

FREEDOM OF INFORMATION ACT

DHS Should Take Steps to Improve Cost Reporting and Eliminate Duplicate Processing

Why GAO Did This Study

FOIA requires federal agencies to provide the public with access to government information. In fiscal year 2013, DHS and its component agencies reported processing more than 200,000 FOIA requests, the most of any federal agency. At the end of fiscal year 2013, about half of all reported backlogged federal FOIA requests (about 50,000 of 95,000) belonged to DHS.

GAO was asked to review DHS's processing of FOIA requests. GAO's objectives were to determine (1) the responsibilities of and total costs incurred by DHS and selected components in managing and processing FOIA requests, and whether duplication exists; (2) actions DHS and selected components have taken to reduce FOIA backlogs and the results; and (3) the status of DHS's and selected components' efforts to acquire and implement automated systems for processing requests. GAO evaluated DHS's and five selected components' FOIA-related procedures, fiscal year 2013 cost data, and other documentation. The five components together received more than 90 percent of DHS's FOIA requests during fiscal year 2013. GAO also interviewed department and component agency officials.

What GAO Recommends

GAO is recommending, among other things, that DHS improve the reporting of FOIA costs, eliminate duplicative processing, and direct components to implement recommended and required FOIA system capabilities. In written comments on a draft of the report, DHS agreed with the recommendations.

View [GAO-15-82](#). For more information, contact Valerie C. Melvin at (202) 512-6304 or melvinc@gao.gov.

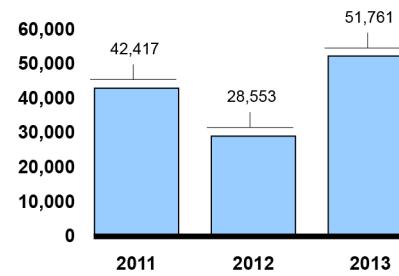
What GAO Found

The Department of Homeland Security's (DHS) *Freedom of Information Act* (FOIA) processing responsibilities are split between the department's Privacy Office, which acts as its central FOIA office, and FOIA offices in its component agencies. The Privacy Office has a number of oversight and coordination functions, including developing policies to implement FOIA initiatives, providing training, and preparing annual reports. Meanwhile, components' FOIA offices are responsible for processing the vast majority of the requests received by the department, subject to regulations and policies issued by the Privacy Office. While components report FOIA processing costs to the Privacy Office, which then aggregates and reports them to the Department of Justice, reported costs are incomplete (for example, the costs do not reflect employee benefits or the salaries of staff outside the components' FOIA offices who retrieve requested documents), thus hindering accountability for total costs. Regarding duplication, GAO determined that certain immigration-related requests are processed twice by two different DHS components. The duplicate processing of such requests by the two components contributes to an increase in the time needed to respond to the requests.

In 2011, DHS established a goal of reducing backlogged FOIA requests by 15 percent each year, and its component agencies have taken actions toward this goal, including increasing staff, reporting and monitoring backlog information, providing training, and offering incentives to staff for increased productivity. Although there was initial progress by the end of fiscal year 2012, backlog numbers do not account for an estimated 11,000 improperly closed requests, and the number of backlogged requests increased in fiscal year 2013 to a level higher than 2011 (see figure).

Department of Homeland Security Reported FOIA Backlogged Requests, Fiscal Years 2011 – 2013

U.S. Department of Homeland Security Freedom of Information Act Backlogs



Source: FOIA.gov. | GAO-15-82

DHS and its components have implemented or are planning to implement various technology capabilities to support FOIA processing based on best practices and federal requirements. However, not all of these systems possess all capabilities recommended by federal guidance, such as online tracking and electronic redaction, or the required capabilities to accommodate individuals with disabilities. Adopting such system capabilities departmentwide could help DHS increase the efficiency of its FOIA processing.