

Office of Management and Budget  
Chief Freedom of Information Act Officer's Report  
Spring 2018  
Mark Paoletta, General Counsel

This Chief Freedom of Information Act (FOIA) Officer's Report is issued in accordance with Department of Justice guidance. The Office of Management and Budget's (OMB) Chief FOIA Officer has reviewed all aspects of OMB's FOIA administration and issues this report on the steps OMB has taken to improve FOIA operations and facilitate information disclosure.

Copies of this report, as well as information on how to make a FOIA request to OMB, are available at the FOIA site on the OMB home page at <https://www.whitehouse.gov/omb/freedom-information-act-foia/>

Those wishing to submit FOIA requests to OMB should submit their request, in writing, to OMB either via email at [OMBFOIA@omb.eop.gov](mailto:OMBFOIA@omb.eop.gov), fax at (202) 395-3504, or to the following mailing address: Office of Management and Budget, New Executive Office Building, FOIA Officer, Room 9026, 725 17<sup>th</sup> Street, N.W., Washington, D.C. 20503.

I. Steps Taken to Apply the Presumption of Openness.

*FOIA Training and Outreach*

Given the relatively small number of personnel in OMB who regularly perform FOIA work, OMB does not hold any formal FOIA training of its own. In addition to the few staff members who regularly perform FOIA work, personnel throughout the agency may be assigned FOIA responsibilities periodically. To ensure that this staff is properly trained, OMB's staff who work with FOIA more frequently offer guidance to those staff members who do periodic FOIA work, including discussing the legal framework of FOIA (such as the applicability of an exemption) or offering best practices, including how to most efficiently conduct a search for records.

Additionally, the staff members who regularly perform FOIA work meet on a weekly basis and attended informal training. As part of those meetings, specific areas of FOIA law or procedure are discussed and staff review current best practices, including those provided in new Department of Justice (DOJ) guidance. While agency FOIA personnel did not attend any training provided by DOJ in Fiscal Year (FY) 2017, OMB continues to encourage that staff to attend any government-wide FOIA training that they believe will help them in working on FOIA matters for OMB. Finally, the FOIA staff also contact DOJ regularly to discuss unique FOIA issues and the most recent changes to FOIA policy.

II. Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

*Processing Procedures*

During FY 2017, OMB followed a "first-in, first-out" FOIA processing system, and no requests for expedited processing were adjudicated. OMB did undertake a review of its FOIA

program and has taken steps to move toward a multi-track processing system, which will enable OMB to track “simple,” “complex,” and “expedited” requests.

In FY 2017, OMB received a small percentage of requests from “commercial use requesters.” The vast majority of requests come from representatives of the news media, educational institutions, or requesters seeking documents for non-commercial or personal interest.

#### *Requester Services*

OMB continues to focus on improving the FOIA requester services it makes available to the public. Whenever feasible, communications with requesters are done over the phone or through e-mail, to provide the quickest response or feedback. Requesters use these resources several times a week to receive general information about the type of documents maintained by OMB or to receive status updates on requests they filed with the agency. Additionally, in accordance with the FOIA, OMB’s responses to administrative appeals inform requesters of the mediation services available at the National Archives and Records Administration’s (NARA) Office of Government Information Services (OGIS) and provides the contact information for that office.

OMB continues to actively review its FOIA processing system to find ways to increase efficiencies. This includes examining how searches can be conducted at a greater speed and finding opportunities to streamline document review procedures.

### III. Steps Taken to Increase Proactive Disclosures

#### *Posting Material and Other Initiatives*

As described in prior years’ annual Chief FOIA Officer report, as OMB completes a response to a FOIA request, staff in the relevant program office and the Office of General Counsel (OGC) review those records to determine whether it would be helpful to post any material provided to the requester on OMB’s website. As part of this review, OMB staff consider whether the material is subject to frequent requests. [OMB](#) has updated its FOIA website and will post the material identified through this process at the following link: <https://www.whitehouse.gov/omb/freedom-information-act-foia>. OMB also continuously considers ways to publicize or highlight important proactive disclosures.

### IV. Steps Taken to Greater Utilize Technology

#### *Making Material Posted Online More Useful and Other Initiatives*

As OMB has transitioned to a new website, OMB continues to look for ways to make more information available to the public and easy to use. This includes allowing the public to provide feedback and access machine-readable datasets on a variety of topics.

Over the past year, OMB has also posted all quarterly FOIA reports for FY 2017. Those are available at the following link: <https://www.whitehouse.gov/omb/freedom-information-act-foia>. Furthermore, OMB’s FOIA professionals use email to communicate with requesters whenever feasible. Requesters can submit requests and status inquiries to OMB’s via email at [OMBFOIA@omb.eop.gov](mailto:OMBFOIA@omb.eop.gov).

## V. Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

### *Tracking*

During FY 2017, OMB continued to use a “first-in, first-out” FOIA processing system and OMB did not identify “simple” requests. The average processing time to respond to a request in general was 87 days, while the median was 23 days. OMB is currently reviewing its FOIA procedures to identify areas of improvement.

### *Backlogs*

The number of FOIA requests in OMB’s backlog increased from 60 at the close of FY 2016 to 231 at the close of FY 2017 (93% of those received in the FY, which was 248) and the number of appeals increased from four at the end of FY 2016 to five at the end of FY 2017 (71% of the number of appeals received, which was 7). This increase in the request backlog can be attributed to an increase in FOIA-related litigation, an increase in the complexity and size of FOIA requests, and a record number of incoming requests. Additionally, OMB has devoted resources to handling its oldest FOIA requests, which are the most complex and time-consuming, including employing contractors to focus on processing these requests.

### *Status of Ten Oldest Requests, Appeals, and Consultations*

OMB has not closed any of the ten oldest requests that were reported in its FY 2016 Annual FOIA Report. OMB has closed all of the pending consultations reported in the FY 2016 Annual FOIA Report. The primary obstacles facing OMB in its efforts to resolve these oldest requests is the amount of potentially responsive material and the complex nature of those documents. To address these obstacles, OMB has hired FOIA contractors who focus on alleviating the FOIA backlog.