



Open Government Directive (December 2009)

http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-06.pdf

OGIS Q&A, updated February 1, 2010

The Office of Management and Budget on December 8, 2009, released the White House Open Government Directive. The Directive is a product of the Open Government Initiative that sought public comment recommending ways for agencies to implement the principles of transparency, participation and collaboration set forth in President Obama's January 21, 2009 Memorandum on Transparency and Open Government.

The Open Government Directive identifies specific actions to be taken by federal agencies to implement the principles of transparency, participation and collaboration, as well as deadlines for those actions. The Office of Government Information Services (OGIS) has prepared the following Q&A outlining some of the transparency issues that are relevant to the Freedom of Information Act (FOIA) community, including what the public may expect to see as a result of the Directive.

Q. Does the Open Government Directive address the Freedom of Information Act process or is it just for techies and Chief Information Officer (CIO)-types?

A. While the Directive uses terms that appear to be very technical it does specifically address the FOIA process by instructing agencies to proactively use technology to disseminate useful information, rather than waiting for specific FOIA requests for that information. The Directive tasks each agency that has a significant backlog of outstanding FOIA requests to take steps to reduce its backlog by 10 percent each year. The Directive also tells agencies to include in their Open Government Plans a link to a website that contains:

- a description of the agency's staffing organizational structure and process for analyzing and responding to FOIA requests;
- an assessment of the agency's capacity to analyze, coordinate and respond to FOIA requests in a timely manner, together with proposed changes, technological resources or reforms that the agency determines are needed to strengthen its response processes; and
- milestones that detail how the agency will reduce its pending backlog of outstanding FOIA requests by at least 10 percent each year, if the agency has a significant backlog.

Q: The Directive says that agencies with a “significant pending backlog” of outstanding FOIA requests shall take steps to reduce that backlog by 10 percent each year. How should the agencies achieve this mandate?

A: The Office of Government Information Services (OGIS) also has a goal of making the FOIA process more efficient. For example, OGIS plans to publish best practices on how agencies can reduce a backlog. We hope that agencies will take into account these best practices as they develop their own milestones and markers, as required by the Directive, to reduce their backlogs. The Department of Justice’s Office of Information Policy (OIP) and the American Society of Access Professionals (ASAP) also offer regular training sessions for FOIA officers that provide tips and suggestions on backlog reduction.

Q. The Directive emphasizes that the three principles of open government are transparency, participation and collaboration. How can agencies collaborate to create a culture of open government?

A. The Directive suggests that collaboration should occur between various professional disciplines, including senior policy, legal and technology leadership, within agencies to work together to define and to develop open government solutions. The Directive also encourages agencies to establish working groups, comprised of senior level officials from program and management offices, to focus on transparency, accountability, participation and collaboration with the Federal Government.

In the FOIA arena, OGIS suggests that agencies collaborate via intra- and/or inter-agency working groups, and/or using social media to develop ways to improve the FOIA process, for example, by employing better technology and establishing administrative best practices. FOIA Offices should also actively collaborate in developing the agency's Open Government Plan.

Q. How can a member of the public share with the government the high-value information he or she thinks should be made public?

A. The Open Government Web pages will allow for public feedback on agency activities related to the Directive, including through links to Web sites where the public can engage in existing participatory processes within the agency.

Q. What if one has questions about the Open Government Directive?

A. The public and agency employees may contact OMB through email at opengov@omb.eop.gov, or contact Nicholas Fraser, Information Policy Branch, Office of Information and Regulatory Affairs, OMB, at 202-395-3785. Questions relating to the FOIA can be directed to OGIS at 1-877-684-6488, at ogis@nara.gov or through <http://www.archives.gov/ogis/>; or the Department of Justice’s Office of Information Policy (OIP) at (202) 514-3642, at doj.oip.foia@usdoj.gov or through <http://www.justice.gov/oip/oip.html>.