Office of Management and Budget (OMB)
Chief Freedom of Information Act (FOIA) Officer's Report
March 2011

The Chief FOIA Officer's Report is issued in accordance with Attorney General Eric Holder's Guidelines on FOIA issued on March 19, 2009. In compliance with the Attorney General's Guidance, OMB's 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 http://www.whitehouse.gov/omb/foia.

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

I.   Steps Taken to Apply the Presumption of Openness.

OMB continues to take steps to ensure all agency personnel are aware of the President's FOIA Memorandum and the Attorney General's FOIA Guidelines and that the presumption of openness is being applied to all decisions involving the FOIA. This past year, OMB's Office of the General Counsel started holding individual training sessions with the various program offices within OMB to discuss these memoranda. These individualized sessions allow the General Counsel's Office to discuss how the presumption of openness can be applied to the specific documents located within each office and, if this presumption impacts prior disclosure policies specific to those offices, to ensure that this training remains current. Additionally, in order to ensure that this training remains current, OMB personnel continue to attend DOJ's FOIA seminars and training that discuss the Attorney General's Guidelines.

Furthermore, OMB's FOIA Office conducts a document-by-document, line-by-line review to identify material that is appropriate for release, including whether OMB can discretionarily release material that falls within one of the FOIA's exemptions. This careful review is followed by a senior level review, in the General Counsel's Office, of any redactions made during the initial review to ensure that OMB has properly and appropriately implemented the presumption of openness. Therefore, all releases undergo review more than once to ensure that the presumption of openness is applied where appropriate. OMB has not issued any formal internal guidance, but agency personnel conducting these reviews are now instructed to examine whether there is harm in disclosing the material, and not merely whether the information can fit within a FOIA Exemption.

The continued attention on applying the presumption of openness has resulted in an increase in the discretionary release of material covered by Exemption 5. Most notably, in several instances OMB has been able to identify portions of deliberative documents that can be

released without creating a harm, while only protecting the specific aspects of the deliberations that remain sensitive. By applying the presumption of openness to each responsive document, OMB has been able to release additional portions of draft documents and intra-agency email communications. Consequently, OMB reduced the number of full denials based on exemptions by more than half, dropping the number of instances from thirteen in Fiscal Year 2009 to six in Fiscal Year 2010.

Lastly, a comparison of data concerning responses where records were produced shows that, the number of full releases decreased by twelve responses, from fifty-one in Fiscal Year 2009 to thirty-nine in Fiscal Year 2010, however, the number of partial releases increased by fifteen, from twenty-four responses to thirty-nine, during that same time period.

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

OMB continues to operate with an effective system for responding to FOIA requests. The process remains largely the same as reported in last year's Chief FOIA Officer Report, with a few additional elements to create an even more efficient procedure. When a FOIA request is received by OMB's FOIA Office, the FOIA Officer logs in every request and assigns the request to the appropriate program office(s) within OMB to conduct a search for potentially responsive records and notifies them of the statutory deadline imposed by the FOIA. The FOIA Officer directly interacts with the appropriate OMB program offices and OMB's General Counsel's Office to ensure that questions regarding the FOIA search can be answered timely. In order to immediately address any delays in searches, the FOIA Office and the General Counsel's Office now meet with the program office within days of receiving the request to discuss the scope of the request and identify any complex search issues that may cause delay. Furthermore, in order to streamline the necessary search, the FOIA Office provides a "FOIA Search Checklist" that itemizes the different places where responsive records may be located. This allows the program office to immediately apply the necessary resources to all areas that may house responsive material. Furthermore, the FOIA Office continues to determine whether OMB needs to contact other agencies regarding the necessary consultations or referrals of information that originated from another agency. Additionally, where appropriate, the FOIA Office communicates with requesters to clarify requests, as soon as practicable.

As is noted under Part I above, OMB's Office of General Counsel also devotes substantial resources in careful, line-by-line reviews of potentially responsive documents following their identification. With resources available in the FOIA Office and in the General Counsel's Office, OMB is able to ensure that adequate staffing is available to handle complex FOIA requests when received by the agency. The level of resources available when needed demonstrates OMB's commitment to following the Administration's presumption of openness.

OMB continues to receive sufficient IT support. As discussed in last year's report, OMB's FOIA Office is located within the agency's Management and Operations Division, which houses OMB's Information Technology Office. Working within the same Division as the IT Team provides the FOIA Office with IT resources to meet its needs. For instance, during Fiscal

Year 2010, the IT Team was instrumental in OMB's acquisition of redaction software. In Fiscal Year 2011, the IT Team and the FOIA Office are continuing to work together to create a more streamlined electronic FOIA process and move the agency away from relying on paper. OMB is also currently developing a program to help further streamline FOIA processing. Once fully implemented the new program will allow the FOIA Office to more easily monitor approaching response deadlines for requests, as well as provide a central repository for responsive records, which will be more easily accessible. OMB hopes these features will further improve the agency's response time.

OMB's FOIA professionals directly interact with the agency's Open Government Team. Most notably, a FOIA professional now sits on OMB's Open Government Steering Committee that oversees the agency's implementation of its Open Government Plan, to ensure that FOIA remains a priority in the agency's Open Government implementation. This has also brought FOIA to the attention of personnel at every level of the agency as OMB continues to explore ways in which it can become more transparent. These efforts are reflected in the information now proactively released as discussed in Part III below.

III.   Steps Taken to Increase Proactive Disclosures

OMB relies on several websites to increase the amount of publicly available information. Prior to the postings described here, the predominant method to receive many of datasets was through a FOIA request. A listing of OMB's high-value information that is now, or will soon be, available for download, is available here: http://www.whitehouse.gov/open/around/eop/omb/ datasets. Additionally, OMB has made more information publicly available on the following sites: (1) the Regulatory Review Dashboard, at http://www.reginfo.gov/public/; (2) OMB's record management policy, at http://www.whitehouse.gov/omb/records_management_policy/; and (3) all public comments received in response to the President's Memorandum on government contracting, at http://www.whitehouse.gov/sites/default/files/omb/assets/ procurement_ gov_ contracting/public_comments.pdf.

Other websites that OMB continues to update include USAspending.gov and Recovery.gov. USAspending.gov displays information pertaining to contracts, assistance awards, purchase cards recipients and programs. The public can now instantly access information on how tax dollars are spent, in a format that is easy to use. Recovery.gov also includes user-friendly platforms that help in tracking and understanding the Recovery Act and how Recovery Act funds are spent. The new platforms on both sites include interactive maps that allow the public to visualize various data sets such as spending by state or the number contracts awarded in a particular area (down to a specific zip code).

OMB's Director also uses a blog to provide more information to the public, which can be found here: http://www.whitehouse.gov/omb/blog. OMB uses this tool to explain and describe OMB activities, along with links to additional information if the reader would like to read more on a particular topic. For instance, Director Jack Lew recently posted information regarding the President's Regulatory Strategy, which included a brief description of OMB's role in implementing that agenda and included links to additional documentation that OMB and the

White House had made public. The Director's blog also now contains a "share/bookmark" feature, which allows readers to share a posting they find interesting or useful on Facebook or other social media sites.

IV.   Steps Taken to Greater Utilize Technology

1. *Electronic receipt of FOIA requests:*
   a. *What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?*

   Only one office within OMB receives FOIA requests and that office has the capability to receive those requests electronically.

   b. *To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?*

   OMB received FOIA requests electronically last year.

   c. *What methods does your agency use to receive requests electronically?*

   OMB uses the email address OMBFOIA@omb.eop.gov to receive requests electronically.

2. *Electronic tracking of FOIA requests:*
   a. *What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?*

   As stated in 1.a., only one office within OMB receives FOIA requests. That office has the capability to track FOIA requests electronically.

   b. *To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?*

   OMB tracked FOIA requests electronically last year.

   c. *What methods does your agency use to track requests electronically?*

   OMB relies on generic data-processing system software to track requests.

3. *Electronic processing of FOIA requests:*
   a. *What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?*

   All offices within OMB that process FOIA requests have the capability to do so electronically.

b. *To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?*

All offices had this capability last year as well.

c. *What methods does your agency use to process requests electronically?*

OMB relies on FOIA-specific redaction software and off-the-shelf software to process requests.

4. *Electronic preparation of your Annual FOIA Report:*
    a. *What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.*

    OMB uses generic data-processing system software to prepare its Annual FOIA Report.

    b. *If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.*

    OMB is satisfied with the existing system it uses to prepare its report.

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

OMB operates with a very small number of overdue requests. OMB's backlog of initial requests increased from one at the end of Fiscal Year 2009 to two at the end of Fiscal Year 2010. The two requests that were pending at the end of the Fiscal Year were complex, involving high-visibility topics and numerous responsive documents that are time-consuming to process, such as email messages. The number of administrative appeals at the end of each fiscal year was zero. The ten oldest requests pending at the end of Fiscal Year 2009 were closed during Fiscal Year 2010.

OMB continues to actively improve its procedures to further increase the efficiency of its FOIA processing. As mentioned in Parts II and IV, these efforts include significant IT improvements, including the acquisition of redaction software. OMB also routinely monitors its FOIA caseload and provides status reports to senior officials. Furthermore, OMB is currently developing a central database that will provide all appropriate officials, including the Chief FOIA Officer, a real-time look at the status of its FOIA caseload and issue notifications to any agency personnel of pending deadlines.

Spotlight on Success

A success story that is emblematic of OMB's efforts to increase its transparency is the development and enhancement of the various websites OMB uses to proactively disseminate information, including http://www.whitehouse.gov/open/around/eop/omb/ datasets, http://www.whitehouse.gov/omb/records_management_policy/, http://www.reginfo.gov/public/, http://www.whitehouse.gov/omb/records_management_policy/, and http://www.whitehouse.gov/ sites/default/files/omb/assets/ procurement_ gov_ contracting/public_comments.pdf. Not only does posting information on these sites quickly provide the public with the information they are interested in reading, it also displays it in a format that is easy to read and allows for readers to interface with the datasets. For instance, on Recovery.gov, if a reader is interested in Recovery funding, that person can have the website display the specific criteria they would like to view on a map, including the type of funding awarded, the size of the award, and the state in which the award was received. Furthermore, that map can then be compared to maps showing other data sets, such as population density. This is just one successful story of the efforts OMB continues to take in order to increase the public availability and usability of OMB's information. OMB will continue to build on these successes in Fiscal Year 2011.