



Highlights of [GAO-12-828](#), a report to the Committee on Oversight and Government Reform, House of Representatives

## Why GAO Did This Study

In March 2009, the Attorney General issued guidelines that encouraged agencies to release records requested under FOIA, improve administration of their FOIA operations, and ensure timely disclosure of information to the public. In light of this guidance, GAO was asked to determine: (1) What actions have agencies taken to manage their FOIA programs, including reducing backlogs and use of exemptions, pursuant to the Attorney General's 2009 FOIA guidelines, and what have been the results of these actions? (2) What actions have agencies taken to make records available to the public by electronic means, pursuant to the e-FOIA Amendments of 1996? (3) To what extent have agencies implemented technology to support FOIA processing?

To respond to this request, GAO analyzed statistics and documents, reviewed FOIA libraries, and conducted interviews with officials at 16 agency components within the Departments of Homeland Security, Defense, Justice, and Health and Human Services—the four agencies that received the most FOIA requests in fiscal year 2010.

## What GAO Recommends

GAO is recommending that the four agencies improve the management of their FOIA programs by ensuring that actions are taken to reduce backlogs and use of exemptions, improve FOIA libraries, and implement technology. In written comments on a draft of the report, the four agencies agreed or generally agreed with the recommendations.

View [GAO-12-828](#). For more information, contact Valerie C. Melvin at (202) 512-6304 or [melvinv@gao.gov](mailto:melvinv@gao.gov).

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# FREEDOM OF INFORMATION ACT

## Additional Actions Can Strengthen Agency Efforts to Improve Management

### What GAO Found

The major components of the Departments of Homeland Security, Defense, Justice, and Health and Human Services have taken a variety of actions to improve management of their Freedom of Information Act (FOIA) programs. To reduce their backlogs of outstanding requests, agencies have taken actions that include regularly reporting to management, mobilizing extra resources, and streamlining procedures for responding to requests. These actions have had mixed results. For example, since 2009, 10 of the 16 agency components in GAO's study succeeded in decreasing their backlogs, 2 had no material change, and the remaining 4 had larger backlogs. The agencies have also taken actions to reduce their use of exemptions—provisions of FOIA that allow agencies to withhold certain types of information. Agencies' actions to reduce their use of exemptions included training, reviews, and guidance. While 7 components reduced the rate at which they applied exemptions, 3 stayed about the same, and 6 had an increase.

The agency components are generally making records available to the public online, either in their FOIA libraries (dedicated sections of their websites for FOIA-related records) or elsewhere on their agency websites, as required by amendments to the act, referred to as e-FOIA. However, GAO's review of FOIA libraries found that records may not be easy for the public to locate when they are not in a library. Agency components have used a variety of approaches, including frequent content reviews, to proactively manage their libraries. However, GAO determined that not all agency components are giving sufficient attention to ensuring that frequently requested records are identified and posted online, which has resulted in sparsely populated FOIA libraries. Without consistent oversight and review of the information posted to FOIA libraries, the most current agency efforts or decisions may not be reflected and information can be difficult for the public to locate. This can result in increased FOIA requests, contributing to backlogs and administrative costs.

The agency components' implementation of technology capabilities that have been identified as best practices for FOIA processing—such as the use of a single tracking system and providing requesters the ability to track the status of requests online—has varied. The agencies that have not yet implemented these capabilities generally intend to do so. In addition, the agencies that GAO studied use different FOIA processing systems that do not electronically exchange data, which may necessitate manual exchanges of information among agencies to process FOIA requests.