

GAO Highlights

Highlights of [GAO-24-106535](#), a report to congressional requesters.

Why GAO Did This Study

FOIA requires federal agencies to provide the public with access to government information. FOIA request backlogs hinder government transparency and prevent individuals' timely access to information.

GAO was asked to review government-wide issues related to agency FOIA request backlogs. This report (1) describes factors federal agencies identified as causes of backlog increases, (2) describes methods agencies reported using to address backlogs, (3) assesses relevant government-wide guidance and resources, and (4) describes the perspectives of agency officials and nongovernmental stakeholders on proposed FOIA changes to help agencies address backlogs.

To address these objectives, GAO analyzed Chief FOIA Officer reports published between 2019 and 2023 by all agencies receiving 50 or more FOIA requests each year. GAO also conducted four focus groups with FOIA officials from major federal agencies and one with nongovernmental stakeholders from academia, media, and the FOIA requester community. GAO analyzed data from FOIA.gov, reviewed government-wide FOIA guidance and resources, and interviewed agency officials.

What GAO Recommends

GAO is making four recommendations to DOJ, including specifying the elements agencies should include in their backlog reduction plans, and taking steps to help agencies improve the reliability of data on request processing times. DOJ concurred with the recommendations.

View [GAO-24-106535](#). For more information, contact James R. McTigue, Jr. at (202) 512-6806 or mctiguej@gao.gov.

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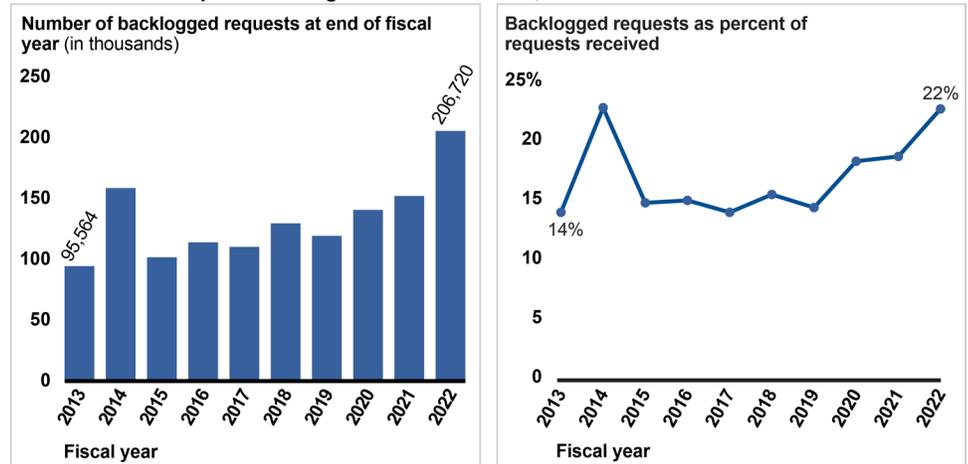
FREEDOM OF INFORMATION ACT

Additional Guidance and Reliable Data Can Help Address Agency Backlogs

What GAO Found

Federal agencies are generally required to process Freedom of Information Act (FOIA) requests within 20 working days. However, the government-wide request backlog has risen over the last decade (see figure), demonstrating that agencies face persistent challenges processing requests within required time frames.

Year-End FOIA Request Backlogs Government-wide, Fiscal Years 2013–2022



Source: GAO analysis of agency-reported Freedom of Information Act (FOIA) data on FOIA.gov. | GAO-24-106535

In annual reports, agency Chief FOIA Officers have cited key factors contributing to increases in their backlogs. Factors include the increasing complexity of FOIA requests, staffing challenges, and increasing litigation. Agencies also reported on actions taken to address their backlogs. For example, agencies reported using data to actively monitor the status of requests and inform actions to close them.

The Department of Justice's (DOJ) Office of Information Policy (OIP) helps agencies administer FOIA, but additional guidance and other resources could better support agency efforts to address backlogs.

- OIP directs agencies with significant backlogs to create backlog reduction plans. However, OIP does not specify what agencies should include in these plans so most have not included key elements. Of the 14 agencies directed to develop 2023 plans, two included goals and none included timelines for implementing actions. By providing such guidance, OIP could ensure agencies specify goals, milestones, and metrics to track progress.
- OIP instructs agencies to calculate the average time it takes the agency overall to process requests. However, since 2013, many agencies have reported inaccurate times in one or more years. Improvements to OIP's data checks and training could help improve the accuracy of these data.

In focus groups with GAO, agency officials and nongovernmental stakeholders suggested various changes to FOIA, such as expanding the records agencies must release without a request, to help agencies address backlogs. However, there was generally little consensus on specific changes they would recommend.