

CHIEF FOIA OFFICERS COUNCIL



August 21, 2023

MEMORANDUM FOR CHIEF FOIA OFFICERS

FROM: CO-CHAIRS OF THE CHIEF FOIA OFFICERS COUNCIL

RE: FOIA.GOV INTEROPERABILITY DEADLINE AND SUNSET OF FOIAONLINE

We write to you in our capacity as Co-Chairs of the Chief Freedom of Information Act (FOIA) Officers Council.¹

The purpose of this Memorandum is three-fold:

1. Remind Chief FOIA Officers (CFOs) of the August 2023 deadline by which agencies must ensure that their FOIA portals are interoperable with FOIA.gov;
2. Remind CFOs of affected agencies that FOIAonline is decommissioning as of the end of FY 2023; and
3. Share some best practices of customer service provided by the requester community.

1. FOIA.gov interoperability

As you are aware, the FOIA Improvement Act of 2016 mandated that “the Director of the Office of Management and Budget, in consultation with the Attorney General [] ensure the operation of a consolidated online request portal that allows a member of the public to submit a [FOIA] request . . . to any agency from a single website.” The Act directed the Director of the Office of Management and Budget (OMB) to “establish standards for interoperability between the portal . . . and other request processing software used by agencies”² On February 12, 2019, OMB and the U.S. Department of Justice (DOJ) issued joint memorandum M-19-10 outlining the

¹ 5 U.S.C. § 552(k).

² 5 U.S.C. § 552(m).

standards of interoperability for the National FOIA Portal and requiring all agencies to become interoperable by the end of August 2023.³

We want to thank you for your agency's efforts in achieving interoperability. Both DOJ and OMB are available to assist agencies in meeting all your obligations under M-19-10. To support your interoperability with FOIA.gov, DOJ will continue to work with your agency to tailor specific information fields in the request form for your agency and ensure that anything required in your FOIA regulations is also a required field in the form.

Going forward, agencies must ensure that their systems remain interoperable with FOIA.gov in line with the joint guidance. When acquiring a new case management system, agencies should make sure that interoperability with FOIA.gov is a system requirement. Agencies should test interoperability ahead of full implementation of any new case management system to verify that the transition will be successful. Any agency that experiences an error with their interoperability should work to rectify those errors as soon as possible. Another key part of interoperability is making sure that agencies' information on FOIA.gov, such as agency contact information, mission descriptions and links to the FOIA Library, FOIA Reference Handbook, and FOIA regulations, is always up to date. As explained in the joint guidance, "[a]lthough agencies should be regularly reviewing and updating their FOIA.gov accounts, all agencies are required annually to certify the accuracy of their FOIA.gov information to DOJ during the annual FOIA report clearance process."

If you have not done so already, we would also like to encourage you to add a link to FOIA.gov on your agency's FOIA website as a helpful resource for requesters.

2. Decommissioning of FOIAonline⁴

The Environmental Protection Agency (EPA) announced in November 2021 the decommissioning of FOIAonline effective September 30, 2023. At its height, 22 agencies relied on the FOIAonline platform. At the start of FY 23, 17 agencies were still using the platform. As we approach the decommissioning date of September 30, 2023, 11 agencies remain active within FOIAonline.⁵ EPA is supporting the remaining agency partners in their migration from FOIAonline to new case management systems. The last day FOIAonline can be accessed is September 30, 2023. For FOIAonline partners that have not yet transitioned to a new platform by September 30th, their FOIAonline data will be retained until it can be exported for migration into

³ <https://www.whitehouse.gov/wp-content/uploads/2019/02/M-19-10.pdf>.

⁴ <https://foiaonline.gov/foiaonline/action/public/home>.

⁵ OGIS FOIA Ombuds Observer 2023-01, Decommissioning of FOIAonline, <https://www.archives.gov/ogis/resources/foia-ombuds-observer/2023-01> (May 19, 2023).

their new system or a location of their choosing. Agencies must grant authority to their new vendor engineers to migrate the data, including open cases. EPA will ensure data within FOIAonline continues to be secure until the technological dismantling of FOIAonline is complete.⁶

Agencies transitioning to new systems should take the appropriate measures to ensure all data is migrated into their new system to preserve efficiencies and ensure accurate reporting. When transitioning to a new system, agencies that used a case management platform separate from their website -- like FOIAonline -- to publicly post records online should remain mindful of their obligation to post frequently requested records online and that any past postings should remain publicly accessible online.

3. Best Practices at DHS and State

We would also like to highlight some best practices at the U.S. Department of Homeland Security (DHS) and U.S. Department of State (State) that were specifically flagged as examples of great customer service by the requester community. DHS has undertaken a recent initiative to proactively engage stakeholders and the public regarding its transition to a new case management system and modernize its system for first-party requests as part of a renewed commitment to open government.⁷

DHS receives the most FOIA requests in the federal government annually—nearly 540,000 in FY 22. In recognition of the potential impact upon requesters from upcoming changes in FOIA procedures, DHS created a webpage that anticipates and responds to frequently asked questions (FAQs) that its many FOIA requesters may have about how DHS is transitioning to a new platform for receiving and responding to FOIA requests.⁸

The DHS FAQs assure requesters that DHS “will continue to operate its legacy system in the near term” and promises that “there will be no break in service for requesters who wish to submit requests online using the DHS portal.”⁹ The FAQs also note when a component of DHS “will end participation in FOIAonline” and provide for an interim procedure for requests being emailed, until the DHS portal opens again. The FAQs lay out how to set up a new account, alert

⁶ *Id.*

⁷ Openness and Transparency DHS Subcommittee Final Report, <https://www.dhs.gov/publication/openness-and-transparency-dhs-subcommittee-final-report>.

⁸ <https://www.dhs.gov/change-underway-dhs-foia>.

⁹ *Id.*

requesters that they “will not be able to access any records in your old account,” and in bold print states “[m]ake sure you download any records you will need to access.”¹⁰

In sum, we anticipate that these FAQs will help to reduce confusion on the part of the requester community, reduce repetitive questions, and mitigate the risk of lost requests or mismanaged cases, saving DHS agencies both time and money. We believe that the DHS FAQs provide a useful framework for your agency to create similar FAQs and proactively engage in dialogue with the FOIA requester community about what to expect when your agency continues to modernize its FOIA-related systems.

We also want to highlight the State Department’s longstanding implementation of a “release to one, release to all” policy for the FOIA and a new online platform which enables requesters to track the status of their requests.¹¹ The Attorney General’s FOIA Guidelines emphasize that “proactive disclosure of information is . . . fundamental to the faithful application of the FOIA.” The Guidelines direct agencies to post “records online quickly and systematically in advance of any public request” and reiterate that agencies should post records “in the most useful, searchable, and open formats possible.” In addition to highlighting State’s best practice, we also want to encourage collaboration with your agency’s Chief Data Officer as a key opportunity to publish open format documents online, including in your FOIA Libraries, as mandated by the OPEN Government Data Act of 2018,¹² and thereby maximize public benefit from proactive disclosures.

Thank you for your ongoing commitment to your agency’s FOIA programs. Please share this memo with the appropriate officials managing your agency’s FOIA programs and do not hesitate to contact us if you have questions or concerns.



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¹⁰ *Id.*

¹¹ <https://foia.state.gov/request/foia.aspx>.

¹² <https://data.gov/open-gov/>.