administration | Harry S. Truman Scholarship Foundation | National Mediation Board |
| Department of the Interior | Committee for Purchase from People Who Are Blind or ... | Farm Credit System Insurance Corporation | Institute of Museum and Library Services | National Science Foundation |
| Department of Justice | Commodity Futures Trading Commission | Federal Communications Commission | Inter-American Foundation | National Transportation Safety Board |
| Department of Labor | Consumer Financial Protection Bureau | Federal Deposit Insurance Corporation | James Madison Memorial Fellowship Foundation | Neighborhood Reinvestment Corporation |
| Department of State | U.S. Consumer Product Safety Commission | Federal Election Commission | Legal Services Corporation | U.S. Nuclear Regulatory Commission |
| Department of Transportation | Corporation for National and Community Service | Federal Energy Regulatory Commission | Marine Mammal Commission | Occupational Safety and Health Review Commission |
| Department of the Treasury | Council of Inspectors General on Integrity and Efficiency | Federal Financial Institutions Council | Merit Systems Protection Board | Office of Government Ethics |
| Department of Veterans Affairs | Court Services and Offender Supervision Agency | Federal Housing Finance Agency | Millennium Challenge Corporation | Office of Navajo and Hopi Indian Relocation |
| Administrative Conference of the United States | Defense Nuclear Facilities Safety Board | Federal Labor Relations Authority | Morris K. Udall Foundation | Office of Personnel Management |
| U.S. Agency for International Development | Denali Commission | Federal Maritime Commission | National Aeronautics and Space Administration | Office of Special Counsel |
| American Battle Monuments Commission | Environmental Protection Agency | Federal Mediation And Conciliation Service | National Archives and Records Administration | Office of the Director of National Intelligence |

Next>>

[Search](#)[Browse](#)[FAQ](#)[About](#)

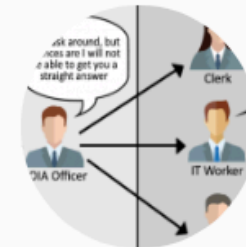
Search

Search for government information by keyword or see what other people and news organizations are requesting.

[Read more »](#)

Browse by Government Agency

FOIA logs, record systems, and contact information for making a Freedom of Information request

[Read more »](#)

FAQ

What is FOIA and what role does FOIA Mapper play?

[Read more »](#)

File, track, and share public records requests.

File a Request

Explore filed requests or learn how it works.

49,514

filed requests

11,001

agencies

14,699

fulfilled requests

2,074,791

released pages

Recently
completed
requests

Completed

10 files

Ypsilanti Mayor Amanda Edmonds
Emails

Touler S. Amarel sent this request to the City of

Completed

2 files

2018 Vigilant Data Sharing
Information (Los Alamitos Police
Department)

Completed

1 file

FOIA - OEMC - Abolish ICE
J Ader sent this request to the Office of
Emergency Management and Communications

Completed

1 file

2018 Vigilant Data Sharing
Information (Manhattan Beach Police
Department)

Comple

Email sy
County
Emma Ro

Agencies

Showing 1 to 25 of 11001

Page 1 of 441

25 items per page

First Page

Previous Page

Next Page

Last Page

Search

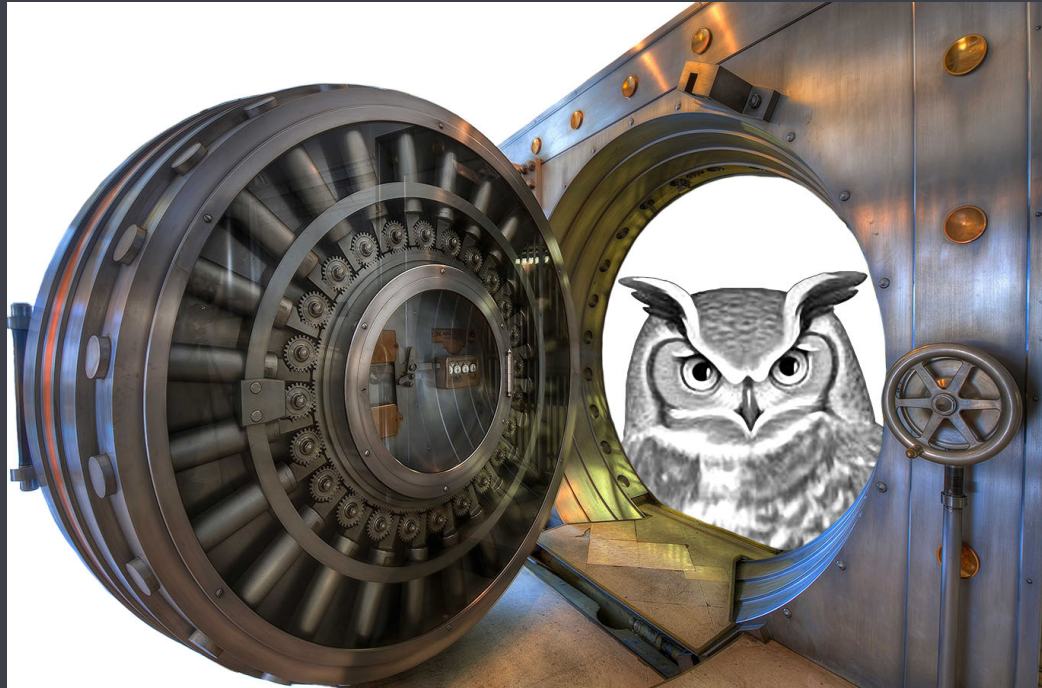
Jurisdiction

Filter

Clear

| Name | Jurisdiction |
|--|--------------------------|
| 101st Airborne Division, U.S. Army | United States of America |
| 101st Airborne Division, U.S. Army | United States of America |
| 10th Judicial District Attorney | Louisiana |
| 10th Judicial District Drug and Violent Crime Task Force | Tennessee |
| 13th Judicial District Court's Clerk Office | Alabama |
| 15th District Court | Ann Arbor, MI |
| 162nd Wing, Arizona Air National Guard | United States of America |
| 24th Judicial District Drug Task Force | Tennessee |
| 94th Airlift Wing FOIA Office | United States of America |
| Abbeville Police Department | Abbeville, AL |
| Abbeville Memorial Library | Abbeville, AL |
| Abbeville Police Department | Abbeville, LA |

Government Attic:



- offers examples of records released
- demonstrates that an agency has previously released a type of record





DOCUMENTS CATEGORIES

[Department of Defense Documents](#)

[Department of Justice Documents](#)

[Federal Bureau of Investigation \(FBI\) Documents](#)

[Executive Branch Departments A-M](#)

[Executive Branch Departments N-Z](#)

[White House Offices](#)

[Legislative Agencies](#)

[Independent Federal Agencies A-M](#)

[Independent Federal Agencies N-Z](#)

[Government Corporations](#)

[State Records / Miscellaneous Records / Interagency Records](#)

3

COUNTERING DENIALS

- “We are withholding the records in full”

- Is the withholding mandatory or discretionary?

Did the agency review to see if there are segregable releasable portions?

Is there a time limit for the withholding?

Is the withholding justified and explained?

Would there be foreseeable harm? (the foreseeable harm test)

Was the presumption of openness applied?

- The cost estimate is too high

- Did they miscalculate the fees?

Did they put you in the wrong fee category?

Did they wrongly charge review fees?

(Review fees are only for commercial requesters)

Did they commingle search and review fees?

Did they provide the first two hours of search free?

Per-page copy fees for electronic documents?

- Cannot confirm or deny (GLOMAR)

○ Is the fact or record already described or confirmed publicly?

Is there something already on the agency website?

- Unacceptable delay in getting a response

- Talk to the FOIA Office, and find out what's going on.

Ask for the estimated completion date

Send an administrative appeal mentioning the lack of a response

Submit a FOIA request asking for a copy of the administrative processing notes (after a year)

Have other people ask for the same records

- We located no records responsive to your request

○ Find out how and where they searched

Did they make a significant error in their search?

Did they interpret the request hyper-technically and exclude relevant records?

File a new request with broadened search pattern

- This agency is not subject to FOIA

○ What law or regulation or policy does govern public access to records at your agency?

Please process my request under that law or regulation or policy.

- The records we found are under the responsibility of a different agency

- Please forward (refer) the records to the agency which has authority over the records for a release determination

Please let me know which agency or agencies you are referring the records to

- If the response file format is unusable

- Please give me the file in its original file format

Please give me the response files without the encryption or password protection

I'd like a CD without an off-center label !

- Your request was not “perfected”

- Why is the request incomplete?

What other information is required to search for the records?

How can I specify the records better?

Note: often this is used when an agency prefers not to process a request



4

STRATEGIES & TACTICS



NEGOTIATION

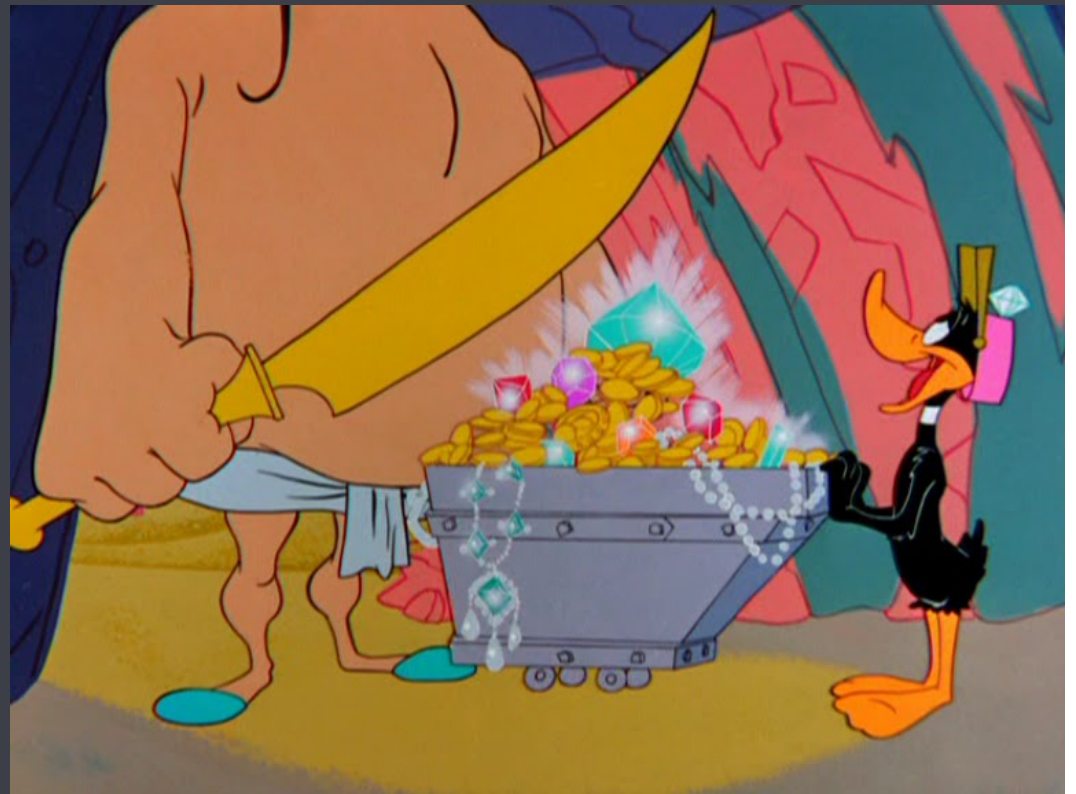
Cooperation

Win-win outcomes

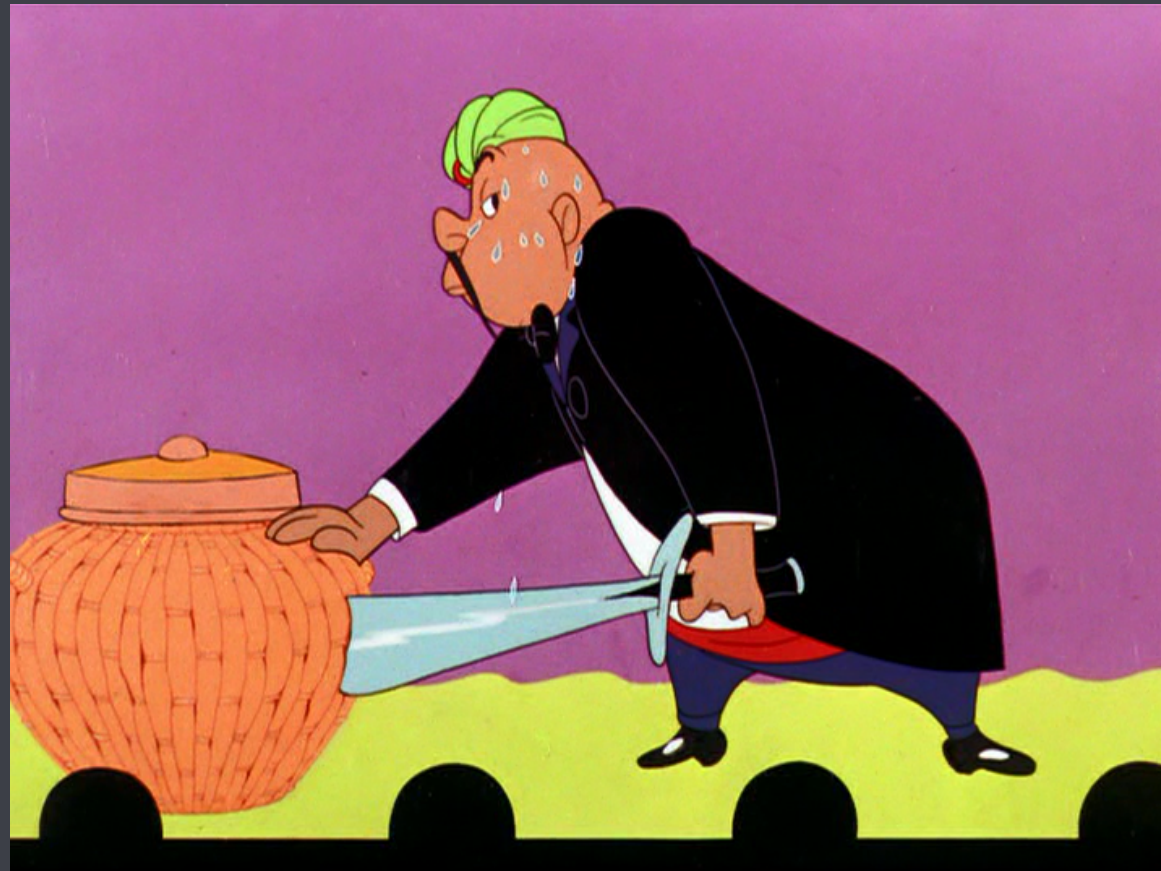
Convert an adversarial situation

Help get the request off their desk

Make it easier to fulfill a request than to deny it



But it's a double-edged sword:
you can also make it more
complicated when they say no



- NEGOTIATION POINT

- Exchange your willingness to narrow the scope for insight into the records structure

“Tell me what’s there and I’ll let you know what sections I don’t need”

- NEGOTIATION POINT

- In discussions with agency staff:

Focus on: *“What do you have?”*

Rather than:

“What do I want?”

- NEGOTIATION POINT

- Remember that you can always

- limit the request

- see what you get, and then

- go back later and ask for more

- NEGOTIATION POINT

- If they object, you can mention:

- you are not as familiar with their records structure as them,
- the law does not require them to create records
- you wish to better specify your request to reduce the burden **based on what records they have**

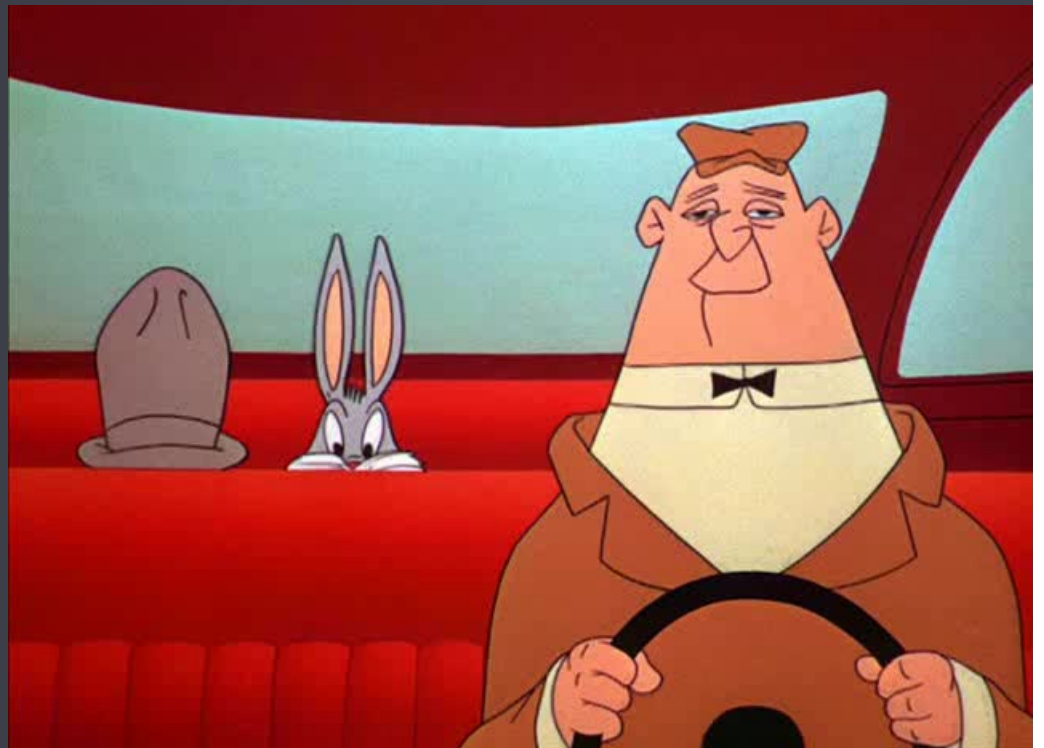
- THE FOIA PUBLIC LIAISON

- Each agency has one

Someone to talk to about the request

Can help fix
a problem

Get on
the phone

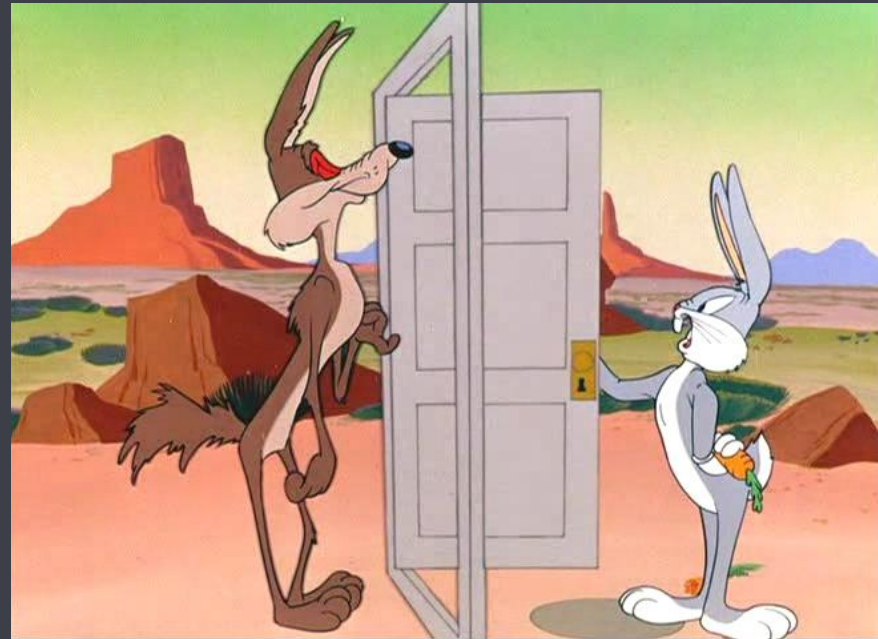


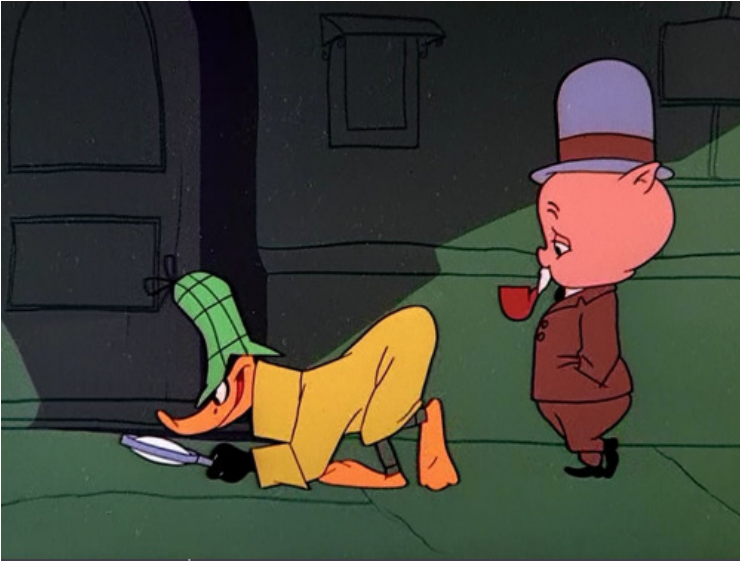
- NEGOTIATION

Discuss the request with the FOIA Officer/Public Liaison at any stage

Policy denials versus administrative denials*

*not official terminology





INFORMED RESCOPING

- Ask the FOIA Officer for their thoughts on stuff to omit
- Exclude unhelpful or repetitive parts
- Get a sample
- Narrow the date range
- Specify relevant offices
- Exclude attachments

- MORE RESCOPING TOOLS

- Index Table of Contents

Listing Bibliography

First ten pages of each document

Carefully chosen keywords

You can ask for more but don't wait

- NEGOTIATION RESOURCE

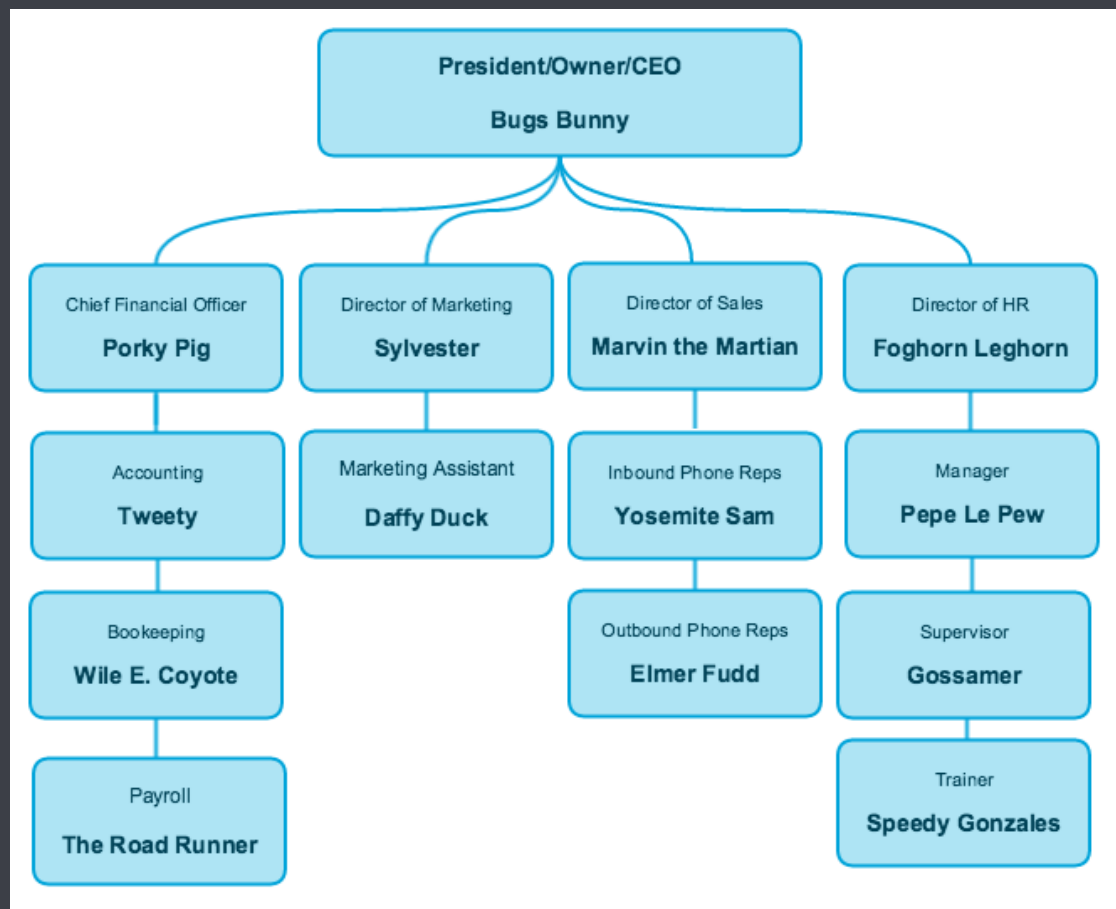
- Office of Government Information Services (OGIS)

“The FOIA Ombudsman”

<https://www.archives.gov/ogis>

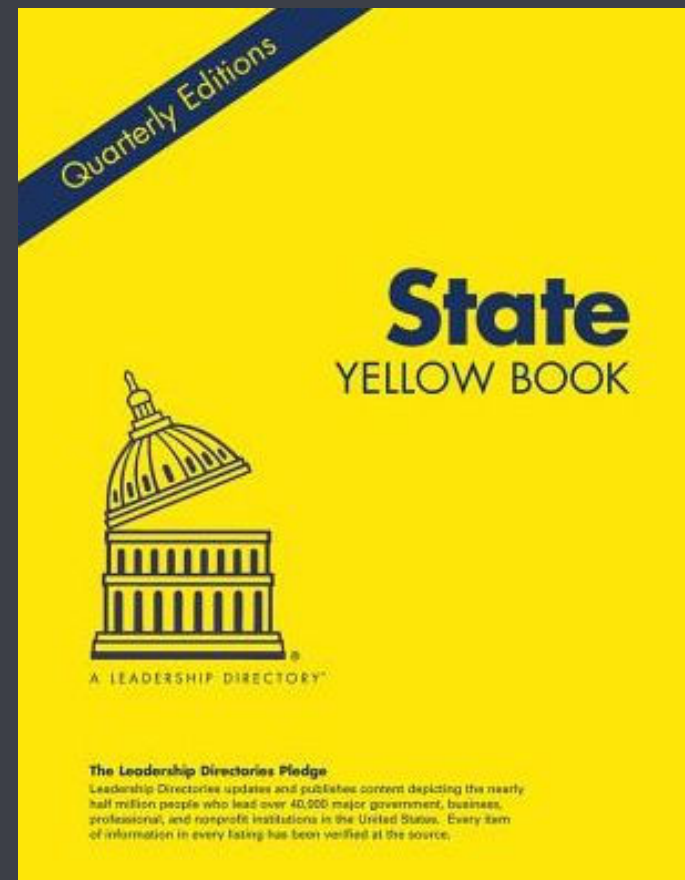
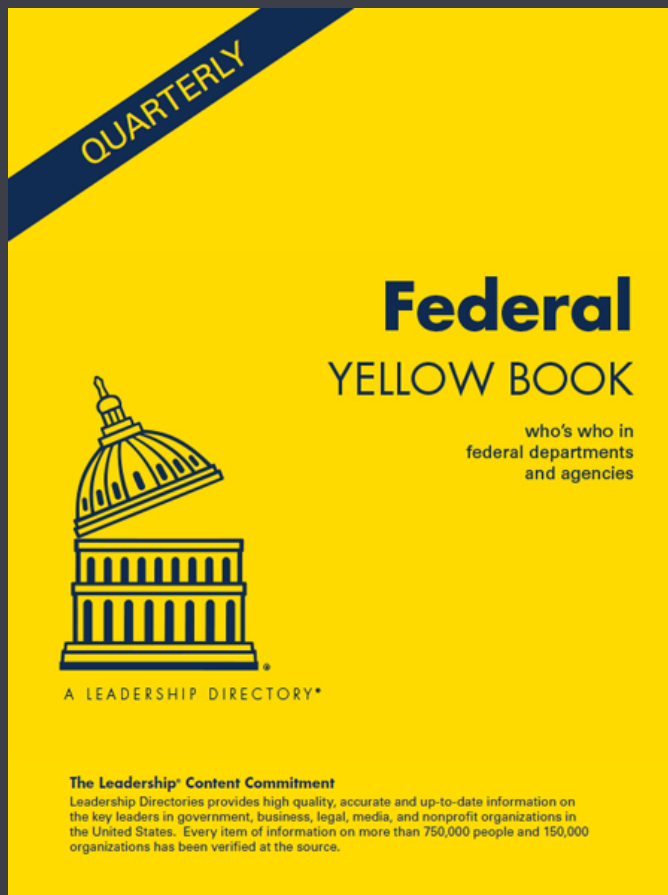
● AGENCY ORGANIZATION CHARTS

Invaluable in narrowing / rescoping requests



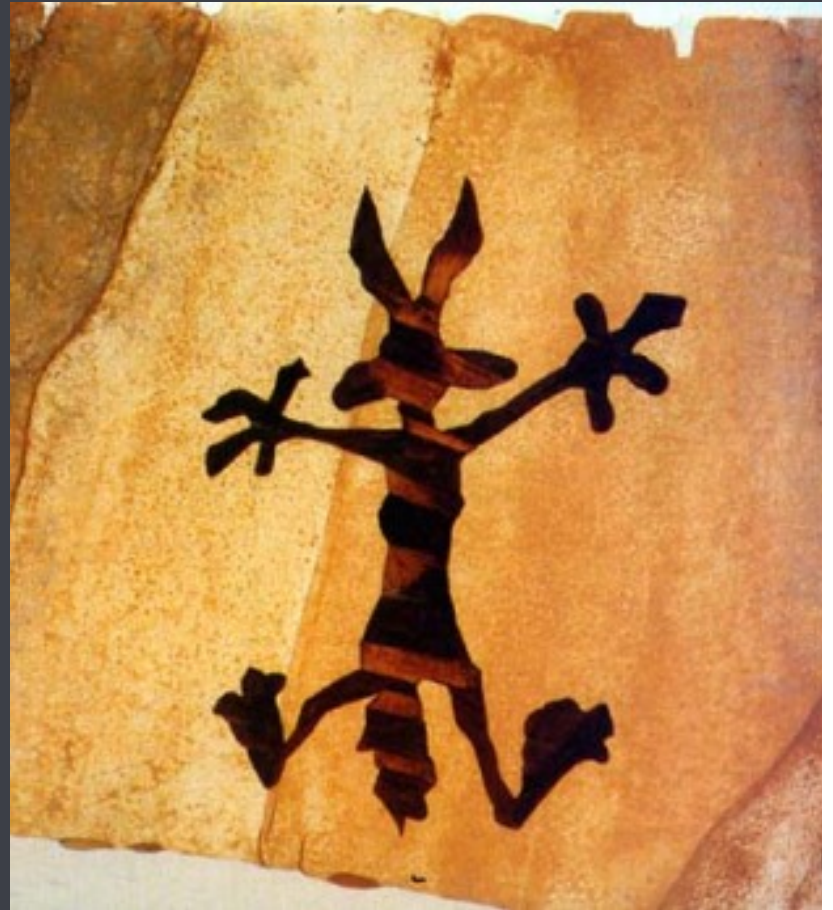
● FEDERAL AND STATE YELLOW BOOKS

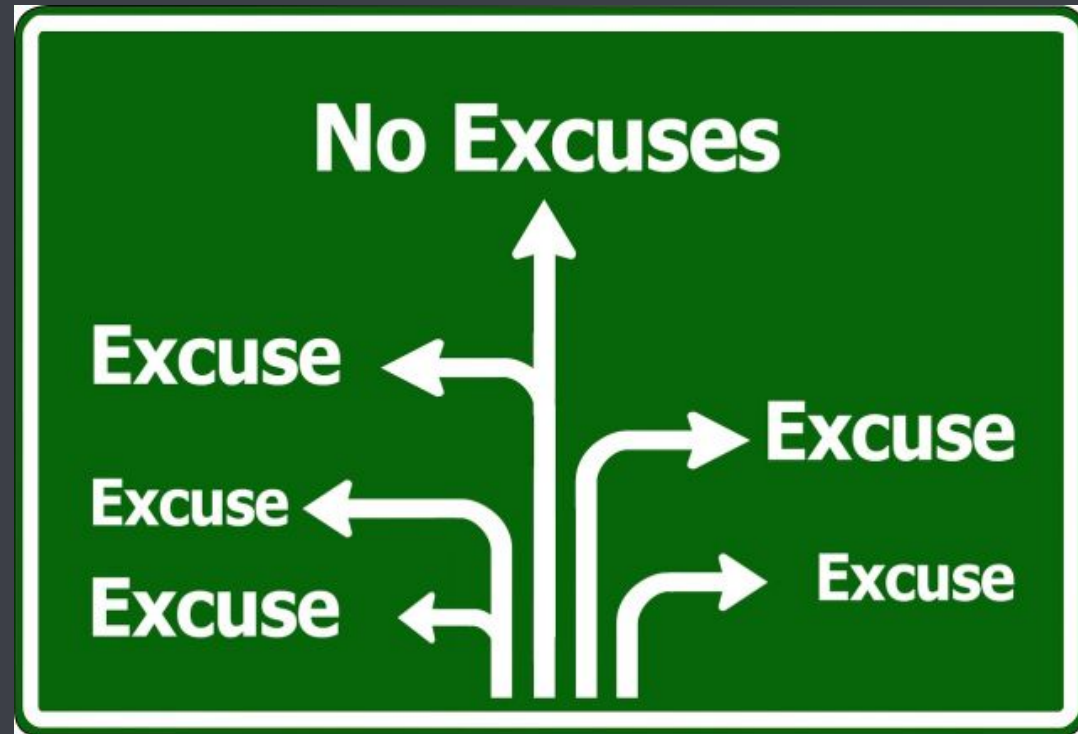
The most valuable information tools!



OVERCOMING EXCUSES

Requesters may be given unwarranted reasons for not being provided records





But these reasons are not
always valid, and there
are ways to counter
these responses...

- POPULAR EXCUSES

- *“unperfected”*

“overbroad”

“vague”

“voluminous”

“burdensome”

“we have it . . . but it’s not an agency record”

- ADDITIONAL COMMON EXCUSES

- *“it was sent to the National Archives”*

“lost in a computer changeover”

“stored in proprietary software”

“it’s a contractor database”

*“we can’t output an electronic file
from our system”*

- STILL MORE COMMON EXCUSES

- *“the wait time for our complex track is several years”*

“we don’t understand exactly what you want here”

“it would require an unreasonable search”

“if we did have it, we couldn’t release it”

- PUSHING BACK ON “NO RECORDS” RESPONSES

- Scour the internet to find any references to the requested documents

Also use agency site-specific searches
site:MSHA.gov “key phrase”

Find references in other places

Has similar material been released?

- PUSHING BACK ON “NO RECORDS” RESPONSES

- “we located no records responsive to your request”

That phrasing can be ambiguous and misleading

Did the agency find documents they deemed technically non-responsive?

Ask for clarification by phone

- “POINTING FINGERS” RESPONSES

- Agency A: It's agency B's record.
Agency B: It's agency A's record.

- Request from both agencies
- Talk to FOIA Public Liaisons
- Explain Referral/Consultation Policy
- Contact OGIS
- File Administrative Appeal
- Politely escalate requests

- ADMINISTRATIVE APPEALS

- Denial

Can't find

Misunderstood



Provide a clear, concise, polite explanation of why the decision was wrong, in plain English

- ADMINISTRATIVE APPEALS

- Depends on the specific situation

Beyond the scope of this workshop

Try to get someone experienced with FOIA to help in strategizing, crafting an appeal

● ONE EXAMPLE

○ Agencies frequently make errors in denying requests

Common Example: Deliberative Process Privilege of Exemption b(5)

- Segregable releasable portions
- Factual vs. opinion portions
- Foreseeable harm test
- Discretionary release
- Is the record really pre-decisional?

- DOJ FOIA HANDBOOK

○ <https://www.justice.gov/oip/>

DOJ GUIDE TO THE FREEDOM OF INFORMATION ACT

THE DEPARTMENT OF JUSTICE GUIDE TO THE FREEDOM OF INFORMATION ACT (2009 EDITION)



The United States Department of Justice Guide to the Freedom of Information Act (2009 edition) is a comprehensive legal treatise of the FOIA's procedural requirements, exemptions, and litigation considerations. It contains a detailed analysis of the key judicial opinions issued on the FOIA. The Guide is prepared and updated by the staff of OIP. Any inquiry about the points addressed in the Guide should be made to OIP through its FOIA Counselor Service, at (202) 514-FOIA (3642).

TABLE OF CONTENTS

- CANCEL AND REFILE

- Withdraw a “complicated” or problematic request, and file new requests designed to preempt the concern

Like folding a hand in poker



- PROCESSING NOTES

- You can ask for the contents of the administrative processing/tracking/handling file/folder for any particular FOIA request or appeal

Often called “processing notes”

Be sure to also ask for all emails in the FOIA Office associated with the request

- INDIRECT REQUEST CHANNELS

- Request records from other federal agencies or components

Ask state agencies for communications with federal agencies

Examine past records from the National Archives or Pres. Libraries

- LITIGATION

- Litigation VERY often produces records when the FOIA process fails

Huge upsurge in FOIA litigation under the current Administration

Can use to raise visibility of an issue

Timeframe, Cost

Award of legal fees is difficult

- “DENIED RECORDS” STORIES

- Write a story when an agency refuses to release something important

The public wants to know

No longer considered unseemly or “inside baseball” among editors

May result in release of the records

FEE DISPUTES



- FEE DISPUTES

- Fee category v. fee waiver

Focus on the fee category...
Fee waiver often becomes a distraction

- Commercial
- Educational/Scientific Institution
- News media
- All Other Requesters (individuals)

- FEE DISPUTES

- Stretch fees

Bad assumptions

Conflating search and review

Per page costs for digital material

Complaints about Review time

Most fee problems can be overcome for noncommercial requests

Most requests shouldn't have fees

Recent changes to FOIA help

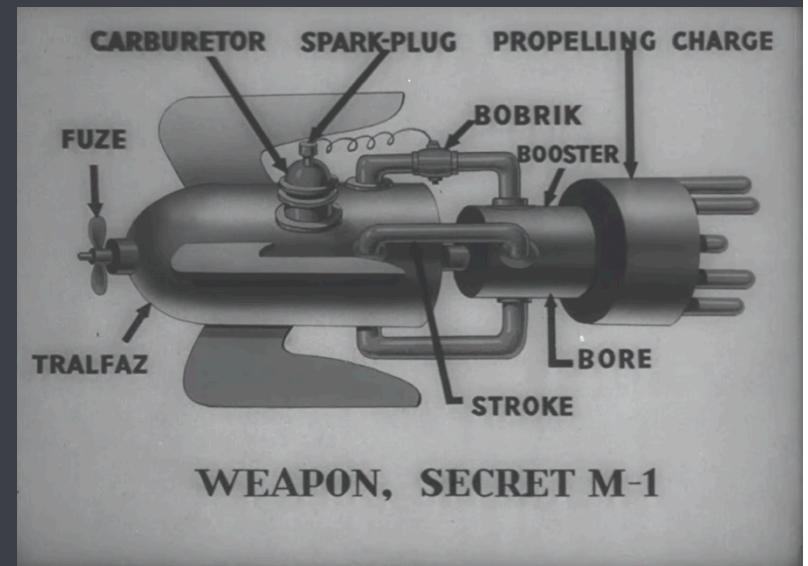
- SECURITY CLASSIFICATION

National Security
Information
TS//S//C

Restricted Data
(Atomic)

CUI

FOUO (gone, but
it actually isn't)

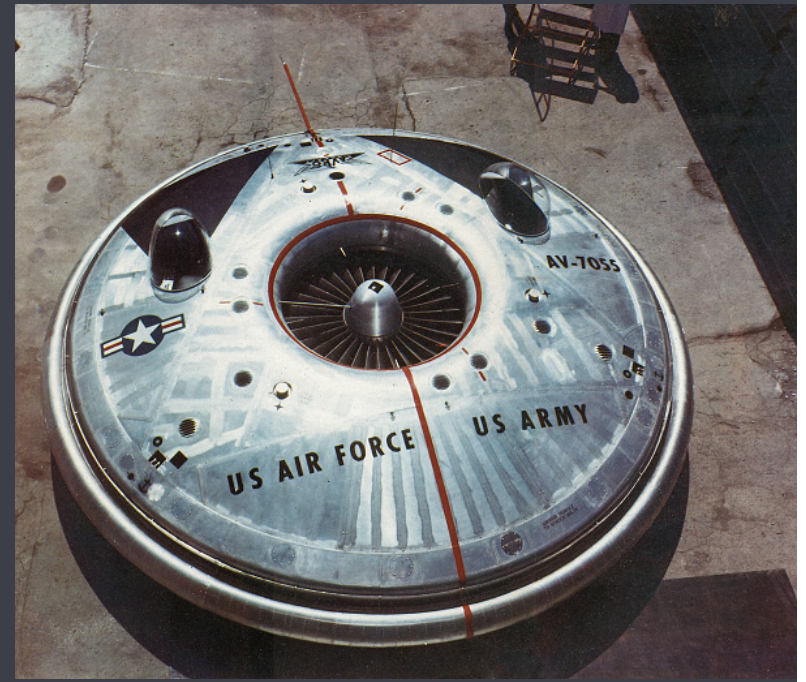


MANDATORY DECLASSIFICATION REVIEW

Can use MDR or FOIA, not both at once

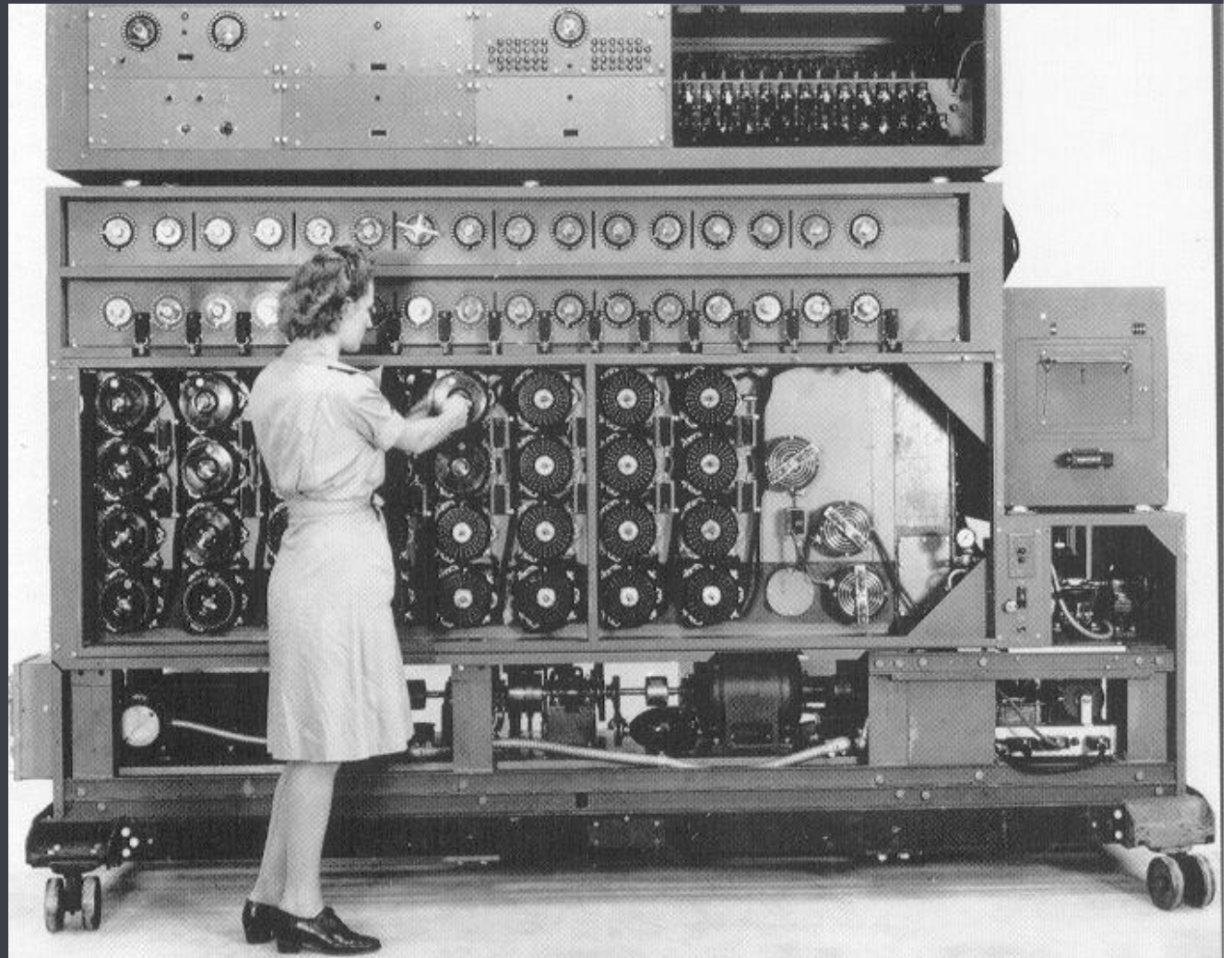
MDR – MDR Appeal – ISCAP appeal

Interagency
Security
Classification
Appeals Panel



DATA FILES

1940s
Code
Breaking
Machine
-
National
Cash
Register
Co.



- DATA FILES

- FOIA Offices:

often have an antiquated view of data

send native file data to paper

claim that digital searches are burdensome

- DATA FILES

- FOIA Offices frequently:

- provide data files that require proprietary software to use

- don't allow requesters to speak with IT staff

- are not candid re agency IT capabilities

- DATA FILES

- Requesters can:

 - ask for output to “flat files”
(.csv or .xls spreadsheet)

 - object to printed PDFs

 - inquire about the data fields

- DATA FILES

- *“Further, I request that these files be sent to me in any digital formats in which they exist (pdf, Word, etc.)*

Under the terms of the E-FOIA Amendments of 1996, if a document exists in electronic format, it must be released in that format upon request.”



● DATA FILES

Get a conference call with IT

Discuss excluding problem fields

Argue for native formats

Non-burdensome digital searching

- DATA FILES

- Be careful in requests that require a Boolean Search

Many agency staff do not understand Boolean Searching

Could end up with bad results

Ask for the search terms and how the search was performed

- DATA: CAUTION!



- Federal Agency Data is NOT:

- Reliable, Clean, Vetted, Authoritative, Accurate, Consistent



5

RECORDS YOU CAN ASK FOR



How do I know what to ask for ... if they won't tell me what they have?



There's a wealth of records if you know what to ask for

- AGENCY INTERNET SITES

- What's posted?
What's missing?

Mentions of records not posted

e.g., in Inspector General reports

- MISSING ITEMS ON WEBSITES

- No longer updated items

Dead Links – removed records

Missing or omitted items
(e.g. missing report numbers)

Things disappear all the time

- IS IT GONE?

- Google Cache

The Wayback Machine
(Archive.org)

ChangeDetection.com

When did it disappear?



- RESOURCES

- Government Attic

- Muckrock.com

- That1Archive

- The Black Vault

- The Memory Hole 2 / AltGov2

- FOIA Mapper



- RESTRICTED AGENCY WEBSITES

Intranets

Extranets

Wikis

SharePoint

Password Protected



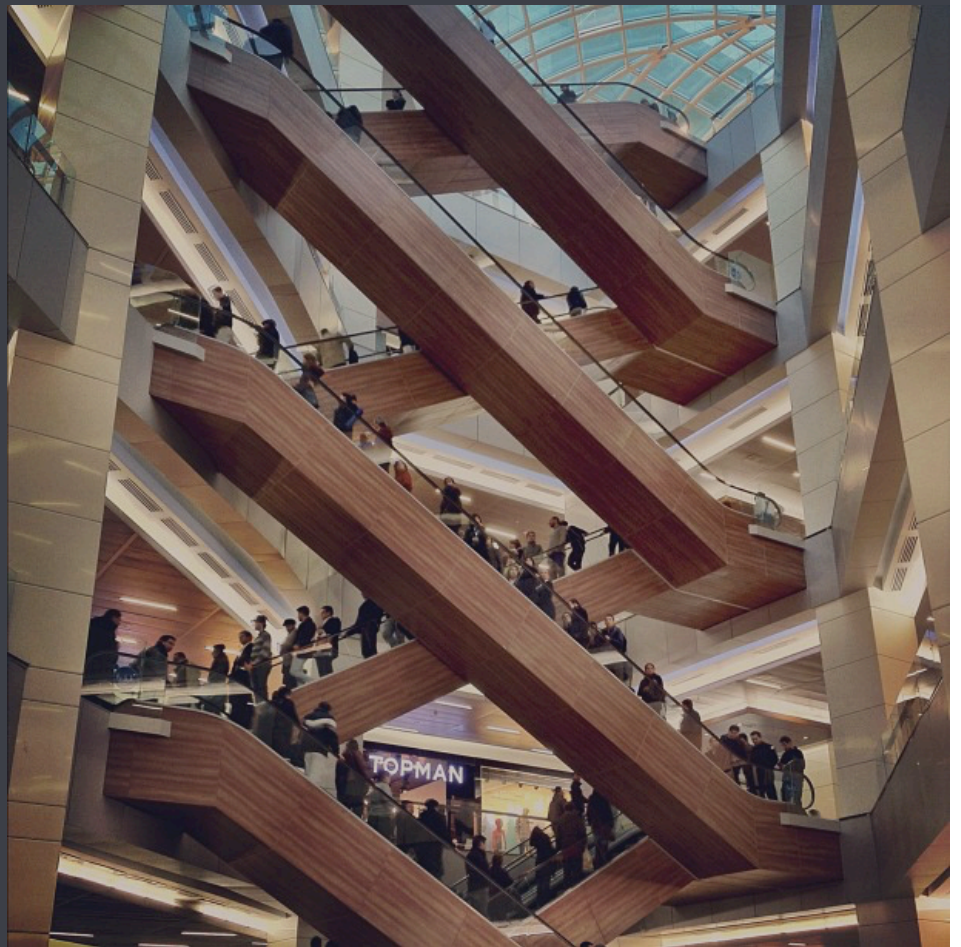
- ASKING FOR INTRANET CONTENT

- Intranet home page

Site index

One level down
(1 click)

Two levels down
(2 clicks)



- INTRANET CONTENT

- URL

Sub-domains (path fragments)
IP number

Google searches for substrings

Intranet content is often cited on
the public internet

- EMAIL

- Enterprise search
Email repository

CAPSTONE

keyword

Timeframe

Recipients/senders

Interaction between entities

- EMAIL

- Example:

“Results of an electronic search for emails containing the word XXX”

NOT

“emails concerning”

- EMAIL

- Example:

All emails between Ms. Jones and the Short Line Railroad during July 2017.

USUALLY NOT

Emails between Ms. Jones and SLRR regarding labor concerns

- EMAIL

- Ask separately for emails from all the likely locations or agencies

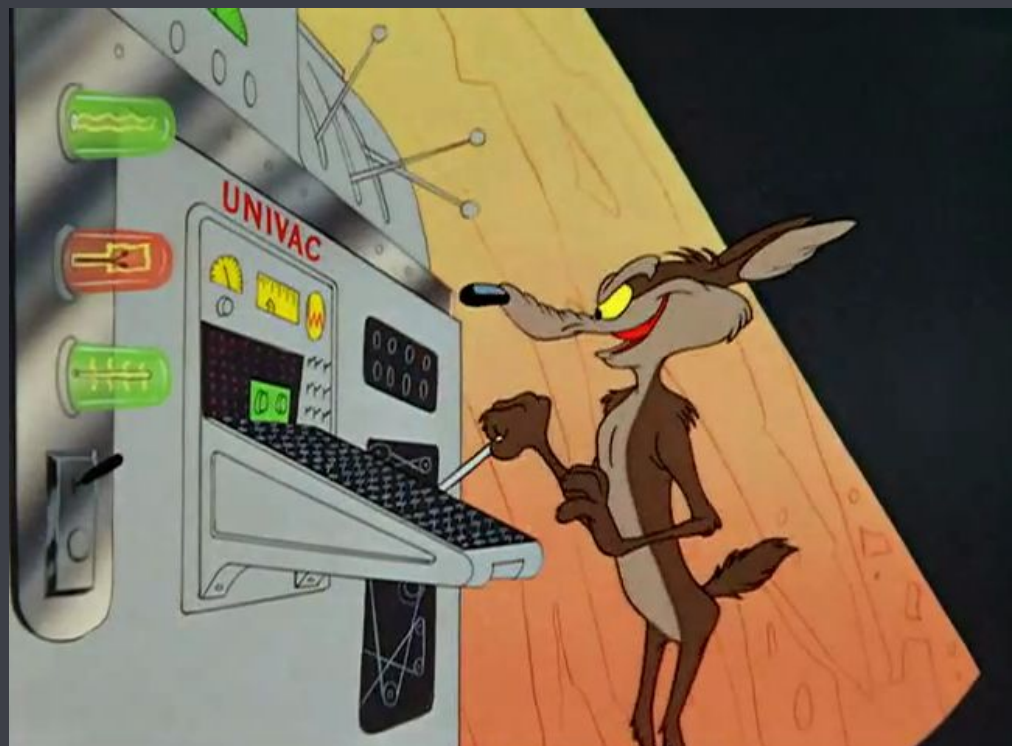
You can compare results and identify omissions

This also helps find use of personal and non-work email addresses

- DATASETS ARE EVERYWHERE

- An organization responsible for a function documents it in a dataset

List
Spreadsheet
DBMS



ONLINE QUERIES ARE INFERIOR TO GETTING A DATASET

- Search and download limitations
 - Can't access all data fields
 - Can't study data relationships
 - No access to native format
 - No access to metadata

Can't use the data in unforeseen
ways to make discoveries



GET THE FILE

Online lookup access is not equivalent

- IDENTIFYING RECORDS

- SO...

HOW DO YOU KNOW WHAT
RECORDS TO ASK FOR?

- META-RECORDS

- Think about and pay close attention to

records that describe other records, or

describe the structure of agency records

- ENTERPRISE DATA INVENTORIES

- EDIs

Posted in JSON format
– convert to csv or xls

EDI's are the Golden Fleece, a
roadmap to useful agency data

If something is done regularly, it's
documented in a dataset

- USASPENDING.gov

- Government Contracts Awarded
2008 – 2019

Contains the contract actions for
most but not all agencies

Powerful tool but not intuitive to
use

- USA Spending – One Suggestion

- Select an agency; download all contracts for years of interest

Save it as Excel file rather than csv

Sort by product/service code, then recipient, then date awarded

Use wrap text on column BS:
Award Description

- AGENCY RECORDS SCHEDULES

- Published by NARA

Describe agency records structure

Internet search: NARA agency
records control schedules

[https://www.archives.gov/records-
mgmt/rcs](https://www.archives.gov/records-mgmt/rcs)



NATIONAL ARCHIVES

RESEARCH OUR RECORDS

VETERANS' SERVICE RECORDS

EDUCATOR RESOURCES

Records Managers

Home > National Archives Records Management Information Page > Records Control Schedules (RCS)

Records Management Resources

[E-mail Management](#)

[Records Management FAQs](#)

[Memorandums to Agency Records Officers](#)

[Federal Records Centers \(FRC\)](#)

[Guidance and Policy for Accessioning](#)

[Electronic Records Management \(ERM\)](#)

[Toolkit for Managing Electronic Records](#)

[Records Management Handbook](#)

[Records Management Policy and Guidance](#)

[Records Management Initiatives \(RMI\)](#)

[Records Management Self Assessment \(RMSA\)](#)

Records Control Schedules (RCS)

The Records Control Schedule (RCS) repository provides access to scanned versions of records schedules, Authority, that have been developed by Federal agencies and approved by the Archivist of the United States.

- [Browse Records Control Schedules by Agency, Department or Organization](#)
- [List All Record Groups](#)
- [Recently Approved Schedules](#)
- [SF 115 Numbering Key](#)
- [Crosswalk Comparing SF 115 and Records Schedule Agency Certification](#)
- [More about Records Control Schedules](#)
- [Records Schedules Frequently Asked Questions](#)
- [Contact and Feedback: LSSP_Team@nara.gov](#)

- INSPECTORS GENERAL

- Almost every federal agency has an Inspector General watchdog

IGNET.gov includes an IG directory

You can request records directly from the Inspector General (usually)

● INSPECTOR GENERAL RECORDS

| | |
|---------------------|---------------------|
| Audits | Usually Public |
| Evaluations | Usually Public |
| Inspections | Sometimes Public |
| Reviews | Sometimes Public |
| Management Alerts | Seldom Public |
| Investigations | Rarely Public |
| Semi-Annual Reports | Public for Some IGs |

● IG INVESTIGATIONS

- OIGs use various names for their work products

Report of Investigation (RoI)

Final Report, Closing Report

Closing Memo, Referral Memo

Closing Letter, Referral Letter, etc.

Substantiated or Unsubstantiated

- IG INVESTIGATIONS

- Oversight Garden

Oversight.gov

compiled by CIGIE members
very incomplete

IG REQUEST CONCEPTS

“copies of reports from each investigation closed during 2018”

“a listing of all investigations closed during 2018”

“a copy of the final reporting documents from the following investigations...”

- LOGS

- Complaint
Visitor

 - Congressional Contacts

 - Cong. Correspondence

 - Media Inquiries

 - FOIA Requests

The heartbeat of what's occurring

CONGRESSIONAL CORRESPONDENCE

- Be wary of subject matter limits

Don't give agency staff the need to make decisions on relevance

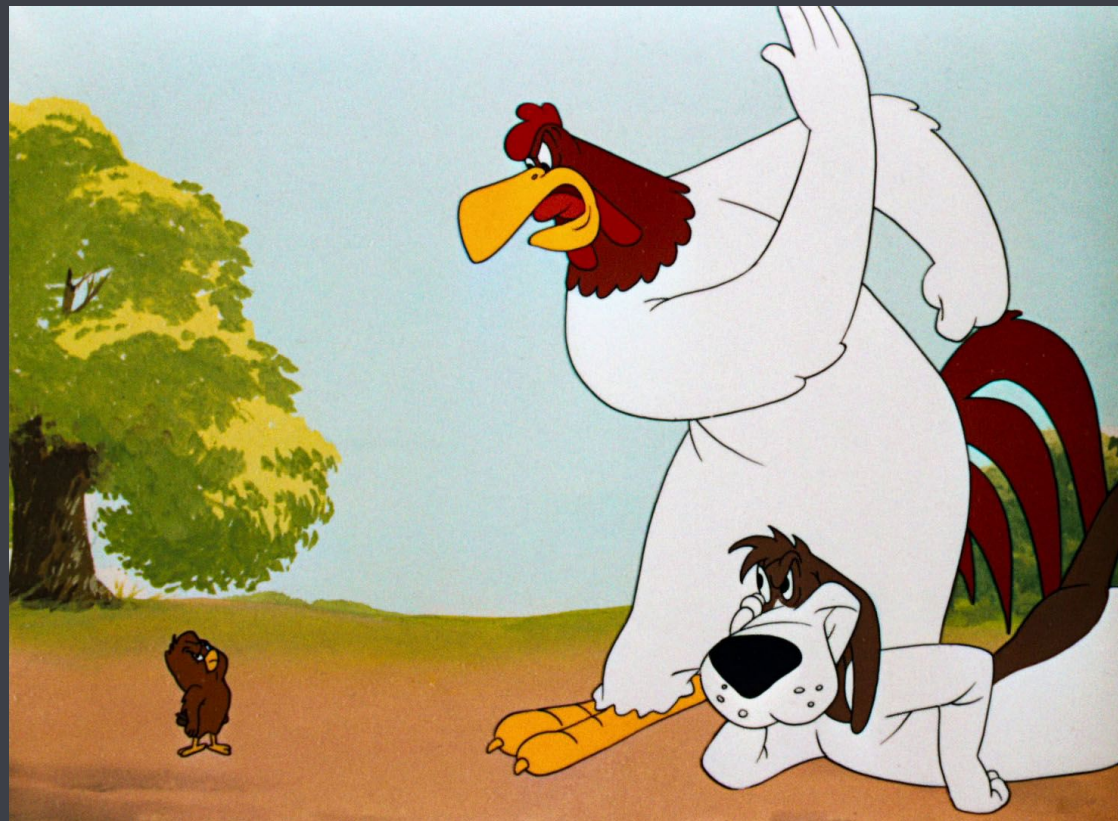
Hill correspondence is an undercurrent of interbranch government activity

- QUESTIONS FOR THE RECORD



- “VIEWS” LETTERS

Statements of Agency or Administration position, thoughts and comments on specific issues or legislation being considered by Congress



● REPORTS

| | |
|-----------------|----------------|
| ○ Technical | Accident |
| Financial | Incident |
| Program Status | Critical Event |
| Administrative | Near-Miss |
| Lessons Learned | After-Action |
| Unpublished | Internal |
| Periodic | Weekly |
| Monthly | Quarterly |

REQUIRED STATE REPORTS TO THE FEDERAL GOVERNMENT

The states are required to send many reports to the federal government.

You can ask the states individually for the reports, or ask the federal agency for all of them at one time

- AGENCY REPORTS TO CONGRESS

- Which reports is the agency required to send to Congress and/or the President?

Are they published online?

Often not.

“A copy of each report sent to Congress in FY 2018 but not posted on the agency web site.”

- PERIODIC AGENCY REPORTS

- What regular/periodic reports does the agency create?

Annual Biennial Semiannual
Quarterly Monthly

You can search the agency's site for the phrase "annual report", "report to Congress", etc.

CONGRESSIONAL BUDGET JUSTIFICATIONS

○ CBJ's

Explains to Congress each year
why the funds are needed

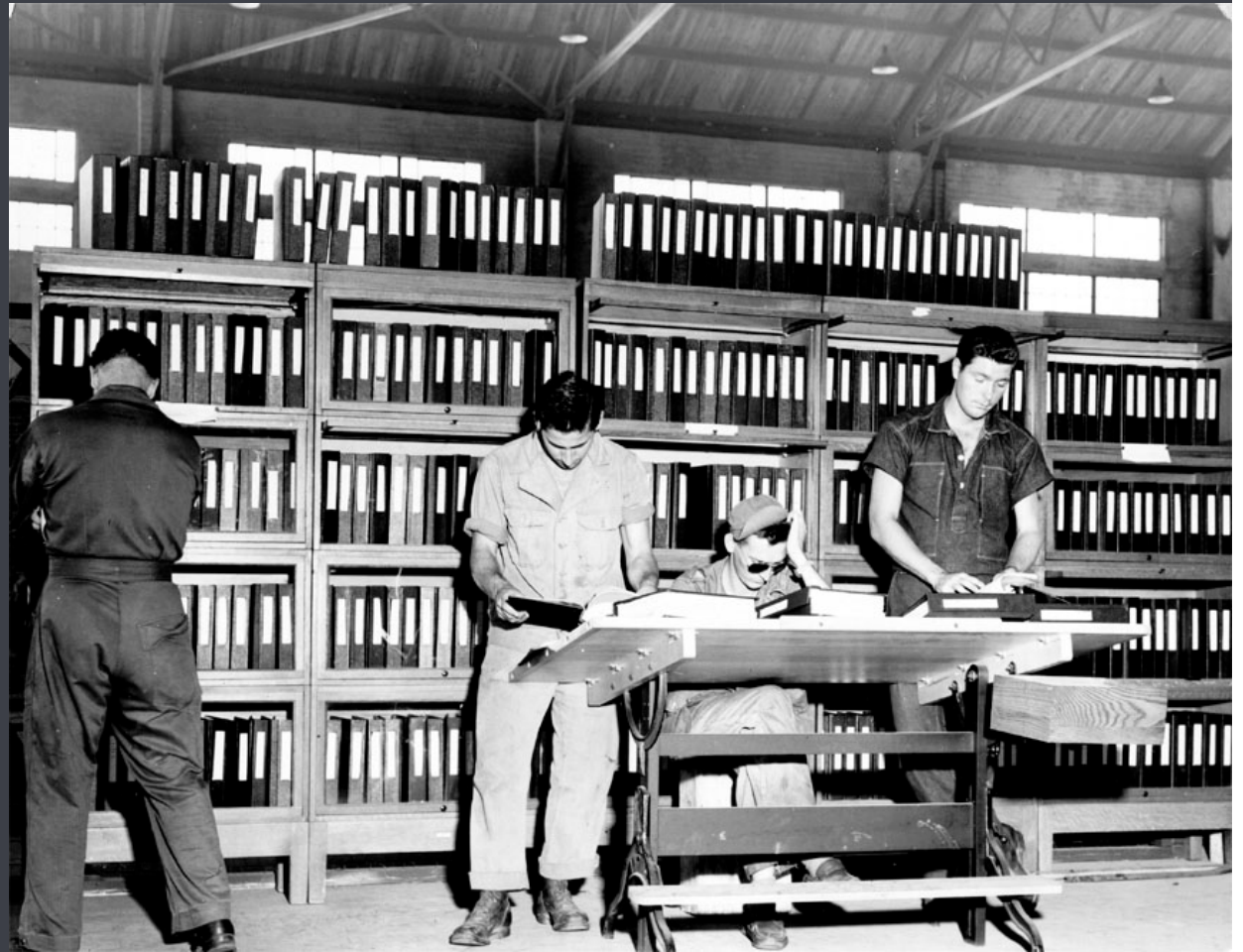
Where are the key challenges

More candid than annual reports

Read very closely

- TECHNICAL REPORT COLLECTIONS

DTIC
NTIS
OSTI
NASA
NAL
NLM
NTL
EPA
WDTIC





FEDERAL ADVISORY COMMITTEES

Home > Policy & Regulations > Policy > Federal Advisory Committee Management >

FEDERAL ADVISORY COMMITTEE MANAGEMENT

Overview

Advice and Guidance

Legislation and Regulations

Performance Measurement

> FACA Shared Management System

Finding Information on FACA Committees

FACA Shared Management System

The [Federal Advisory Committee Act \(FACA\) database](#) is used by federal agencies to continuously manage an average of 1,000 advisory committees governmentwide. This database is also used by the Congress to perform oversight of related executive branch programs and by the public, the media, and others, to stay abreast of important developments resulting from advisory committee activities.





FEDERAL ADVISORY COMMITTEES

- More than 1050 Committees
- Advising dozens of agencies
- With more than 67,000 members
- 40+ committees advising POTUS
- More than 7000 meetings held
- Some 700 reports issued
- Spending \$340 million each year

FEDERAL ADVISORY COMMITTEES/ ADVISORY BOARDS

- Charter document

- ***Meeting minutes***

- Meeting agendas

- Transcripts

- Handouts / presentations

- Briefing books

- Videos

- Member resumes

- MANAGEMENT CONSULTING REPORTS

- Federal agencies buy hundreds of management consulting reports

FBO.gov and USASpending.gov

Contract Statement of Work (SOW)

Presentations

Status/Interim/Final Reports

- LEGAL MATERIALS

- General Counsel memos/opinions
- Case Law digests
- Legislative Histories
- Administrative decisions
- Legal brief banks



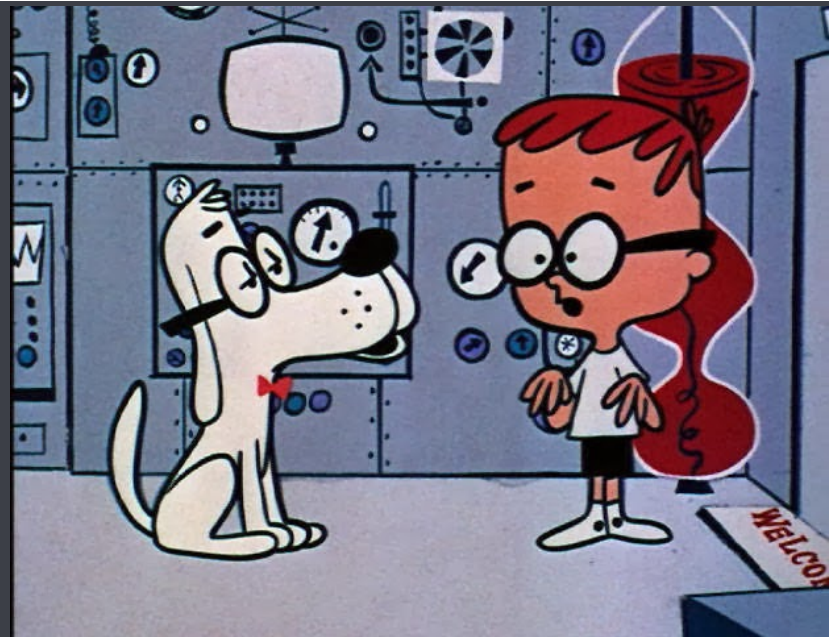
- HISTORIES

- Agency histories
- Program histories
- Internal histories

Accomplishments reports

Unit/command histories (DoD)

Agency historians





ORAL HISTORIES

- MULTIMEDIA

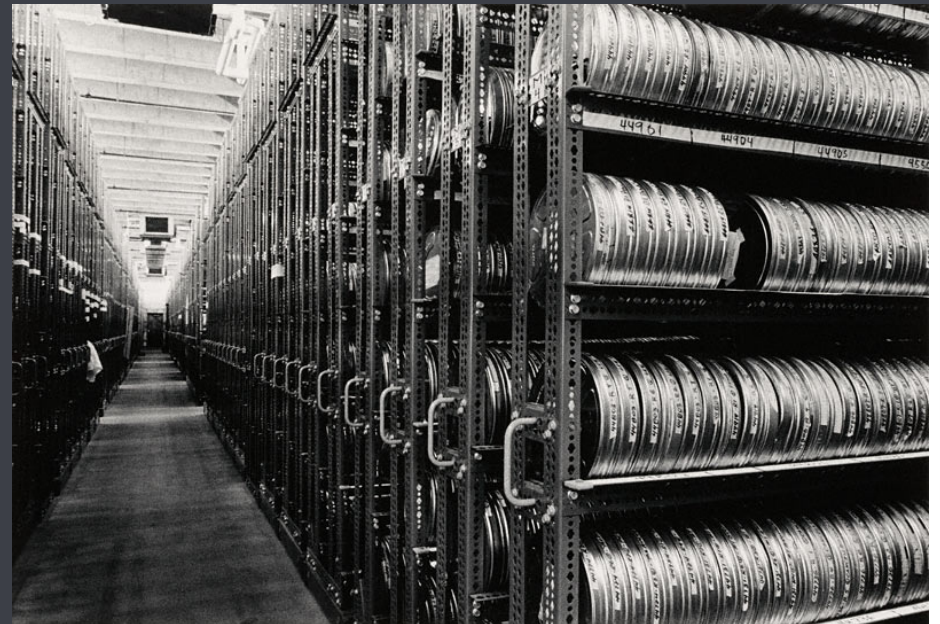
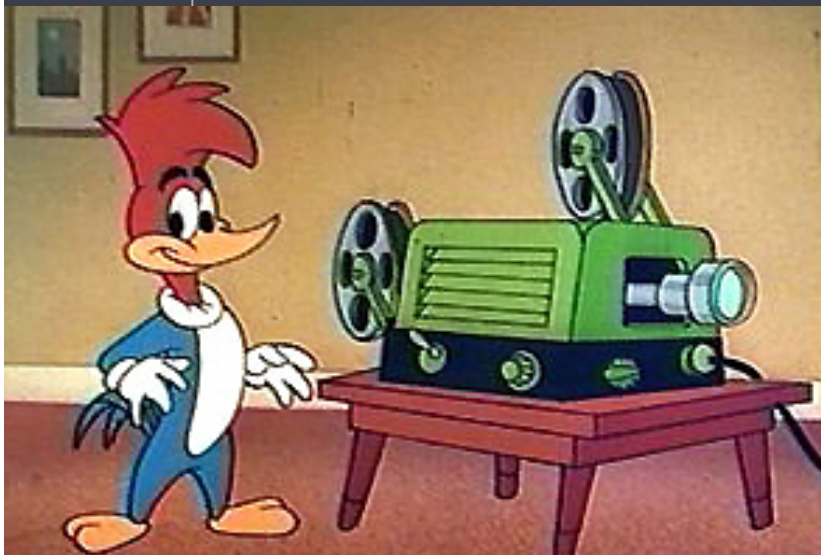
- Film/Video

- Digital content

- Photo archives

- Audio recordings

- Catalogs



- OTHER RESOURCES

- Government Accountability Office
GAO.gov website

Congressional Research Service
CRS Reports

Agency Internal Libraries

Memoranda of Understanding/
Agreement MOUs and MOA's

- MORE RESOURCES

- Presidential Libraries

National Archives and Records Admin.

Federal Records Centers

Stash points for agency records

Legislative Archives of NARA

- THEIR OWN VERSION OF FOIA

- Government Accountability Office

Government Publishing Office

Smithsonian Institution

Library of Congress

State and local agencies

- STATE AND LOCAL AGENCIES

- Reporters Committee (RCFP)
Open Government Guide

<https://www.rcfp.org/open-government-guide>

Each state has different access rules

Just say: “...pursuant to Iowa’s public records access law...”

5

TAKEAWAYS

- TAKEAWAYS

- This Administration produces huge quantities of records - paid for by taxpayers

If something is done by an agency, it's probably in a database that you can request

A wealth of records is available upon request

Think about FOIA strategically, tactically, and expansively

● TAKEAWAYS

- For agencies relevant to your interests:
 - Get and study the Enterprise Data Inventory
 - Get periodic reporting
 - Review the Records Retention Schedule
 - Read the Congressional Budget Justifications
 - Obtain Inspector General records
 - Study the agency organizational charts

- TAKEAWAYS

- Build a pipeline of useful records requests

Fee category is more important than waivers

Engage more productively with FOIA staff

Be aware: withholdings are often incorrect

ALWAYS question, verify and re-verify the validity of data and records you get



That's all Folks!

Thanks!



ANY QUESTIONS?