



DHS FOIA COUNCIL CHARTER  
for the  
Department of Homeland Security  
Privacy Office

November 7, 2018

**Contact Point**

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## Purpose and Authority

- a) The Purpose of the Department of Homeland Security (DHS) FOIA Council is to advise the Chief FOIA Officer on policy and management matters concerning the departmental FOIA Line of Business (LOB) function. The Council provides a forum for sharing FOIA best practices and for coordinating cross-component challenges and developing solutions. The FOIA Council is established pursuant to DHS Delegation 13001, DHS Directive 262-11, and a Memorandum from the Chief Privacy Officer for the Deputy Secretary, "Privacy and Freedom of Information Act Management Business Integration," dated February 26, 2018.

## Roles

### A) Members:

- a. The DHS FOIA Council is chaired by the Chief FOIA Officer.
- b. The Deputy Chief FOIA Officer is the Council's co-chair.
- c. The Chair may appoint a member as an additional co-chair at his/her discretion.
- d. The general membership is comprised of component FOIA Officers from the following components or successor organizations: Office for Civil Rights and Civil Liberties; Office of Biometric Identity Management; U.S. Customs and Border Protection; Federal Emergency Management Agency; Federal Law Enforcement Training Centers; U.S. Immigration and Customs Enforcement; Office of Intelligence and Analysis; National Protection and Programs Directorate; Science and Technology Directorate; Transportation Security Administration; U.S. Coast Guard; U.S. Citizenship and Immigration Services; the Office of Inspector General; and the U.S. Secret Service.
- e. Ad hoc membership shall participate at the invitation of the Chief FOIA Officer may include: Privacy Office FOIA Attorney Advisor; Privacy Office Privacy Attorney Advisor; the Deputy Chief Privacy Officer; Privacy Office FOIA Directors; and the Privacy Office Chief of Staff.

### B) Staff Support:

- a. The Privacy Office will provide an executive secretary and other staff as required to support meetings of the Council.



## Meeting Schedule

- A) The DHS FOIA Council meets monthly as determined by the Council's Chair, and agreed to by the members. Meetings are scheduled, as much as possible, on the same day of the month and day, and will be held at the DHS Privacy Office or at a location announced in advance and accessible to all members.
- B) The agenda for meetings is set in advance by the Council's co-chairs.
- C) A summary of the meeting will be prepared by the DHS FOIA Office and distributed to all members. The DHS Privacy Office will maintain an archive of all minutes and other official DHS FOIA Council documents.

## Standing Committees and Ad Hoc Projects

- A) The Council may establish such standing and ad hoc committees as required to study emerging priorities. A member shall head each such standing committee and ad hoc project group. Other members or their staff may serve on both committees and ad hoc projects. Reports may be prepared by standing committees and ad hoc task group, which will be made available to all Council members.

## Responsibilities

- A) The DHS FOIA Council members are responsible for advising the Chief FOIA Officer on matters concerning FOIA across DHS. The Council will set the strategic agenda for Council activities, including identifying common interests or common needs of the FOIA community and setting goals and performance measures.
- B) Each Council member may designate an individual to serve as an alternate in case of the primary's absence. However, since Council meetings are regularly scheduled, the need for alternates should be minimal. If an alternate attends the Council, he or she will act with the full authority of the principal member. If neither the principal member nor an alternate can attend, the Council member forgoes his or her opportunity to provide input at the Council meeting.
- C) The Chair will provide direction and final decisions on all FOIA issues before the Council after discussion of the concerns and objections of members. The Chair will seek to resolve or mitigate any concerns and objections before final decisions are made.
- D) The Chair will act as a liaison between senior DHS officials, and will report the Council activities to the DHS Management Forum, other DHS leaders, and external officials as needed. Additionally, the Chief FOIA Officer will inform Council members on items of interest from the Government-wide OMB led Federal FOIA Council.



## Guiding Principles

- A) The nature of the working relationships among members of the FOIA Governance Council is described as follows:
- a. All the initiatives of the DHS FOIA Council will be reflective of the DHS Vision, DHS Values, DHS Core Missions, and principles of DHS Strategic Plan, and the DHS Privacy Office Strategic Plan.
  - b. As senior FOIA leaders for DHS, all members will exemplify the highest principles of professionalism, ethics, and mutual respect in their dealings with one another.
  - c. Recognizing that the Chief FOIA Officer is ultimately accountable for decisions and initiatives of the Council, ultimate oversight and approval of all plans and initiatives will rest with the Chief FOIA Officer.

Philip S. Kaplan  
Chief FOIA Officer

  
Date