

## **Request for Approval for Freedom of Information Act (FOIA) Compliance Assessment Survey**

**TITLE OF INFORMATION COLLECTION:** Office of Government Information Services Agency Freedom of Information Act (FOIA) Compliance Assessment Survey

**PURPOSE:** The Office of Government Information Services (OGIS) reviews agency Freedom of Information Act (FOIA) policies, procedures and compliance, and identifies procedures and methods for improving compliance. As part of that statutory role, we assess FOIA compliance at individual agencies by visiting agency FOIA programs and reviewing material, agency request files, internal procedures for processing requests, regulations, annual reports to the U.S. Department of Justice, and litigation, among other sources. In line with the National Archives and Records Administration's strategic goal to "Make Access Happen," this survey is a tool to improve OGIS's understanding of the state of an agency's FOIA program, and identify areas for improvement so that FOIA leaders can address issues, and develop and launch strategies to strengthen and improve agency FOIA programs.

**DESCRIPTION OF RESPONDENTS:** OGIS will send a link to the online poll to the head of the agency's FOIA program who will then distribute the poll to his or her FOIA staff.

**TYPE OF COLLECTION:** Form poll

**THE SELECTION OF YOUR TARGETED RESPONDENTS:** At the beginning of each Fiscal Year (FY), OGIS publishes a schedule of agency FOIA programs that it will assess during the FY. A few weeks before the assessment is scheduled to begin, the head of the agency's FOIA program sends the poll to all relevant FOIA staff.

**ADMINISTRATION OF THE POLL:** OGIS will administer the poll via SurveyMonkey.

**SPECIAL NOTE:** This poll is similar to the one administered via QuestionPro and, more recently, via SurveyMonkey to NARA FOIA professionals in the Office of General Counsel and the Special Access and FOIA Unit as well as to six component agencies at the Department of Homeland Security (DHS). (We did not administer the survey to the DHS Privacy Office because our assessment looked specifically at compliance with the statutory duties of the Chief FOIA Officer nor did we administer it to the Consumer Financial Protection Bureau or the U.S. Postal Service, both of which have FOIA staffs small enough to interview individual FOIA processors.) Refinements to our assessment process in 2016 as well as changes to the statute by the FOIA Improvement Act of 2016 necessitate these changes.) In September 2017, we are scheduled to assess the FOIA program at U.S. Citizenship and Immigration Services, which reported having 246 full-time FOIA staff in its FY 2016 Annual Report.

**THE POLL INSTRUCTIONS AND SCRIPTS ARE ATTACHED.**

# Agency FOIA Program Compliance Review Survey

## Introductory Text

As you may know, your agency’s Freedom of Information Act (FOIA) program is being assessed to identify practices your agency does well and to find areas where your agency could use assistance in administering FOIA.

The Office of Government Information Services (OGIS) is the Federal FOIA) Ombudsman. FOIA directs OGIS to provide mediation services to help resolve disputes between FOIA requesters and Federal agencies, 5 U.S.C. § 552 (h) (3), and review agency FOIA policies, procedures and compliance, 5 U.S.C. §§ 552(h)(2)(A) and 552(h)(2)(B). Part of OGIS’s review program involves assessing individual agency FOIA programs. We will be working with your team to carry out that aspect of OGIS's mission.

Within the next few weeks, OGIS will conduct an on-site assessment of your agency’s FOIA program. In advance of our appraisal, OGIS is asking FOIA professionals at your agency to take the following survey regarding your FOIA program.

The survey consists of 24 questions and should take no longer than 10 minutes to complete. Please be sure to answer all questions as accurately as possible. All responses are anonymous and will help inform our conversation when we visit. Thank you in advance for your time and your attention to these questions.

## Program Information

1. To start, please identify your agency and, if applicable, component.

2. What is your role within the FOIA process? (Check all that apply) *	<input type="checkbox"/> FOIA Public Liaison <input type="checkbox"/> FOIA processor <input type="checkbox"/> Supervisory FOIA professional <input type="checkbox"/> Other [text box]
3. How long have you worked in your organization?	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1 year to less than 5 years <input type="checkbox"/> 5 years to less than 10 years <input type="checkbox"/> 10 years or more
4. How long have you worked as a FOIA professional?	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1 year to less than 5 years <input type="checkbox"/> 5 years to less than 10 years <input type="checkbox"/> 10 years or more
5. Do you have access to written internal policies or procedures (other than the Department of Justice FOIA Guide) regarding how to process a FOIA request?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure
6. Which of the following are addressed in your organization’s policies and procedures?	<input type="checkbox"/> Expedited processing <input type="checkbox"/> Fee categories <input type="checkbox"/> Fee waivers <input type="checkbox"/> Referrals <input type="checkbox"/> Consultations <input type="checkbox"/> Other [text box]
7. How satisfied are you with your organization’s policies and procedures on how to process a FOIA request?	<input type="checkbox"/> Very satisfied <input type="checkbox"/> Satisfied <input type="checkbox"/> Neutral <input type="checkbox"/> Dissatisfied <input type="checkbox"/> Very dissatisfied <input type="checkbox"/> Not applicable
8. How familiar are you with your organization’s records schedule?	<input type="checkbox"/> Extremely familiar <input type="checkbox"/> Moderately familiar

# Agency FOIA Program Compliance Review Survey

	<input type="checkbox"/> Somewhat familiar <input type="checkbox"/> Slightly familiar <input type="checkbox"/> Not at all familiar
9. Does your organization offer any training or guidance on how to properly process a FOIA request?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure
10. How confident are you in knowing the correct legal procedures for how to properly process a FOIA request and/or appeal?	<input type="checkbox"/> Extremely confident <input type="checkbox"/> Confident <input type="checkbox"/> Neutral <input type="checkbox"/> Somewhat confident <input type="checkbox"/> Not at all confident
11. How cooperative are the FOIA contacts within the program offices with search and productions of records?	<input type="checkbox"/> Very cooperative <input type="checkbox"/> Somewhat cooperative <input type="checkbox"/> Neutral <input type="checkbox"/> Somewhat uncooperative <input type="checkbox"/> Very uncooperative
12. How are your FOIA organization's policies and other directives communicated to you? (Check all that apply)	<input type="checkbox"/> Email <input type="checkbox"/> Written memos <input type="checkbox"/> In-person meetings <input type="checkbox"/> Telephone conversations <input type="checkbox"/> Posting on an internal website or intranet <input type="checkbox"/> Posting on a public-facing website <input type="checkbox"/> None of the above <input type="checkbox"/> Other [text box]
13. How satisfied are you with the technology your agency uses throughout the FOIA process?	<input type="checkbox"/> Very satisfied <input type="checkbox"/> Satisfied <input type="checkbox"/> Neutral <input type="checkbox"/> Dissatisfied <input type="checkbox"/> Very dissatisfied
14. Who reviews responses to FOIA requests? (Check all that apply.)	<input type="checkbox"/> Supervisory Government Information Specialist/Team Lead <input type="checkbox"/> FOIA Officer <input type="checkbox"/> Office of General Counsel <input type="checkbox"/> Office of Public Affairs/ Public Information Office/ Media Relations <input type="checkbox"/> Program office where the records originated <input type="checkbox"/> Office of the Secretary/ Head of Agency <input type="checkbox"/> Chief FOIA and/or Privacy Office <input type="checkbox"/> Other [text box]
15. Does your organization maintain and use standard template letters or language?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure
16. Does your office have a process to determine if frequently requested records should be added to the reading room?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure

# Agency FOIA Program Compliance Review Survey

<p>17. Who is responsible for ensuring all records in your reading room are accessible to people with disabilities (i.e., the records are remediated so that they comply with Section 508 of the Rehabilitation Act)?</p>	<input type="checkbox"/> FOIA Staff <input type="checkbox"/> IT Staff <input type="checkbox"/> Public Affairs Staff <input type="checkbox"/> Not sure <input type="checkbox"/> Other [text box]
<p>18. When a request is referred to another agency for processing, is the requester normally notified of the referral and given the name and contact information of a FOIA professional at the agency receiving the referral?</p>	<input type="checkbox"/> Always <input type="checkbox"/> Often <input type="checkbox"/> Sometimes <input type="checkbox"/> Rarely <input type="checkbox"/> Never
<p>19. How often does your organization provide requesters with estimated dates of completion when requested?</p>	<input type="checkbox"/> Always <input type="checkbox"/> Often <input type="checkbox"/> Sometimes <input type="checkbox"/> Rarely <input type="checkbox"/> Never
<p>20. Does your organization have a process for determining whether providing an estimated count would harm an interest protected by one of FOIA'S nine exemptions?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure
<p>21. When your organization sends "still interested" letters, does it provide requesters with at least 30 working days to respond?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure
<p>22. Does your organization inform requesters about OGIS's dispute resolution services in its letters?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure
<p>23. Which agency letters contain information regarding OGIS's services?</p>	<input type="checkbox"/> Letters informing requesters of unusual circumstances & extension of 10 additional working days <input type="checkbox"/> Adverse determination letters in response to initial requests <input type="checkbox"/> Appeal determination letters <input type="checkbox"/> Not sure
<p>24. Overall, how satisfied are you with the oversight of the FOIA program by the Chief FOIA Officer?</p>	<input type="checkbox"/> Very satisfied <input type="checkbox"/> Satisfied <input type="checkbox"/> Neutral <input type="checkbox"/> Dissatisfied <input type="checkbox"/> Very dissatisfied