



Homeland  
Security

March 16, 2015

MEMORANDUM FOR: DHS FOIA Officers

FROM: James V.M.L. Holzer   
Senior Director, FOIA Operations

SUBJECT: Department of Homeland Security's FOIA Reading Room Requirements

### Purpose

The purpose of this guidance is to address the findings by the Government Accountability Office (GAO) as outlined in the July 31, 2012 report entitled, "Freedom of Information Act; Additional Actions Can Strengthen Agency Efforts to Improve Management."<sup>1</sup> Specifically, the GAO recommended that DHS "Ensure that the agency components within their departments address the deficiencies in their FOIA libraries by making required categories of records easier to locate, clearly indicating when records in required categories do not exist, and expanding the content of FOIA libraries."

### Background

The GAO found that the Department of Homeland Security's (DHS) components generally make records available to the public online, either in their FOIA libraries (dedicated sections of their websites for FOIA-related records) or elsewhere on their agency websites, as required by amendments to the act, but records may not be easy for the public to locate when they are not in a library. In addition, the GAO found that components are not giving sufficient attention to ensuring that frequently requested records are identified and posted online, which has resulted in sparsely populated FOIA libraries.

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<sup>1</sup> "Freedom of Information Act; Additional Actions Can Strengthen Agency Efforts to Improve Management," GAO-12-828 (July 31, 2014), <http://www.gao.gov/products/GAO-12-828>.

## Reading Room Requirements

Under subsection (a)(2) of the FOIA, federal agencies must make four distinct categories of records affirmatively available for “public inspection and copying.” The four categories of Reading Room records are:

1. “final opinions [and] . . . orders” made in the adjudication of cases;
2. “specific agency policy statements;
3. “administrative staff manuals and instructions to staff that affect a member of the public”; and
4. records disclosed in response to a FOIA request that “the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.”

## Discussion

By the end of Fiscal Year 2012, the DHS FOIA Office and DHS Components posted 8,903 pages of material, a 43% increase from FY 2010, to the DHS FOIA Libraries. From March 2013 through January 2014, DHS posted 16,873 pages to the DHS FOIA Libraries. In 2014, DHS continued efforts to foster a more transparent environment by posting almost four million pages of information to the DHS FOIA Libraries and engaging in practices that reduced the need for requesters to by submitting FOIA requests. The vast array of information posted to the DHS’ FOIA Libraries include documents, such as: historical documents; daily schedules of senior leaders; management directives; contracts; memoranda related to FOIA operations; and procurement records that include awards, orders, solicitations, and purchase cardholder lists.

## Conclusion

DHS has significantly improved its FOIA Libraries making them easier to navigate, posting vast amounts of information, and making them more citizen-centered. However, we are obligated to not only maintain, but also to continuously update, each of the four categories of Reading Room records. Therefore, components must conduct an internal review of their agency’s FOIA Libraries, address any deficiencies identified, and notify the Privacy Office which requirements are not being met, and what actions will be taken to satisfy compliance with the legal requirements for FOIA Reading Rooms. Please submit the results of this review to the Privacy Office by June 1, 2015.

Please let me know if you wish to discuss further. I can be reached on 202–343–1756.