

Lockett, Vania

From: Papoi, Catherine
Sent: Thursday, January 22, 2009 4:39 PM
To: Lockett, Vania; (b)(6) Holzerland, William
Subject: Fw: FOIA Press Inquiries

Catherine M. Papoi, J.D., CIPP/G
Deputy Chief FOIA Officer &
Director, Departmental Disclosure
U.S. Department of Homeland Security

From: Pavlik-Keenan, Catrina M
To: Holzerland, William ; Papoi, Catherine
Sent: Thu Jan 22 16:08:09 2009
Subject: FW: FOIA Press Inquiries

Just FYI

From: Nantel, Kelly A
Sent: Thursday, January 22, 2009 4:00 PM
To: Torres, John P
Cc: Bertucci, Theresa C; Pavlik-Keenan, Catrina M; McLees, Andrew; Robbins, Timothy S; Ragsdale, Daniel H
Subject: Re: FOIA Press Inquiries

Confirmed that Russ is fine with our proposed response.

Kelly A. Nantel, Press Secretary
US Immigration and Customs Enforcement
Sent using BlackBerry

From: Torres, John P
To: Nantel, Kelly A
Cc: Bertucci, Theresa C; Pavlik-Keenan, Catrina M; McLees, Andrew; Robbins, Timothy S; Ragsdale, Daniel H
Sent: Thu Jan 22 15:40:57 2009
Subject: RE: FOIA Press Inquiries
The quote sounds fine, but does the Dept want us responding to this?

From: Nantel, Kelly A
Sent: Thursday, January 22, 2009 3:06 PM
To: Torres, John P
Cc: Bertucci, Theresa C; Pavlik-Keenan, Catrina M; McLees, Andrew; Robbins, Timothy S; Ragsdale, Daniel H
Subject: FOIA Press Inquiries

JT - we have received a couple of inquiries regarding the President's memo on FOIA and the public disclosure of information. A couple of reporters have asked, both officially and unofficially, what we are doing in light of the memo. I know Theresa has some concerns about saying too much in light of

the fact that we have not fully discussed the memo internally nor have we received any guidance from the department. I am proposing that we simply say the following:

“We are reviewing the memo and will provide appropriate guidance to ensure that ICE continues to make public as much information as possible, within the parameters of the law.”

Catrina has indicated that she is reviewing our processes and working with OPLA to determine if changes need to be made. Is this acceptable for a short term response?

Kelly A. Nantel, Press Secretary
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20024
202-732-(b)(6) - Office
(b)(6) - Cell
(b)(6)



Homeland Security

May 28, 2009

MEMORANDUM FOR: Distribution

FROM: Mary Ellen Callahan
Chief FOIA Officer 

SUBJECT: Overview of the Freedom of Information Act

On January 21, 2009, President Obama issued two important memoranda to the heads of Executive Departments and Agencies concerning government transparency. In one he committed his administration to an “unprecedented level of openness in government,” and in the other he stressed the importance of the Freedom of Information Act (FOIA), stating that it is “the most prominent expression of a profound national commitment to ensuring an open government.” My office is preparing more formal guidance on the President’s FOIA initiative. In the meantime, it is necessary that all current and incoming Departmental employees have an understanding of what is encompassed under FOIA, and how it impacts DHS records. Please distribute this within your Component/office as appropriate.

Presumption of Disclosure

FOIA gives any person a right, enforceable in court, to access federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by exemption or exclusion. The basic purpose of the FOIA is to ensure a fundamental principle of a democratic society -- that the public has a right to access and be informed about the activities of its government. Under President Obama’s memoranda and the Attorney General’s implementing guidelines, agencies are encouraged to process FOIA requests with a presumption of disclosure and further encouraged to make discretionary releases. Thus, even if an exemption would apply to a record, discretionary disclosures are encouraged. If full disclosure of a record is not possible, any portion of that record that is not subject to an exemption will be disclosed.

For purposes of FOIA, an agency record is either created or obtained by an agency, and the agency is either in possession or control of the record at the time a FOIA request is made. The term record has been defined broadly to include any information in any format maintained by an agency, and/or individuals in that agency, including electronic format. Typically, this may include emails, memoranda, correspondence files, or similar work products that are kept in hard copy or electronic files, information contained on discs or other storage media, handwritten notes, calendars, audio/videotapes, and photos. Documents obtained from another executive

branch agency may also be processed through a referral and consultation process. With respect to documents created or possessed by contractors, they may also constitute agency records if they are under control of DHS.

Exemptions

In certain circumstances, some information found in agency records may be withheld. The information must fall within an exemption specifically designated under FOIA. The relevant exemptions for DHS are listed as follows:

- Exemption (1) – Classified Information
- Exemption (2) – (“low” and “high”) Internal Administrative Matters
- Exemption (3) – Statutory Exemptions
- Exemption (4) – Commercial Information
- Exemption (5) – Common Law Privileges
- Exemption (6) – General Privacy
- Exemption (7) – Government Law Enforcement

It is important to note that exemptions do not apply merely because full or partial disclosure may cause embarrassment or demonstrate an error or failure. Therefore, all records responsive to a FOIA request should be produced to the Component or Department FOIA office to undergo an extensive review process. The Department has a well-established FOIA review process that closely coordinates with the subject matter experts within each program to make determinations regarding release. If you have further questions regarding FOIA, please feel free to contact either the Department’s FOIA Office within the Privacy Office at 703-235-0790 or your Component’s FOIA office.

Distribution

Janet Napolitano, Secretary
Jane Holl Lute, Deputy Secretary
Jay Ahern, Commissioner for Customs and Border Protection (Acting)
Michael Aytes, Deputy Director, U.S. Citizenship and Immigration Services (Acting)
W. Craig Fugate, Administrator, FEMA
John Torres, Assistant Secretary for Immigration and Customs Enforcement (Acting)
Roger Mackin, Under Secretary for Intelligence and Analysis (Acting)
Brad Buswell, Under Secretary for Science and Technology (Acting)
Mark Sullivan, Director, U.S. Secret Service
Jan Leshner, Chief of Staff for Operations
Noah Kroloff, Chief of Staff for Policy
Ivan Fong, General Counsel
Elaine Duke, Under Secretary for Management
Dallas Brown, Chief Operating Officer, National Protection & Programs Directorate
Rear Admiral Mike Brown, Assistant Secretary, Office of Cyber Security and Communications (Acting)
James Snyder, Assistant Secretary, Infrastructure Protection (Acting)
Richard Barth, Assistant Secretary, Office of Policy (Acting)
Alan Bersin, Assistant Secretary, Office of International Affairs
Bridger McGaw, Assistant Secretary, Private Sector Office (Acting)
Juliette Kayyem, Assistant Secretary for Intergovernmental Programs
Edmund M. Sexton, Assistant Secretary for State and Local Law Enforcement
Bradley Buswell, Under Secretary, Science & Technology Directorate (Acting)
Admiral Thad W. Allen, Commandant, United States Coast Guard
Gale Rossides, Assistant Secretary/Administrator, Transportation Security Administration (Acting)
Michael Dougherty, Citizenship and Immigration Services Ombudsman
Timothy J. Keefer, Officer for Civil Rights & Civil Liberties (Acting)
John Leech, Director, Office of Counternarcotics Enforcement (Acting)
Chuck Galloway, Director, Domestic Nuclear Detection Office (Acting)
Connie L. Patrick, Director, Federal Law Enforcement Training Center
Paul Conway, Federal Coordinator, Recovery and Rebuilding of Gulf Coast Region (Acting)
Dr. Jon R. Krohmer, Assistant Secretary, Office of Health Affairs/Chief Medical Officer (Acting)
Richard L. Skinner, Inspector General
Chani Wiggins, Assistant Secretary for Legislative Affairs
Roger T. Rufe, Jr. (USCG Ret), Director of Operations Coordination



Homeland Security

Privacy Office, Mail Stop 0655

June 25, 2009

MEMORANDUM TO: David Pressman, Chief of Staff for the Deputy Secretary
Chani Wiggins, Assistant Secretary for Legislative Affairs
Sean Smith, Assistant Secretary for Public Affairs
Charles Marino, Law Enforcement Advisor to the Secretary

THROUGH: Noah Kroloff, Chief of Staff for Policy

FROM: Mary Ellen Callahan *MK Fox MEC*
Chief FOIA Officer and Chief Privacy Officer

SUBJECT: Proactive Disclosure and Departmental Compliance with
Subsection (a)(2) of the Freedom of Information Act (FOIA)

Compliance with the requirements outlined by 5 U.S.C. § 552(a)(2) of the Freedom of Information Act is critical to ensuring that the Department of Homeland Security meets the standards of openness and transparency established in President Obama's two January 21, 2009, memoranda to the heads of executive departments and agencies concerning government transparency. In one memorandum the President committed his administration to an "unprecedented level of openness in government," and in the other he stressed the importance of the Freedom of Information Act (FOIA), stating that it is "the most prominent expression of a profound national commitment to ensuring an open government."

There is a preexisting requirement to make certain records affirmatively available; the Department achieves this by posting records on its public website.¹ In order to comply with the

¹5 U.S.C. § 552(a)(2) states that "[e]ach agency, in accordance with published rules, shall make available for public inspection and copying –

- A. final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- B. those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register;
- C. administrative staff manuals and instructions to staff that affect a member of the public;
- D. copies of all records, regardless of form or format, which have been released to any person under paragraph (3) and which, because of the nature of the subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and
- E. a general index of the records referred to under subparagraph (D)."

President's directive, and to be proactive in providing information to the public, I recommend that the following categories of documents be made available in the electronic reading room. Note, no Department has yet fully implemented the President's mandate, although many have begun working toward full compliance or are looking into a systematic approach; therefore, DHS would be a leader in this area if it decides to implement such action. There may be some media interest in our process if we are indeed the first agency to have a proactive disclosure policy.

Recommended Categories of Pro-active Disclosures:

1. Daily schedules of the most senior agency officials (abridged as appropriate for security and privacy purposes)
2. Executed contracts and grants, when production does not divulge trade secrets or confidential business practices
3. Management directives and instructions and other policy memoranda
4. FEMA disaster-related records
5. Congressional correspondence under DHS control
6. FOIA logs
7. Any records that have been, or are likely to become, the subject of three or more requests

Noah recommended I send to you the draft distribution memorandum for your review and input. The addition of these categories will help to ensure that the Department fulfills its requirement under the Administration's directive to engage the public in an open and transparent manner.

Attachment



Homeland Security

Privacy Office, Mail Stop 0655

August 26, 2009

MEMORANDUM FOR: Distribution

FROM: Mary Ellen Callahan 
Chief FOIA Officer and Chief Privacy Officer

SUBJECT: Proactive Disclosure and Departmental Compliance with
Subsection (a)(2) of the Freedom of Information Act (FOIA)

On January 21, 2009, President Obama issued two important memoranda to the heads of Executive Departments and Agencies concerning government transparency. In one memorandum the President committed his administration to an "unprecedented level of openness in government," and in the other he stressed the importance of the Freedom of Information Act (FOIA), stating that it is "the most prominent expression of a profound national commitment to ensuring an open government." Critical to ensuring the Department of Homeland Security (DHS) successfully meets the President's standards is compliance with the transparency requirements outlined by 5 U.S.C. § 552(a)(2) of the FOIA. Under subsection (a)(2), federal agencies must make four distinct categories of records affirmatively available for "public inspection and copying."¹ Agencies must satisfy this provision of the FOIA by promptly making the records available, either by proactively publishing records electronically to the Department's website or in a combination of electronic and conventional "paper" reading rooms. The Department maintains the designated records in electronic reading rooms on the DHS Headquarters and component websites.

Per the requirements set forth in the Attorney General's May 30, 2008, report to the President on agency progress under Executive Order 13,392, "Improving Agency Disclosure of Information," DHS and its components certified compliance with the minimum requirements with subsection (a)(2) October 31, 2008. Though the Department has taken numerous steps to improve its FOIA

¹ The four categories of records to be made available are:

- A. final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- B. those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register;
- C. administrative staff manuals and instructions to staff that affect a member of the public; and
- D. 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."

program, including making the electronic reading room more robust, the current Presidential initiatives require an even greater degree of openness.

As Chief FOIA Officer, I direct the Department and its components to include the following categories of records on their agency websites and link them to their respective electronic reading rooms:

1. Historical daily schedules of the most senior agency officials (notated to reflect that officials may have deviated from the posted schedule and abridged as appropriate for security and privacy concerns)
2. Executed contracts & grants
3. Management directives and instructions
4. Congressional correspondence under DHS control
5. FOIA logs
6. Any records released pursuant to a FOIA request that have been, or are likely to become, the subject of three or more requests²

All of the aforementioned items are being proactively disclosed at the discretion of the Department in an effort to comply with the President's memoranda. All of the aforementioned items are frequently the subject of FOIA requests, and are not usually subject to FOIA exemptions. However, nothing in this memorandum is intended to limit components' ability to proactively post additional records beyond those suggested consistent with FOIA and other disclosure laws. A component may choose to post documents specific to its function in order to further advance transparency. For example, FEMA may choose to proactively post disaster related records in order to obviate the need to process these commonly requested records. In an effort to implement these recommendations, I have asked Mr. William Holzerland, Associate Director of Disclosure and FOIA, at 703-235-0790, to be available to advise the components in this effort. Please ask your FOIA Officer to contact Mr. Holzerland within 20 days to provide him a timetable for completion of these electronic reading room upgrades, and to keep Mr. Holzerland apprised of component progress. Mr. Holzerland will be reporting to me on this effort.

Thank you for your continuing efforts on behalf of the Department's FOIA program. I look forward to working with you on this and other FOIA initiatives to fulfill the President's commitment to transparency.

² 5 U.S.C. § 552(a)(2)(D).

Distribution

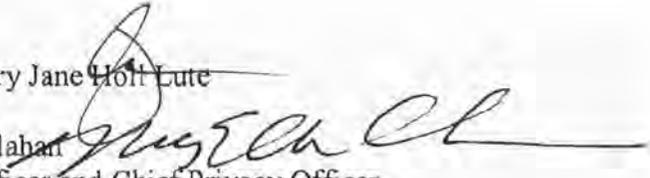
Janet Napolitano, Secretary
Jane Holl Lute, Deputy Secretary
Jay Ahern, Acting Commissioner, CBP
Alejandro Mayorkas, Director, USCIS
Craig Fugate, Administrator, FEMA
John Morton, Assistant Secretary, ICE
Bart Johnson, Acting Under Secretary for Intelligence and Analysis
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Greg Schaffer, Assistant Secretary, Office of Cyber Security and Communications
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Janet Woodka, Federal Coordinator, Recovery and Rebuilding of Gulf Coast Region,
Dr. Alexander Garza, Acting Assistant Secretary, Office of Health Affairs/Chief Medical Officer
Richard L. Skinner, Inspector General
Chani Wiggins, Assistant Secretary, Office of Legislative Affairs,
Rear Admiral John Acton (USCG Ret), Director Operations Coordination
Sean Smith, Assistant Secretary, Office of Public Affairs



Homeland Security

Decision

MEMORANDUM FOR: Deputy Secretary Jane Holt Lute

FROM: Mary Ellen Callahan 
Chief FOIA Officer and Chief Privacy Officer

SUBJECT: Proactive Disclosure and Departmental Compliance with Subsection (a)(2) of the Freedom of Information Act (FOIA)

Purpose

This memorandum seeks your approval of a policy directing the components to proactively disclose documents in compliance with President Obama's January 21 memoranda committing his administration to an open government. Proactive disclosure of certain records will ensure compliance with the President's directive, as well as the transparency requirements of 5 U.S.C. § 552(a)(2) of the Freedom of Information Act.

Background

- On January 21, 2009, President Obama issued two memoranda regarding government transparency. The first memorandum committed the new administration to an unprecedented level of openness in government. The second memorandum addressed a presumption of disclosure with respect to FOIA.
- There is already a preexisting requirement to make certain records affirmatively available, with 5 U.S.C. § 552(a)(2) of the Freedom of Information Act designating four categories of records that should be available for "public inspection and copying."
- Various components throughout DHS post documents on their public websites in electronic reading rooms, but there is no uniformity throughout the Department.

Discussion

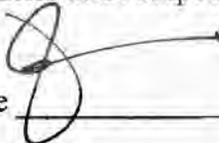
- Implementation of this policy would bring DHS in compliance with the President's mandate.
- Proactively posting documents, particularly commonly requested documents, to the DHS headquarters and component websites will obviate the need for the public to file FOIA requests in many instances.
- This proactive disclosure policy does not require components to waive exemptions in order to make documents public. Standard FOIA practice would still apply, and all safety or security considerations would apply.

FOR OFFICIAL USE ONLY

- This proactive disclosure policy does not require components to waive exemptions in order to make documents public. Standard FOIA practice would still apply, and all safety or security considerations would apply.
- While many agencies are working towards compliance with the President's directive, implementation of this policy would make DHS a leader in this area.
Compliance with the President's directive would also reinforce to the public that DHS is actively working to be a more transparent agency.

Recommendation

I recommend you approve the release of my enclosed memo entitled "Proactive Disclosure and Departmental Compliance with Subsection (a)(2) of the Freedom of Information Act (FOIA)" dated July 31, 2009, which implements a policy of proactive disclosure of records to DHS headquarters and component websites.

Approve  _____ Disapprove _____
Modify _____ Needs more discussion _____

Attachments

A. Proactive Disclosure and Departmental Compliance with Subsection (a)(2) of the Freedom of Information Act (FOIA)

cc: None



Homeland
Security

September 17, 2009

INFORMATION

MEMORANDUM FOR: Secretary Janet Napolitano

FROM: Mary Ellen Callahan *MEC*
Chief Privacy Officer

SUBJECT: Proactive Disclosure of Senior Officials' Calendars

Purpose

The attached calendar is a representative example of a disclosure method that can be utilized to proactively disclose calendars of senior agency officials as required by the memo entitled *Proactive Disclosure and Departmental Compliance of Subsection (a)(2) of the Freedom of Information Act (FOIA)* approved by Deputy Secretary Lute. This calendar style is the method the Chief Privacy Officer has chosen to proactively disclose her historical calendar. It is submitted as reference for headquarters and other DHS components as they determine how to best comply with the memorandum.

Background

On August 26, 2009, Deputy Secretary Lute approved a memo issued by the Chief Privacy Officer directing the proactive disclosure of certain categories or records. This memo directing proactive disclosure of documents is consistent with President Obama's January 21 memoranda committing his administration to an open government. It also complies with the transparency requirements of 5 U.S.C. § 552(a)(2) of the Freedom of Information Act. While many agencies are working towards compliance with the President's January 21 directive, the implementation of this policy makes the Department of Homeland Security a leader in this area.

Discussion

One of the categories approved by Deputy Secretary Lute included the proactive disclosure of historical daily schedules of the most senior agency officials. Schedules of senior agency officials are commonly the subject of FOIA requests, and proactively posting the historical schedules allows the Department to be open and transparent while not jeopardizing the security of any government officials.

The DHS Privacy Office is in the process of developing guidance to assist the components in their respective proactive disclosure efforts. The guidance will also assist in uniformity and consistency of proactive disclosures throughout the Department.

Attachment



Homeland Security

October 30, 2009

MEMORANDUM FOR: Distribution

FROM: Mary Ellen Callahan 
Chief FOIA Officer and Chief Privacy Officer

SUBJECT: Calendar Format for Proactive Disclosure

On August 26, 2009, Chief FOIA Officer Mary Ellen Callahan issued guidance on Proactive Disclosure and Departmental Compliance with Subsection (a)(2) of the Freedom of Information Act and directed the Department and its components to make certain categories of records available on their agency websites, to include historical daily schedules of the most senior agency officials. This document provides guidance on formatting senior officials' schedules.

Please note the following guidelines are intended to be general. The Privacy Office recommends posting the calendars of those at the Assistant Secretary (or equivalent) level or higher, however determining which officials constitute "senior agency officials" (as the term is used in the memorandum) will be up to individual components. As the core purpose of the Freedom of Information Act is to give the public insight regarding government operations, we recognize there may be instances where the disclosure of certain officials' calendars would result in products so greatly abridged for security reasons as to render them of limited value to the public. Such determinations will also be made by individual components.

There are at least three options for preparing historical schedules of those senior officials the component determined to proactively disclose. The first option is to only disclose public events, similar to what Secretary Clinton does at the State Department.¹ The second option is to take the complete calendar and redact the information that would be exempt from disclosure under FOIA, as if completing a FOIA request for the calendar. The third option, which is the one we recommend if possible, is to do a "public" version of your calendar with the FOIA-exempt information removed (rather than redacted).

In the interest of consistency, we recommend utilizing the following guidelines when preparing senior officials' calendars for posting regardless of which option you select. Components should

¹ <http://www.state.gov/r/pa/prs/appt/2009appt/index.htm>

post calendars in their electronic reading room retroactively, allowing at least two weeks to pass between the occurrence of the events and the posting of the calendars.

The format should be: *Location, Meeting Type: Description*

(i.e. "NAC, Weekly Staff Meeting: DHS Leadership")

- **Location:** Please specify the general location of events that take place outside of your main office. Three locations are self-explanatory (NAC, White House, Capitol Hill). For any other location, please specify "Offsite" and then list the location. If meetings are taking place during a trip, specify that these meetings are part of your travel itinerary.

NAC

White House

Capitol Hill

Offsite: (description)

Travel: (city/state or city/country)

Examples:

NAC, Weekly Staff Meeting: DHS Leadership

White House, Cabinet Meeting: Recovery Roadmap

Capitol Hill, Briefing: Classified

Offsite: Czech Embassy, Meeting: Information Sharing Agreements

Travel: Detroit, Michigan, Meeting: Arab-American Outreach

- **Meeting Type:** Please use the following terms to describe the events on your schedule:

Meeting

Committee Meeting

Staff Meeting

Preparation Meeting

Cabinet Meeting

Administrative Meeting

Briefing

Phone Call

Teleconference

Breakfast

Lunch

Dinner

Staff Interview

Media Interview

Office Time

Personal Leave

Personal Appointment

Examples:

NAC, **Administrative Meeting**: New Hiring Procedures

NAC, **Briefing**: Cybersecurity Capability

White House, **Cabinet Meeting**: Classified

For recurring meetings, use the format *Location, Frequency Type: Description*

Examples:

Offsite: Ronald Reagan Building, **Daily Briefing**: Classified

NAC, **Weekly Staff Meeting**: Senior Staff

Bi-Weekly Teleconference: FOIA Officers

- **Description:** Provide a succinct description of the meeting or event taking place. For meetings where the subject is classified, simply indicate “Classified.”

Examples:

White House, Cabinet Meeting: **Recovery Roadmap**

Offsite: Czech Embassy, Meeting: **Information Sharing Agreements**

Travel: Detroit, Michigan, Meeting: **Arab-American Outreach**

Offsite: Ronald Reagan Building, Daily Briefing: **Classified**

- **Other Notes:**

“Personal Leave” or “Personal Appointment”

- No further description is necessary

- Do not include when the personal event is occurring outside of normal business hours

Examples:

Doctor’s Appointment at 1pm, then returning to the office should read, “Personal Appointment”

Taking leave for a half day should read, “Personal Leave”

Distribution

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Chani Wiggins, Assistant Secretary, Office of Legislative Affairs,
Rear Admiral John Acton (USCG Ret), Director Operations Coordination
Sean Smith, Assistant Secretary, Office of Public Affairs

Martin, Theodore

From: Holzerland, William
Sent: Friday, September 18, 2009 5:23 PM
To: FOIA Officers
Cc: Callahan, Mary Ellen
Subject: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09
Importance: High
Attachments: CFOIAO Proactive Disclosure Memo.8.26.09.pdf

All,

As everyone is aware, the Chief FOIA Officer issued a memorandum on proactive disclosure and (a)(2) compliance, dated August 26, 2009. As stated in the memo (and discussed at length on the Chief FOIA Officer's bi-weekly teleconferences since), DHS components must report on the status of efforts to comply with this memo to the Privacy within 20 business days of the memo's issuance. The 20th business day from the date of the memo is Thursday, September 24, 2009.

As such, please report by COB 9/24/09 on your component's efforts to comply with the Chief's memo. Please send your report to me and 'cc' Catherine Papoi. This reporting need not be a formal memorandum. An email containing bullet points will be sufficient and should simply highlight the efforts to date. This report is merely an effort to take the temperature of the Department so we can establish a baseline and chart the way to success going forward.

Here are some questions you may wish to think about in reporting on this matter. These questions do not necessarily require formal answers. This list is not all-inclusive, and is simply meant to get the internal discussion at your component started.

- Where does your component stand on getting a process in place to proactively post the six categories of records outlined in the memo?
- Has your component identified other, additional records (beyond the six listed categories) your component may wish to post (consistent with applicable disclosure laws, etc.)?
- Have key stakeholders in this process (outside of the FOIA shop) been identified? Have you met with them and begun discussing what processes/procedures need to be refined/created in order to implement this policy?
- We've heard a lot on conference calls about the challenges individual components are facing. What solutions are you proposing for the challenges discussed?
- What milestones have been set to measure success in implementing this policy and what are the target dates for achieving those milestones?
- What success stories can you share w/r/t implementing this policy thus far?
- What other pertinent information can you share about the efforts to implement the memo to date?

We've discussed this issue extensively on the calls with the group (as well as with individual components), so we know there are good things brewing within components on the proactive disclosure front. We're also mindful that it's the end of the FY and FOIA teams are hustling to get requests out the door, so we want to thank you again for your efforts. Have a good weekend!

Regards,
 Bill

William H. Holzerland, CIPP/G
 U.S. Department of Homeland Security
 Associate Director,
 Disclosure Policy & FOIA Program Development
 (b)(6)

Martin, Theodore

From: Holzerland, William
Sent: Monday, September 21, 2009 12:49 PM
To: Callahan, Mary Ellen; Papoi, Catherine; Parker, Lynn; Lockett, Vania
Subject: call from DOJ-OIP re: proactive disclosure memo
Importance: Low

FYI, I received a call from Ken Hendricks, one of the senior attorneys with DOJ Office of Information Policy. The purpose of his call was twofold. He said he knows we're on top of this, but OIP wanted to remind us that all proactive disclosures should be made consistent with FOIA/PA (duh), but he said OIP also wanted to congratulate us on getting this policy enacted. Ken said this is exactly the type of direction OIP wants agencies to move in, it's very consistent with POTUS' initiatives and that OIP is excited about what we're up to. So, big ups to us! Whoop-whoop!

-B

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(b)(6)

Martin, Theodore

From: Zimmerman-Pate, Marty
Sent: Wednesday, September 23, 2009 1:10 PM
To: Holzerland, William
Cc: Papoi, Catherine
Subject: FLETC Timetable for Proactive Disclosure

Bill: Per Mary Ellen's memo:

As a result of the Chief FOIA Officer's direction, the FLETC plan for proactive disclosure follows:

- 1) Historical daily schedules of the most senior agency officials** – FLETC FOIA Officer has met with senior agency officials to discuss the options for making the Director's public calendar available. Beginning in FY 10, the calendar will be posted quarterly. The FLETC has never received a request for senior officials' calendars.
- 2) Executed contracts and grants** – Releasable portions of contracts will be posted as processed under the FOIA beginning with requests received after 1 Oct 10. In addition, a dialogue with Procurement and OCC concerning the possibility of requiring vendors to identify information they believe should be protected upon award is planned for the beginning of the FY. This allow for the posting of most contracts upon award. FLETC does not have grant authority.
- 3) Management directives and instructions** – Currently, all FLETC directives and manuals are being reviewed for posting. All directives and most FLETC manuals are expected to be available for posting within the next 3-6 months. FLETC has received only two requests for directives/manuals within the last five years.
- 4) Congressional correspondence** – Congressional correspondence not related to specific individuals will be posted quarterly.
- 5) FOIA logs** – The FOIA Officer will make the FOIA log available for posting at the close of each FY. The FLETC has received only three requests for its FOIA logs in the last five years, and all three requests were from the same individual.
- 6) Any records released pursuant to a FOIA request that have been, or are likely to become, the subject of three or more requests** – To date, the only information for which FLETC has received three or more requests is contract information. This will be covered by (2) as noted above. .

We expect to be able to fully implement the plans listed above by the end of the calendar year or no later than the end of 2qtr FY10. If you have any questions, please feel free to call me.

*Marty Zimmerman-Pate
FOIA/Privacy Officer
Federal Law Enforcement Training Center*

1131 Chapel Crossing Rd., Building 681

*Glynco, GA 31524
(b)(6) (b)(6)*

Martin, Theodore

From: Holzerland, William
Sent: Wednesday, September 23, 2009 11:00 AM
To: Gregory, Peter D; Anton, Susan
Subject: FW: Confirmation of Pro-Active Disclosure

Good morning Peter and Susan,

I wanted to pass the message below from Chief Privacy/FOIA Officer Mary Ellen Callahan on. I know there were some questions on the proactive disclosure issue in general when we spoke about grants a few weeks back. Thanks again and please let me know if I can be of service in any way.

Regards,
 Bill

William H. Holzerland, CIPP/G
 U.S. Department of Homeland Security
 Associate Director,
 Disclosure Policy & FOIA Program Development
 (b)(6)

From: Callahan, Mary Ellen
Sent: Wednesday, September 23, 2009 10:43 AM
To: FOIA Officers
Cc: Callahan, Mary Ellen; CASTELLI, LAURENCE E; Papoi, Catherine; Holzerland, William; Lockett, Vania
Subject: Confirmation of Pro-Active Disclosure

Dear fellow FOIA officers:

I wanted to follow up on a question raised in last week's FOIA Officer call. Yesterday, I met with DHS General Counsel Ivan Fong, Deputy General Counsel Leezie Kim, and OGC Chief of Staff John Sandweg with regard to pro-active disclosure. They confirmed that OGC is not reconsidering the pro active disclosure memorandum. I had strongly suspected that was the case, but wanted to share this confirmation with all the FOIA officers in the Department as we move forward with the implementation of the pro active disclosure recommendations.

I greatly appreciate your support and work on this initiative. We have already gotten several questions from the Hill and the public on this program (and received kudos from DOJ on our leadership). I wanted to remind you of the hopefully obvious point that in no way does this pro active disclosure initiative supersede or circumvent any element of FOIA or the Privacy Act. In fact, with regard to certain elements (such as the calendars) we could choose to create new documents that abridge any privacy or security sensitive information (see the example of my calendar). I believe that was self-evident, but as we approach tomorrow's status check to Bill Holzerland, I wanted to confirm that point. If you have other questions, please feel free to reach out to Bill, Catherine Papoi, or me.

Thanks again,
 Mary Ellen

Mary Ellen Callahan, CIPP
Chief Privacy Officer
U.S. Department of Homeland Security

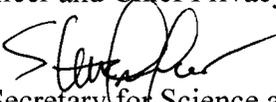
245 Murray Lane SW, Mail Stop 0655
Washington, DC 20528-0655
Telephone: (b)(6)
Fax: (b)(6)
E-mail (b)(6)
Website: www.ans.gov/privacy



Homeland Security

September 22, 2009

MEMORANDUM FOR: Mary Ellen Callahan
Chief FOIA Officer and Chief Privacy Officer

FROM: Steve Lenkart 
Deputy Under Secretary for Science and Technology
(Acting)

SUBJECT: Proactive Disclosure and Departmental Compliance with
Subsection (a) (2) of the Freedom of Information Act

In response to your memorandum of August 26, 2009, same subject, I am pleased to report that the Executive Secretary for the Science and Technology Directorate (S&T) has implemented a process to provide your office with historical daily schedules for the Under Secretary, congressional correspondence, FOIA logs, and any record requested more than three times under FOIA. Although to date, we have only provided historical daily schedules, we are prepared to provide the other records upon completion.

The other items-executed contracts and grants, and management directives and instructions-do not fall under S&T; the Management Directorate processes these records. If S&T prepares its own directives or instructions, we will provide those records.

Martin, Theodore

From: Coates, Yvonne
Sent: Thursday, September 24, 2009 4:39 PM
To: Holzerland, William
Cc: Taylor, Donald
Subject: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09

Importance: High

Attachments: CFOIAO Proactive Disclosure Memo.8.26.09.zip; About WinZip Compressed Attachments.txt



CFOIAO



About WinZip

Proactive Disclosure Impressed Attach

<<About WinZip Compressed Attachments.txt>> U.S. Coast Guard (CG)

Strategy re Proactive Disclosure of Identified Categories of Records

The Coast Guard (CG) has been contacting key stakeholders for determination of processes/procedures needed to implement policy outlined in subject DHS Memorandum of 26 August 2009. Recognizing that the disclosure obligation under the FOIA is not absolute, and that exemptions to protect, for example, national security, personal privacy, records and law enforcement interests exist, strategies are being developed such that information will not be withheld merely to prevent embarrassment, or because errors and failures might be revealed. Additionally, an issue for internal resolution is determining whether each custodian will post its records into its own public website, or whether we will create a "Public Disclosure" box on the general CG Internet website for this purpose.

CG has accomplished the following:

- * Contacted the Office of the Assistant Commandant for Acquisition regarding proactive disclosure of contracts and grants. Information released is publicly available, with the proviso that such are in accordance with the various laws/regulations.
- * Begun enumerating/tracking FOIA and Privacy Act requests separately, as requesters do have privacy rights attached to their names when requesting records on themselves. This will facilitate posting FOIA log information.
- * Contacted the Office of Congressional Affairs to strategize regarding proactive release of Congressional correspondence under DHS control.

CG FOIA Electronic Reading Room has been in existence on-line for a number of years, and is frequently populated with records of interest to the public. Further, CG has been diligent in releasing completed Marine Casualty Investigations and records the Commandant determines will be of considerable interest. Responding to the need of numerous world-wide customers (internal/external), CG has proactively posted all non-restricted directives and instructions on the web for more than a decade. Moreover, CG's dynamic approach to use of Social Media is resulting in augmented availability of agency information. As part of our strategy, CG's Internet FOIA Home Page will reflect proactive disclosure requirements. Further, as Program Offices continually post records of interest, methodologies will be addressed to refine linking/indexing capabilities.

As CG works closely with myriad program/Legal offices on diverse topics, challenges will undoubtedly arise regarding full versus partial disclosures and discretionary release of information. CG anticipates

implementation February 2010.

-----Original Message-----

From (b)(6) [mailto:(b)(6)]
Sent: Friday, September 18, 2009 5:23 PM
To: FOIA Officers
Cc: Callahan, Mary Ellen
Subject: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09
Importance: High

All,

As everyone is aware, the Chief FOIA Officer issued a memorandum on proactive disclosure and (a)(2) compliance, dated August 26, 2009. As stated in the memo (and discussed at length on the Chief FOIA Officer's bi-weekly teleconferences since), DHS components must report on the status of efforts to comply with this memo to the Privacy within 20 business days of the memo's issuance. The 20th business day from the date of the memo is Thursday, September 24, 2009.

As such, please report by COB 9/24/09 on your component's efforts to comply with the Chief's memo. Please send your report to me and 'cc' Catherine Papoi. This reporting need not be a formal memorandum. An email containing bullet points will be sufficient and should simply highlight the efforts to date. This report is merely an effort to take the temperature of the Department so we can establish a baseline and chart the way to success going forward.

Here are some questions you may wish to think about in reporting on this matter. These questions do not necessarily require formal answers. This list is not all-inclusive, and is simply meant to get the internal discussion at your component started.

- * Where does your component stand on getting a process in place to proactively post the six categories of records outlined in the memo?
- * Has your component identified other, additional records (beyond the six listed categories) your component may wish to post (consistent with applicable disclosure laws, etc.)?
- * Have key stakeholders in this process (outside of the FOIA shop) been identified? Have you met with them and begun discussing what processes/procedures need to be refined/created in order to implement this policy?
- * We've heard a lot on conference calls about the challenges individual components are facing. What solutions are you proposing for the challenges discussed?
- * What milestones have been set to measure success in implementing this policy and what are the target dates for achieving those milestones?

- * What success stories can you share w/r/t implementing this policy thus far?
- * What other pertinent information can you share about the efforts to implement the memo to date?

We've discussed this issue extensively on the calls with the group (as well as with individual components), so we know there are good things brewing within components on the proactive disclosure front. We're also mindful that it's the end of the FY and FOIA teams are hustling to get requests out the door, so we want to thank you again for your efforts. Have a good weekend!

Regards,

Bill

William H. Holzerland, CIPP/G

U.S. Department of Homeland Security

Associate Director,

Disclosure Policy & FOIA Program Development

(b)(6)

Management FOIA

Report on Proactive Disclosure

September 2009

The Management FOIA Office has focused its limited manpower on proactively posting the records for which it receives the most requests. This includes any policy papers to include DHS Directives, and awarded contracts. Our status with the six categories of records list in the August 26, 2009 Memorandum is as stands:

- ***Management Directives and instructions-*** Approximately half of the Directives are 508 compliant and sent to be posted on the website. These are submitted bi-weekly so as not to overload web publishing. (Priority 1 on scale of 1 to 6)
- ***Contracts and Grants-*** In the process of scanning and compiling released contract responses dating back to 1/20/2009 for posting. Approximately a third of our requests are contract requests. (Priority 2 on scale of 1 to 6)
- ***FOIA Logs-*** At the end of the fiscal year we will proactive post the entire log for the year, with appropriate information redacted. (Priority 3 on scale of 1 to 6)
- ***Daily Schedules-*** set up meeting to discuss the posting of the Under Secretary for Management's calendar. To date we have not received a request for her calendar. (Priority 4 on scale of 1 to 6)
- ***Congressional Correspondence-*** These records are not requested very often and most times go through Executive Secretary and the Privacy Office. If we receive a request more than once, we will post the responsive records. (Priority 5 on scale of 1 to 6)
- ***Any records requested three or more times-*** I do not recall more than three requests for a particular record. When/if we do receive more than two requests for a record we will go through the process of posting. (Priority 6 on a scale of 1 to 6)

Possible Issues

I did receive resistance from an individual in the Office of the Chief Procurement Officer. The individual initially thought every single contract was required to be posted. It was explained later to the individual, that only contracts released already, or that would garner a significant amount of attention would be posted.

Getting certain documents 508 compliant can prove difficult. If there are any charts or graphs in the records, assistance from the Office of Accessible Systems & Technology (OAST) may be necessary. They can sometimes take awhile to respond. This may prove difficult on contracts that contain heavy graphics or more than 100 pages.

Successes

I send all of the information that is to be posted on the ERR to Bill Holzerland for review and posting. He does a great job of getting the information cleared by web publishing and posted in a timely manner.

All of the current DHS Directives are cleared for posting and they are methodically being made 508 compliant and sent for posting.

Future

- This office plans on having all available Directives and Instructions posted by 1/2010
- This office plans on having approximately one-third of the FOIA released FY 2009 contracts posted by 1/2010
- This office will meet with the Under Secretary for Management's staff to discuss posting the USM's calendar by 11/2009
- This office will post the FY 2009 FOIA log prior to 11/2009

Martin, Theodore

From: Janet, Kevin TSA FOIA
Sent: Thursday, September 24, 2009 4:33 PM
To: Holzerland, William
Cc: Plofer, Howard TSA OCC; Walton, Kimberly
Subject: FW: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09

From: Holzerland, William [mailto:[redacted](#)] (b)(6)
Sent: Friday, September 18, 2009 5:23 PM
To: FOIA Officers
Cc: Callahan, Mary Ellen
Subject: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09
Importance: High

Bill, I've responded by adding our comments into the context of your email. See below. I will be in touch as issues and successes arise. Thank you.

All,

As everyone is aware, the Chief FOIA Officer issued a memorandum on proactive disclosure and (a)(2) compliance, dated August 26, 2009. As stated in the memo (and discussed at length on the Chief FOIA Officer's bi-weekly teleconferences since), DHS components must report on the status of efforts to comply with this memo to the Privacy within 20 business days of the memo's issuance. The 20th business day from the date of the memo is Thursday, September 24, 2009.

As such, please report by COB 9/24/09 on your component's efforts to comply with the Chief's memo. Please send your report to me and 'cc' Catherine Papoi. This reporting need not be a formal memorandum. An email containing bullet points will be sufficient and should simply highlight the efforts to date. This report is merely an effort to take the temperature of the Department so we can establish a baseline and chart the way to success going forward.

Here are some questions you may wish to think about in reporting on this matter. These questions do not necessarily require formal answers. This list is not all-inclusive, and is simply meant to get the internal discussion at your component started.

· Where does your component stand on getting a process in place to proactively post the six categories of records outlined in the memo? TSA notes that each category of records listed in the memorandum requires its own process. We have addressed them below.

Calendars of Senior Executives (TSA Administrator and Deputy Administrator): we will be meeting with senior executive assistants to review calendars to determine how to meet this requirement. Calendars may contain

Privacy Act protected content as well as other sensitive information we would not disclose to the public.

Executed Contracts and Grants: The FOIA Office is in the process of identifying FOIA requests in which contracts executed post January 20, 2009 (an agreed upon date with DHS) have been released. These contracts will be provided to the Office of Strategic Communications and Public Affairs (OPA) for internet publishing. In addition, a meeting is scheduled for next week with the Office of Chief Counsel to address FOIA processing of contracts in general with the goal of finding a more expeditious process for handling the submitter notice process. This meeting will also address the posting of contracts raised in Ms. Callahan's memorandum. Awarded contracts must undergo the submitter notice process to provide the contractor an opportunity to assert proprietary privileges under FOIA Exemption 4. This would be an onerous task above and beyond those contracts requested through FOIA. An abridged version of awarded contracts (by agency) is already publicly available through the Federal Procurement Data System, see, <https://www.fpds.gov/>.

Management Directives (MDs)/Instructions: TSA has obtained approval from the Administrator to post TSA Management Directives to the Electronic Reading Room (ERR). OPA is responsible for posting new materials to the TSA.gov site. The FOIA Office works closely with OPA on posting materials to the internet site. The process simply requires the FOIA Office to identify those materials for publication to the site and OPA handles the request in the normal course of business. The MDs should be published during the week of 9/28/09.

Congressional Correspondence under DHS control. I have discussed this matter with the Director, Office of the Executive Secretariat. The FOIA Office will be contacting you to seek clarification re "under DHS control." Specifically, does the directive mean only congressionals that come to components through the Department (as opposed to those that come directly to us from Congress). If that is correct, do you want copies posted of congressionals assigned to TSA by DHS and signed by TSA as direct congressional replies? Those are ones where we write back to the congressperson under signature of either our component head or the TSA Assistant Administrator for Legislative Affairs. Similar issues to the posting of Calendars are raised here (constituent Privacy Act information, predecisional information, etc.)

FOIA logs: The FOIA Office has responded to previous requests for this data so we have information readily available for posting. We are working with OPA to post the FOIA logs to the ERR. We anticipate having this information added to tsa.gov during the week of 9/28/09. We will update the FOIA log posting every 6 months.

Frequently requested records: TSA posts such records when it becomes apparent that they meet the description of "frequently requested."

- Has your component identified other, additional records (beyond the six listed categories) your component may wish to post (consistent with applicable disclosure laws, etc.)? As part of TSA's a(2) publication requirements, the FOIA Office is engaged in a regular process of identifying these types of records for inclusion in the ERR. Most are proactively published by Program Offices to the tsa.gov site, so it's simply a matter of identifying them and providing links through the ERR.
- Have key stakeholders in this process (outside of the FOIA shop) been identified? Yes. Have you met with them and begun discussing what processes/procedures need to be refined/created in order to implement this policy? We are in the process of arranging meetings and determining processes to meet the requirement.
- We've heard a lot on conference calls about the challenges individual components are facing. What solutions are you proposing for the challenges discussed? We will be looking at the feasibility of preparing abridged Calendars and Congressionals. In addition, as noted above we will post any contracts already released via FOIA requests, post award date of January 20, 2009.
- What milestones have been set to measure success in implementing this policy and what are the target dates for achieving those milestones?

- What success stories can you share w/r/t implementing this policy thus far? Soon after President Obama's transparency memorandum was issued the TSA FOIA Office obtained the Administrator's approval for posting the MDs. As noted above we anticipate having these published next week.
- What other pertinent information can you share about the efforts to implement the memo to date?

We've discussed this issue extensively on the calls with the group (as well as with individual components), so we know there are good things brewing within components on the proactive disclosure front. We're also mindful that it's the end of the FY and FOIA teams are hustling to get requests out the door, so we want to thank you again for your efforts. Have a good weekend!

Regards,

Bill

William H. Holzerland, CIPP/G

U.S. Department of Homeland Security

Associate Director,

Disclosure Policy & FOIA Program Development

(b)(6)

Martin, Theodore

From: YANDO, DONALD F
Sent: Thursday, September 24, 2009 10:12 AM
To: Holzerland, William
Cc: Papoi, Catherine; HANSON, MARK; KAY, ELISSA G; SUZUKI, SHARI
Subject: FW: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09
Importance: High
Attachments: CFOIAO Proactive Disclosure Memo.8.26.09.pdf

Bill –

As requested, CBP reports that the following efforts have been taken or are currently underway to comply with the Chief FOIA Officer's August 26 memorandum:

- CBP is currently upgrading its FOIA electronic reading room. The enhanced electronic reading room provides the CBP FOIA Division with the ability to add additional categories of records, which we've done to comply with the requirement to post the calendar of senior officials, FOIA logs, executed contracts and grants, management directives and instructions, and congressional correspondence under DHS control. We have several large volume contracts related to the Southwest Border Fence which require posting to satisfy public interest and several FOIA requests. Our existing electronic reading room was not large enough to handle these documents. The upgraded room will soon be operational and can handle the large documents and several of the DHS proactive disclosure initiatives. CBP has also worked extensively on developing a robust search engine for the documents placed into the electronic reading room.
 - CBP has identified the Acting Commissioner as the CBP official that meets the criteria for posting historical schedules. We have been working with the Office of the Commissioner to post the schedules on a weekly basis.
 - We have posted the prime contract and several modifications for the above mentioned Southwest Border Fence Contract and are working on additional related documents containing several thousand pages. Further, we have reached out to CBP's Procurement Office to identify the volume of contracts awarded and percentage requested under FOIA. They estimate that approximately 25 to 50 percent of the awarded contracts or procurement actions are currently requested and that the majority of the requests are IT related. We are considering ways to prioritize the implementation of this initiative (i.e., considering which procurement documents should be posted first, which documents generate the most interest, etc.)
 - CBP has several of these directives and instructions already available via CBP.gov. We have published several Informed Compliance publications which provide the Trade and individuals valuable information on importing goods and travel tips. Further, CBP rulings are available for public viewing. We plan to meet with our Office of Chief Counsel and other CBP Offices to determine which remaining directives have not been posted and to work to provide public copies.
 - With the upgrading of our reading room, we plan to identify the Congressional correspondence and post it to the reading room similar to the contracts.
 - We plan to post the FOIA log on a quarterly basis.
 - As mentioned above, the FOIA requests related to the Southwest Border Fence were the primary motivator behind CBP upgrading its FOIA reading room. The volume of the information related to the Southwest Border Fence required a reading room posting and the current room was not equipped to handle it. Additionally, over the past few years CBP has received several FOIA requests related to CBP's border search authority and policies related to CBP's examination of electronic devices. While the FOIA requests were not identical and requested different records, there was some overlap in terms of responsive records. Accordingly, CBP is working on posting the records that were responsive to the broadest requests.
- CBP recently identified a situation in which the public had a significant interest in viewing certain records submitted to CBP as part of the rulings process and posted those records to the electronic reading room.

CBP had issued a notice proposing to change its position regarding the application of certain coastwise laws which generated a large number of comments from the vessel and trade communities. In anticipation of the interest in viewing the comments, the comments were posted to the electronic reading room which eliminated individual requests to view the comments submitted to CBP. The electronic reading room was also used to post the notice which announced that CBP had decided to withdraw the notice. Additionally, we are planning on meeting with other CBP Offices and additional records maybe identified in these upcoming meetings.

- The CBP FOIA Division has been discussing the memo with other CBP Office such as the Offices of Congressional Affairs, Trade Relations, Finance, and Policy/Planning. We plan to schedule more meetings to work on several of the six categories mentioned above.
- CBP has been focusing on getting the reading room up to meet the requirements. We have identified certain weaknesses in the uploading capabilities of the electronic reading room and are developing methods for resolving the issue (primarily breaking larger documents into subdocuments). For other areas we are more in fact finding mode rather than proposing solutions.
- CBP plans to have the reading room upgraded by the start of FY 2010. We believe that the Calendars can be posted by the end of October 2009. The first FOIA log should be available in early second quarter 2010. The dates for other categories will be based on feedback during upcoming meetings with other CBP Offices.
- CBP's primary success story that relates to the implementation of the August 26 memorandum is the upgrading of the FOIA electronic reading room. The enhanced electronic reading room will provide CBP with the tools and the flexibility needed to be much more proactive in our public disclosure of pertinent information.

Thanks.

Don Yando, Executive Director
Commercial Targeting and Enforcement
U.S. Customs and Border Protection
Office of International Trade
Washington, DC 20229

(b)(6) (office)
(b)(6) (mobile)
(b)(6) (fax)

From: Holzerland, William [mailto:(b)(6)]
Sent: Friday, September 18, 2009 5:23 PM
To: FOIA Officers
Cc: Callahan, Mary Ellen
Subject: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09
Importance: High

All,

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As such, please report by COB 9/24/09 on your component's efforts to comply with the Chief's memo. Please send your report to me and 'cc' Catherine Papoi. This reporting need not be a formal memorandum. An email containing bullet points will be sufficient and should simply highlight the efforts to date. This report is merely an effort to take the temperature of the Department so we can establish a baseline and chart the way to success going forward.

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at your component started.

- Where does your component stand on getting a process in place to proactively post the six categories of records outlined in the memo?
- Has your component identified other, additional records (beyond the six listed categories) your component may wish to post (consistent with applicable disclosure laws, etc.)?
- Have key stakeholders in this process (outside of the FOIA shop) been identified? Have you met with them and begun discussing what processes/procedures need to be refined/created in order to implement this policy?
- We've heard a lot on conference calls about the challenges individual components are facing. What solutions are you proposing for the challenges discussed?
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- What other pertinent information can you share about the efforts to implement the memo to date?

We've discussed this issue extensively on the calls with the group (as well as with individual components), so we know there are good things brewing within components on the proactive disclosure front. We're also mindful that it's the end of the FY and FOIA teams are hustling to get requests out the door, so we want to thank you again for your efforts. Have a good weekend!

Regards,
Bill

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(b)(6)

Martin, Theodore

From: Pavlik-Keenan, Catrina M
Sent: Thursday, September 24, 2009 3:53 PM
To: Holzerland, William
Cc: Papoi, Catherine
Subject: RE: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09

For Item A: Currently ICE is working to put a process in place for obtaining the A/S calendar in three month increments and redacting them and putting them on the web. We have had meeting with OPLA, and management about concerns related to information on calendars.

Item B: We are planning on having a meeting with Acquisitions after the end of the fiscal year to set up a process to obtain contracts once they are awarded to be processed and posted.

Item C: We are doing links to other sections of our web page that have a large amount of this information already posted.

Item D: We are planning to meeting with Congressional Relations to set up a process – we planning on doing this after the end of the fiscal year due to processing FOIA cases.

Item E: We have planned to have the FOIA Log updated from the last time we posted it (we have several posting in our reading room for this document already) we just need to up date from the last time request and we have determined that we will posted monthly.

Item F: We currently do this now on a regular basis. We have access to our web time at any time to post things such as this, so we can do this as often as needed.

If you need additional information please let me know. Thanks Catrina

From: Holzerland, William [mailto:] (b)(6)
Sent: Friday, September 18, 2009 5:23 PM
To: FOIA Officers
Cc: Callahan, Mary Ellen
Subject: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09
Importance: High

All,

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- We've heard a lot on conference calls about the challenges individual components are facing. What solutions are you proposing for the challenges discussed?
- What milestones have been set to measure success in implementing this policy and what are the target dates for achieving those milestones?
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Regards,
Bill

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(b)(6)

Martin, Theodore

From: (b) (6)
Sent: Thursday, September 24, 2009 4:51 PM
To: Holzerland, William
Cc: Papoi, Catherine; (b) (6); Lluberes, Andrew; Morris, Carter (b) (6)
Subject: RE: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09

Bill,

I&A's input:

- Where does your component stand on getting a process in place to proactively post the six categories of records outlined in the memo? **We have begun coordination with our Information Management Division and Public Affairs director for incorporation of a FOIA section on our public internet site.**
- Has your component identified other, additional records (beyond the six listed categories) your component may wish to post (consistent with applicable disclosure laws, etc.)? **No, we plan on posting the most recently released records.**
- Have key stakeholders in this process (outside of the FOIA shop) been identified? Have you met with them and begun discussing what processes/procedures need to be refined/created in order to implement this policy? **Yes, Dir IM, Dir PAO, COS.**
- We've heard a lot on conference calls about the challenges individual components are facing. What solutions are you proposing for the challenges discussed? **Working with our leadership to ensure we are complying the process in a logical way.**
- What milestones have been set to measure success in implementing this policy and what are the target dates for achieving those milestones? **None so far.**
- What success stories can you share w/r/t implementing this policy thus far? **None so far.**
- What other pertinent information can you share about the efforts to implement the memo to date? **Nothing to share at this time.**

V/R

(b) (6)

(b) (2)

(b) (2)

Intelligence & Analysis-I&A COS

Department of Homeland Security

Email: (b)(2)Low, (b)(6)

Voice:

From: Holzerland, William
Sent: Friday, September 18, 2009 5:23 PM
To: FOIA Officers
Cc: Callahan, Mary Ellen
Subject: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09
Importance: High

All,

As everyone is aware, the Chief FOIA Officer issued a memorandum on proactive disclosure and (a)(2) compliance, dated August 26, 2009. As stated in the memo (and discussed at length on the Chief FOIA Officer's bi-weekly teleconferences since), DHS components must report on the status of efforts to comply with this memo to the Privacy within 20 business days of the memo's issuance. The 20th business day from the date of the memo

is Thursday, September 24, 2009.

As such, please report by COB 9/24/09 on your component's efforts to comply with the Chief's memo. Please send your report to me and 'cc' Catherine Papoi. This reporting need not be a formal memorandum. An email containing bullet points will be sufficient and should simply highlight the efforts to date. This report is merely an effort to take the temperature of the Department so we can establish a baseline and chart the way to success going forward.

Here are some questions you may wish to think about in reporting on this matter. These questions do not necessarily require formal answers. This list is not all-inclusive, and is simply meant to get the internal discussion at your component started.

- Where does your component stand on getting a process in place to proactively post the six categories of records outlined in the memo?
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- What other pertinent information can you share about the efforts to implement the memo to date?

We've discussed this issue extensively on the calls with the group (as well as with individual components), so we know there are good things brewing within components on the proactive disclosure front. We're also mindful that it's the end of the FY and FOIA teams are hustling to get requests out the door, so we want to thank you again for your efforts. Have a good weekend!

Regards,
Bill

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development

(b)(2)Low, (b)(6)

Martin, Theodore

From: Turner, Alisa
Sent: Thursday, September 24, 2009 6:14 PM
To: Holzerland, William
Cc: Papoi, Catherine; Gray, Larry
Subject: RE: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09

Bill,

Here is FEMA's status regarding the implementation of the CFOIAO Proactive Disclosure Memo:

- The FOIA Office (FOIA) and Records Management (RM) are working closely with IT to develop our Reading Room. Until now, our Reading Room has consisted of a link from the DHS webpage, but we are working diligently on our own Reading Room. (Completed)
- FOIA and RM are currently coordinating with Acquisitions and Office of Chief Counsel on policy to entitle FEMA to proactively disclose contracts upon award in our Reading Room. (In progress)
- FOIA and RM will link existing Grant sites to FOIA Reading Room. (In progress)
- FOIA is currently sanitizing FOIA log for posting in FOIA Reading Room. (In progress)
- FOIA is conducting a search for all frequently requested records in order to post them on the Reading Room. (In progress)
- FOIA and RM will be coordinating with Program Offices on releasability of Directives and eventual posting in Reading Room. (Will begin week of September 28, 2009)
- FOIA and RM are awaiting further guidance on the proactive release of calendars.

Please let me know if you have any questions.

Thanks!

Alisa Turner Henderson
Chief, Disclosure Branch
Office of Records Management
Business Operations
Management Directorate
Federal Emergency Management Agency
Phone (b)(6)
Fax (b)(6)

From: Holzerland, William [mailto:[\(b\)\(6\)](#)]
Sent: Friday, September 18, 2009 5:23 PM
To: FOIA Officers
Cc: Callahan, Mary Ellen
Subject: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09
Importance: High

All,

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As such, please report by COB 9/24/09 on your component's efforts to comply with the Chief's memo. Please

send your report to me and 'cc' Catherine Papoi. This reporting need not be a formal memorandum. An email containing bullet points will be sufficient and should simply highlight the efforts to date. This report is merely an effort to take the temperature of the Department so we can establish a baseline and chart the way to success going forward.

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- Where does your component stand on getting a process in place to proactively post the six categories of records outlined in the memo?
- Has your component identified other, additional records (beyond the six listed categories) your component may wish to post (consistent with applicable disclosure laws, etc.)?
- Have key stakeholders in this process (outside of the FOIA shop) been identified? Have you met with them and begun discussing what processes/procedures need to be refined/created in order to implement this policy?
- We've heard a lot on conference calls about the challenges individual components are facing. What solutions are you proposing for the challenges discussed?
- What milestones have been set to measure success in implementing this policy and what are the target dates for achieving those milestones?
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- What other pertinent information can you share about the efforts to implement the memo to date?

We've discussed this issue extensively on the calls with the group (as well as with individual components), so we know there are good things brewing within components on the proactive disclosure front. We're also mindful that it's the end of the FY and FOIA teams are hustling to get requests out the door, so we want to thank you again for your efforts. Have a good weekend!

Regards,
Bill

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(b)(6)

Martin, Theodore

From: Eggleston, Jill A
Sent: Friday, September 25, 2009 12:37 PM
To: Holzerland, William
Cc: Bellisime, Tracy A; Welsh, Brian
Subject: Proactive Disclosures

Hi Bill,

I wanted to give you a status update on our proposed implementation of the proactive disclosure memo. I am checking with the various directorates to see what information is available (daily schedules, congressional correspondence for example). Once I have a better feel for the availability of the information, I will get back with you. I think I indicated to you that posting contracts for which we have received a FOIA request would be doable. Our OCC is currently reviewing the 39 contracts we have disclosed over the past 9 months as a starter. Going forward, we will post each contract as we mail out our responses. The USCIS website already contains a number of policy and procedure manuals concerning immigration, so I don't anticipate putting much more out there in the way of management directives and instructions (unless you feel differently). We intend to begin posting our FOIA logs in November. We will update the log on a monthly basis. I think that covers the items listed in the memo, let me know if you have questions or need anything else.

Jill

Jill A. Eggleston
Assistant Center Director
Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
FOIA/PA Division
(b)(6)

Martin, Theodore

From: Gallo, Katherine
Sent: Wednesday, September 23, 2009 1:21 PM
To: Holzerland, William
Cc: Papoi, Catherine; Reback, Richard; Gramian, Nikki
Subject: RE: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09

Bill,

As requested, the following summarizes OIG's status on its Proactive FOIA Disclosure Initiative:

- **Where does your component stand on getting a process in place to proactively post the six categories of records outlined in the memo?**
 - **Management directives and instructions:**
 - Sep. 22, 2009: OIG has identified an OIG manual that has already been redacted and is ready for posting. However, it does not appear to be a directive that "affects the public," a question OIG is currently discussing with PRIV regarding scope of records to be posted. OIG will review additional records to determine what OIG manuals, if any, are to be posted.
 - **Historical calendars for senior DHS officials:**
 - Sep. 16, 2009: OIG finalized procedures for posting the IG's historical calendar on a quarterly basis, with appropriate redactions. First calendars to be posted by Oct. 30, 2009.
 - **Executed contracts:**
 - Sep. 22, 2009: OIG is in the process of posting contracts that have already been released in response to FOIA requests, and is discussing with the Bureau of Public Debt, mechanisms for review/posting of additional contracts.
 - **FOIA logs:**
 - Sep. 16, 2009: OIG finalized procedures for posting its FOIA log on a quarterly basis, with appropriate redactions. First FOIA log to be posted by Oct. 30, 2009.
 - **Congressional correspondence:**
 - Sep. 17, 2009: OIG finalized procedures for posting a summary chart on a quarterly basis showing Congressional requests. First congressional correspondence log to be posted by Oct. 30, 2009.
 - **Frequently requested records:**
 - - Sep. 22, 2009: OIG already posts its Management Reports and frequently requested documents and reports in its Electronic Reading Room.
- **Have key stakeholders in this process (outside of the FOIA shop) been identified? Have you met with them and begun discussing what processes/procedures need to be refined/created in order to implement this policy?**
 - Yes -- starting on Aug. 26, 2009, the OIG FOIA staff began discussing documents that might be subject to proactive release. On Sep. 21, 2009, OIG FOIA officially notified OIG management of the FOIA Staff's plans regarding proactive disclosure.
- **We've heard a lot on conference calls about the challenges individual components are facing. What solutions are you proposing for the challenges discussed?**
 - OIG is first focusing on documents that have already been processed for release in response to actual FOIA requests. We are also using existing resources to print, on a quarterly basis, documents that are already being posted on OIG's **Intranet** website, and are appropriate for public release.

- **What milestones have been set to measure success in implementing this policy and what are the target dates for achieving those milestones?**
 - By Sep. 16, 2009: Confirm OIG IT contact confirmed for Proactive Disclosure postings -- **Completed.**
 - By Sep. 21, 2009: Notify OIG management of Proactive Disclosure initiative and plans -- **Completed.**
 - By Sep. 30, 2009: Determine the universe of records to be considered for review and processing for proactive release -- Pending; discussions ongoing with PRIV.
 - By Sep. 24, 2009: Determine time frames for ongoing release of congressional correspondence, FOIA log (annually), calendars (monthly), and contracts (ongoing) -- **Completed as of 9/22/2009.**
 - By Oct. 30, 2009: Forward initial set of records to OIG IT staff, for Internet Posting -- Awaiting end of quarter, and printing of quarterly records, not possible until after 9/30/2009.
 - By Jan. 1, 2010: Complete analysis of process for posting contracts, including review of alternative mechanisms for posting link to www.fbo.gov.
 - By Mar. 1, 2010: Complete posting of any responsive OIG manual sections (if any).

Please let us know if you require additional information -- and thank you for your guidance on this initiative.

-Kathy Gallo, Assistant Counsel
 OIG-DHS
 STOP 2600 (Counsel)
 245 Murray Drive S.W., Bldg. 410
 Washington, DC 20528
 Tel: (b)(6)
 Fax: (b)(6)
 Cell: (b)(6)

From: Holzerland, William [mailto:(b)(6)]
Sent: Friday, September 18, 2009 5:23 PM
To: FOIA Officers
Cc: Callahan, Mary Ellen
Subject: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09
Importance: High

All,

As everyone is aware, the Chief FOIA Officer issued a memorandum on proactive disclosure and (a)(2) compliance, dated August 26, 2009. As stated in the memo (and discussed at length on the Chief FOIA Officer's bi-weekly teleconferences since), DHS components must report on the status of efforts to comply with this memo to the Privacy within 20 business days of the memo's issuance. The 20th business day from the date of the memo is Thursday, September 24, 2009.

As such, please report by COB 9/24/09 on your component's efforts to comply with the Chief's memo. Please send your report to me and 'cc' Catherine Papoi. This reporting need not be a formal memorandum. An email containing bullet points will be sufficient and should simply highlight the efforts to date. This report is merely an effort to take the temperature of the Department so we can establish a baseline and chart the way to success going forward.

Here are some questions you may wish to think about in reporting on this matter. These questions do not necessarily require formal answers. This list is not all-inclusive, and is simply meant to get the internal discussion at your component started.

- Where does your component stand on getting a process in place to proactively post the six categories of records outlined in the memo?
- Has your component identified other, additional records (beyond the six listed categories) your component may wish to post (consistent with applicable disclosure laws, etc.)?
- Have key stakeholders in this process (outside of the FOIA shop) been identified? Have you met with them and begun discussing what processes/procedures need to be refined/created in order to

implement this policy?

- We've heard a lot on conference calls about the challenges individual components are facing. What solutions are you proposing for the challenges discussed?
- What milestones have been set to measure success in implementing this policy and what are the target dates for achieving those milestones?
- What success stories can you share w/r/t implementing this policy thus far?
- What other pertinent information can you share about the efforts to implement the memo to date?

We've discussed this issue extensively on the calls with the group (as well as with individual components), so we know there are good things brewing within components on the proactive disclosure front. We're also mindful that it's the end of the FY and FOIA teams are hustling to get requests out the door, so we want to thank you again for your efforts. Have a good weekend!

Regards,
Bill

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(b)(6)

Martin, Theodore

From: Holzerland, William
Sent: Thursday, October 01, 2009 9:39 AM
To: Day, Mia; McNeely, James; Mason, Quinton; Delawter, Denise; Page, Michael; Wiley, Miles; STFOIA; Worthy, Gayle; Gary, Lizzy; McAfee, Sean M; Dorgan, Mark; (b)(6)
Cc: Palmer, David; Papoi, Catherine; Web Publishing; Clark, Tara
Subject: Proactive disclosure: formatting files for web posting

Good morning all,

Since at some point or another, we're all likely to be involved in getting content ready for publication on www.dhs.gov, I wanted to send this link: http://www.dhs.gov/xother/wbcntr/gc_1170085453578.shtm#1. On that page, you will find DHS Web Publishing's current requirements for posting records online. Given the nature of FOIA work, we're most likely to be preparing PDF files for posting. Please be aware of DHS Web Publishing's additional requirements for PDF files, including 508-compliance, naming conventions, etc., found here: http://www.dhs.gov/xother/wbcntr/gc_1171294468869.shtm.

It goes without saying that disclosure of all records to be proactively posted should be made consistent with FOIA, the Privacy Act and any other applicable laws or regulations. When providing content to PRIV for posting in the Department's FOIA electronic reading room, the assumption will be that records provided to PRIV are redacted as appropriate (and cleared for release by your component) and are compliant with all Web Publishing requirements (including 508-compliance, document naming conventions, etc.). Please ensure all requirements are followed prior to sending as records provided to PRIV for posting that are not in compliance with Web Publishing's requirements for posting will be returned to your component for reformatting. For questions regarding 508-compliance issues, please contact the Office of Accessible Systems & Technology (OAST). Thanks again!

Regards,
Bill

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(b)(6)

Martin, Theodore

From: Gary, Lizzy
Sent: Tuesday, October 06, 2009 12:10 PM
To: Holzerland, William
Cc: Papoi, Catherine; Worthy, Gayle; 'Mangan, Chris'
Subject: RE: Proactive Disclosure Reporting pursuant to CFOIAO Memorandum of 8/26/09
Follow Up Flag: Follow up
Flag Status: Red
Categories: Lizzy

NPPD's response:

- Where does your component stand on getting a process in place to proactively post the six categories of records outlined in the memo?

NPPD does not have an external internet site for posting records. We have discussed with Mary Ellen Callahan the possibility of using DHS's site, and she has agreed that is a good solution. However, there is no staff at NPPD who (1) can assume responsibility for implementation/coordination of proactive disclosure reporting; (2) has the expertise to post documents; or (3) can develop procedures for providing materials to DHS for posting.

- Has your component identified other, additional records (beyond the six listed categories) your component may wish to post (consistent with applicable disclosure laws, etc.)?
 No. There no FOIA staff at NPPD to perform this identification task, though we are optimistic that additional staff will be hired by calendar year end.
- Have key stakeholders in this process (outside of the FOIA shop) been identified? Have you met with them and begun discussing what processes/procedures need to be refined/created in order to implement this policy?

Yes. Stakeholders in each of the NPPD subcomponents have been identified, and we have held discussions with component leadership as well. Of course, implementation of the policy depends on Item #1 above—creating a process for providing the materials to DHS or posting them ourselves on the DHS website. This will also be affected by the availability of personnel to do this work.

- We've heard a lot on conference calls about the challenges individual components are facing. What solutions are you proposing for the challenges discussed?

Challenge 1: Lack of personnel to perform the work: NPPD is hiring two additional personnel in the FOIA office which should alleviate some of this problem. However, one of these two positions will also be responsible for Privacy Act implementation/enforcement at NPPD, so we expect that only one of the added staffers will be dedicated to FOIA work. In addition to routine FOIA responsibilities, we hope this staffer can take on the duties related to proactive disclosure reporting.

Challenge 2: Even with the addition of staffers, the workload at NPPD's FOIA office is not manageable by current staff. We have advised NPPD leadership of this problem, but budget constraints prevent us from hiring additional staff. We will continue to work to find means of adding essential staff to FOIA office.

Challenge 2: As mentioned above, NPPD has no outward facing web presence, but we will work with DHS FOIA office to address this problem.

Challenge 3: Several NPPD sub-components also lack dedicated FOIA staff. NPPD remains

critically understaffed. It will be difficult for current staff to add to their areas of responsibilities the identification of materials for proactive disclosure.

- What milestones have been set to measure success in implementing this policy and what are the target dates for achieving those milestones?

No milestones set. When we have additional staff as mentioned above, NPPD FOIA office will design the implementation of proactive disclosure and the timelines/milestones.

- What success stories can you share w/r/t implementing this policy thus far?
None.

- What other pertinent information can you share about the efforts to implement the memo to date?

NPPD strongly believes that implementation of proactive disclosure will reduce requests from the public who will be able to find materials online. Unfortunately, because we continue to remain so severely understaffed in the FOIA office, it is difficult to contemplate the additional work and responsibilities that implementation of the memo will require. However – we are determined to comply and will work in the coming months, especially once we hire additional staff, to implement the memo.

Lizzy Gary
Chief, Information Management
NPPD

Lockett, Vania

From: Holzerland, William
Sent: Wednesday, January 21, 2009 11:35 PM
To: FOIA Officers; Palmer, David; Borrero, Charles; Moll, Robert <CTR>; Levin, Toby; Clark, Tara; Clark-Moe, Loren; Lantz, Emily <CTR>; Ryan, Michael <CTR>; Wolfrey, Jimmy <CTR>; Holzer, James; Martin, Theodore; Burroughs, Sabrina
Cc: Kropf, John
Subject: President's memoranda on FOIA & Transparency
Attachments: Obama.FOIA Memo.1.21.09.pdf; Obama.Transparency Memo.1.21.09.pdf



Obama.FOIA Memo.1.21.09.pdf Obama.Transparen
cy Memo.1.21.0...

All,

I know it's late, but the President wasted no time in issuing a FOIA memorandum on his first full day in office; hence, I wish to distribute this information as quickly as possible.

The text of the President's 1/21/09 memo on FOIA is below. I have attached PDF copies of both the FOIA memo and one issued on Transparency today as well.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 21, 2009

January 21, 2009

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Freedom of Information Act

A democracy requires accountability, and accountability requires transparency. As Justice Louis Brandeis wrote, "sunlight is said to be the best of disinfectants." In our democracy, the Freedom of Information Act (FOIA), which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government. At the heart of that commitment is the idea that accountability is in the interest of the Government and the citizenry alike.

The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve. In responding to requests under the FOIA, executive branch agencies (agencies) should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public.

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving

FOIA.

The presumption of disclosure also means that agencies should take affirmative steps to make information public. They should not wait for specific requests from the public. All agencies should use modern technology to inform citizens about what is known and done by their Government. Disclosure should be timely.

I direct the Attorney General to issue new guidelines governing the FOIA to the heads of executive departments and agencies, reaffirming the commitment to accountability and transparency, and to publish such guidelines in the Federal Register. In doing so, the Attorney General should review FOIA reports produced by the agencies under Executive Order 13392 of December 14, 2005. I also direct the Director of the Office of Management and Budget to update guidance to the agencies to increase and improve information dissemination to the public, including through the use of new technologies, and to publish such guidance in the Federal Register.

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This memorandum does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

#

regards,
Bill

William H. Holzerland, CIPP/G
Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security
(703)235-0790

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 21, 2009

January 21, 2009

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I direct the Attorney General to issue new guidelines governing the FOIA to the heads of executive departments and agencies, reaffirming the commitment to accountability and transparency, and to publish such guidelines in the *Federal Register*. In doing so, the Attorney General should review FOIA reports produced by the agencies under Executive Order 13392 of December 14, 2005. I also direct the Director of the Office of Management and Budget to update guidance to the agencies to increase and improve information dissemination to the public, including through the use of new technologies, and to publish such guidance in the *Federal Register*.

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(OVER)

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The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the *Federal Register*.

BARACK OBAMA

#

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 21, 2009

January 21, 2009

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
SUBJECT: Transparency and Open Government

My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government.

Government should be transparent. Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset. My Administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use. Executive departments and agencies should harness new technologies to put information about their operations and decisions online and readily available to the public. Executive departments and agencies should also solicit public feedback to identify information of greatest use to the public.

Government should be participatory. Public engagement enhances the Government's effectiveness and improves the quality of its decisions. Knowledge is widely dispersed in society, and public officials benefit from having access to that dispersed knowledge. Executive departments and agencies should offer Americans increased opportunities to participate in policymaking and to provide their Government with the benefits of their collective expertise and information. Executive departments and agencies should also solicit public input on how we can increase and improve opportunities for public participation in Government.

Government should be collaborative. Collaboration actively engages Americans in the work of their Government. Executive departments and agencies should use innovative tools, methods, and systems to cooperate among themselves, across all levels of more

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Government, and with nonprofit organizations, businesses, and individuals in the private sector. Executive departments and agencies should solicit public feedback to assess and improve their level of collaboration and to identify new opportunities for cooperation. I direct the Chief Technology Officer, in coordination with the Director of the Office of Management and Budget (OMB) and the Administrator of General Services, to coordinate the development by appropriate executive departments and agencies, within 120 days, of recommendations for an Open Government Directive, to be issued by the Director of OMB, that instructs executive departments and agencies to take specific actions implementing the principles set forth in this memorandum. The independent agencies should comply with the Open Government Directive.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

This memorandum shall be published in the *Federal Register*.

BARACK OBAMA

Lockett, Vania

(b)(5) Attorney/Client Privilege

From: Holzerland, William
Sent: Wednesday, January 21, 2009 2:51 PM
To: Borrero, Charles; Moll, Robert <CTR>
Subject: FW: MESSAGE FROM SECRETARY JANET NAPOLITANO

Note the line highlighted in the Secretary's message below (emphasis added). This is one of our central ideas behind the proposed final rule for FOIA/PA.

From: DHS Employee Communications
Sent: Wednesday, January 21, 2009 2:40 PM
To: ^DHS-HQ-ALL-OB
Cc: Kudwa, Amy; (b)(6)
Subject: MESSAGE FROM SECRETARY JANET NAPOLITANO

MEMORANDUM FOR: Department of Homeland Security Employees

FROM: Janet Napolitano
Secretary, Department of Homeland Security

I would like to introduce myself and thank you for the opportunity to serve with you at the Department of Homeland Security. I am honored to take on this new role and continue the important work begun by my predecessors to protect our borders, safeguard our infrastructure, and improve our Nation's abilities to prevent, respond to, and recover from natural and manmade hazards.

As the former governor of Arizona, a state that shares a border with Mexico, I have worked closely with the Department on issues such as border-security and immigration. As the former chair of the National Governors Association, I have worked both in Arizona and with my colleagues across the country on disaster preparedness, emergency management and recovery efforts.

The establishment of the Department is an impressive accomplishment, and you have provided a good foundation upon which to build. Yet, as we reflect on those achievements, there is still much work to be

3/18/2009

done.

Our goal must be to integrate all of the Department's Components into "One DHS." Each organization that became part of DHS brought its legacy of service, achievement, and innovation, and that heritage has contributed and will continue to contribute to the Department's greatness. By sharing our strengths we can and will achieve the shared sense of mission that will ensure we are doing everything we can to protect this great Nation.

I look forward to getting to know you; to tapping into your history, your knowledge, your hard work and your dedication; and to working with you to make the Department the best it can be.

Lockett, Vania

From: Holzerland, William
Sent: Wednesday, January 21, 2009 4:07 PM
To: Privacy Office; FOIA Officers; Palmer, David; Borrero, Charles; Moll, Robert <CTR>
Subject: Presidential Memorandum on Transparency and Open Government & Presidential Memorandum on the Freedom of Information Act

More information on these matters to follow , but please take particular notice of paragraph four in the press release below (emphasis added). The following information is posted on GovExec.com. (http://blogs.govexec.com/fedblog/2009/01/more_on_the_executive_orders.php)

THE WHITE HOUSE
 Office of the Press Secretary

For Immediate Release January 21, 2009

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Regards,
 Bill

William H. Holzerland, CIPP/G
 U.S. Department of Homeland Security
 Associate Director,

3/18/2009

Disclosure Policy & FOIA Program Development

(b)(5)

Lockett, Vania

From: Dorgan, Mark
Sent: Wednesday, January 21, 2009 4:14 PM
To: Holzerland, William
Subject: RE: Presidential Memorandum on Transparency and Open Government & Presidential Memorandum on the Freedom of Information Act

Alright FOIA, getting a "shout-out" on the first day.

Mark Dorgan

FOIA Officer
Office of the Under Secretary for Management
Department of Homeland Security
phone: (202) 447-3106

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

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Regards,

Bill

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development

(b)(6)

Lockett, Vania

From: Holzerland, William
Sent: Wednesday, January 21, 2009 4:21 PM
To: Dorgan, Mark
Subject: Re: Presidential Memorandum on Transparency and Open Government & Presidential Memorandum on the Freedom of Information Act

That's what I'm sayin! I am so pleased. I haven't seen the memo yet, since the White House website has not yet posted it. However, this seems at first glance to be a victory for transparency in government (of which I am a huge fan).

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(703) 235-0790

From: Dorgan, Mark
To: Holzerland, William
Sent: Wed Jan 21 16:14:11 2009
Subject: RE: Presidential Memorandum on Transparency and Open Government & Presidential Memorandum on the Freedom of Information Act

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Mark Dorgan
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Regards,

Bill

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U.S. Department of Homeland Security
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Disclosure Policy & FOIA Program Development

(b)(6)

Lockett, Vania

(b)(5) Attorney/Client Privilege

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Associate Director,
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(b)(6)

Lockett, Vania

From: Holzerland, William
Sent: Wednesday, January 21, 2009 4:31 PM
To: Palmer, David
Subject: Re: Presidential Memorandum on Transparency and Open Government & Presidential Memorandum on the Freedom of Information Act

No, the WH website still doesn't have it posted and I can't find it yet anywhere else.

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(703) 235-0790

(b)(5) Attorney/Client Privilege



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(b)(6)

Lockett, Vania

From: Tracy, Cathleen <CTR>
Sent: Wednesday, January 21, 2009 4:36 PM
To: Holzerland, William
Subject: FW: Obama tackles recession, war and ethics on day one
Importance: High

Bill,

There is mention of your new FOIA executive order in here ...

Best,
Cathleen

From: Lluberes, Andrew
Sent: Wednesday, January 21, 2009 4:30 PM
Subject: FW: Obama tackles recession, war and ethics on day one
Importance: High

fyi

Andrew L. Lluberes
Director of Communications
for Intelligence and Analysis
Office of Public Affairs
U.S. Department of Homeland Security
Washington, D.C. 20528

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(b)(6) (fax)
(b)(6) (cell)
(b)(6)

From: Office of the Director of National Intelligence - News Alert List
[mailto:DNI_NEWS_ALERT@LISTS.DNI.GOV] **On Behalf Of** DNI Public Affairs
Sent: Wednesday, January 21, 2009 4:23 PM
To: DNI_NEWS_ALERT@LISTS.DNI.GOV
Subject: AP: Obama tackles recession, war and ethics on day one

Obama tackles recession, war and ethics on day one

By JENNIFER LOVEN, AP White House Correspondent

WASHINGTON (AP) – In a first-day flurry of activity, President Barack Obama set up shop in the Oval Office, summoned advisers to begin dealing with war and recession and ordered new ethics rules for "a clean break from business as usual." He also froze salaries for top White House staff members, placed phone calls to Mideast leaders and had aides circulate a draft executive order that would close the detention center at Guantanamo Bay within a year.

"The way to make government responsible is to hold it accountable," Obama said as he unveiled ethics rules that he portrayed as the fulfillment of a major campaign promise. He said the action was necessary "to help restore that faith in government without which we cannot deliver the changes we were sent here to make."

Devoting swift attention to the Mideast turmoil, Obama prepared to name George Mitchell, the former Senate Democratic leader, a special envoy to the region.

In his phone calls to Israeli, Palestinian, Egyptian and Jordanian leaders, Obama emphasized that he would work to consolidate the cease-fire between Israel and Hamas in Gaza, said the new White House press secretary, Robert Gibbs.

Gibbs said Obama expressed "his commitment to active engagement in pursuit of Arab-Israeli peace from the beginning of his term."

The enormity of Obama's challenge on the economy was evident in the mixed messages coming from Capitol Hill.

Rep. David Obey, chairman of the House Appropriations Committee, expressed doubt that the currently planned \$825 billion economic stimulus package would be enough, calling the proposal "no silver bullet." At the same time, House Republicans requested a meeting with Obama to air their worries that the plan was too big.

A multi-denominational prayer service at Washington National Cathedral and an open house at the presidential mansion were also on the schedule of the 44th president, taking office on a promise to fix the battered economy and withdraw U.S. troops from the unpopular war in Iraq on a 16-month timetable.

At the open house, Obama and his wife, Michelle, shook hands with a line of guests streaming through the Blue Room, some of them moved to tears by the experience.

"Enjoy yourself, roam around," a smiling Obama told one guest as he passed through the room. "Don't break anything."

The shift in administrations — former President George W. Bush was back home in Texas — was underscored in far-off Guantanamo Bay, Cuba, where a judge granted Obama's request to suspend the war crimes trial of a young Canadian. The judge issued a one-sentence order for the 120-day continuance without so much as a hearing, possibly the beginning of the end for the former administration's system of trials for alleged terrorists.

A draft executive order made clear the new president intends to go further. It called for closing the facility within a year, releasing some of the 245 detainees still there and transferring others to different sites for trial.

Pushing back pre-emptively, House Republican leader John Boehner of Ohio said the draft order raises difficult questions.

"The key question is where do you put these terrorists?" he said. "Do you bring them inside our borders? Do you release them back into the battlefield? ... Most local communities around America don't want dangerous terrorists imported into their neighborhoods, and I can't blame them."

Among Obama's executive orders:

_A freeze on salaries for White House staff earning \$100,000 or more — about 100 people in all.

_New Freedom of Information Act rules, making it harder to keep the workings of government secret.

_Tighter ethics rules governing when administration officials can work on issues on which they previously lobbied governmental agencies, and banning them from lobbying the Obama administration after leaving government service.

Obama and first lady Michelle Obama sat in the first row for Wednesday's invitation-only prayer service. Vice President Joe Biden and his wife, Jill, joined them, as did former President Bill Clinton and Sen. Hillary Rodham Clinton, D- N.Y., awaiting confirmation as secretary of state later in the day.

"Grant to Barack Obama, president of the United States, and to all in authority your grace and good will. Bless them with your heavenly gifts, give them wisdom and strength to know and to do your will," prayed the Rev. Andy Stanley, one of numerous clerics from several religions to speak.

Obama's first White House meetings as president meshed with quickened efforts in Congress to add top Cabinet officials to the roster of those confirmed on Tuesday and to advance the economic stimulus measure that is a top priority of his administration.

Treasury Secretary-designate Timothy Geithner, appearing before the Senate Finance Committee for a confirmation hearing, said enactment of the new president's economic stimulus was essential. He also said the Senate's decision last week to permit use of the second \$350 billion installment of a financial industry bailout "will enable us to take the steps necessary to help get credit flowing."

He said Obama and he "share your belief that this program needs serious reform."

Geithner also apologized for his failure to pay personal taxes earlier in the decade, calling the omission a mistake. The taxes were repaid in stages, some after an IRS audit and the rest after a review of his returns late last year by Obama's transition team.

Obama and his wife arrived at the White House around 1 a.m. after attending 10 official inaugural balls.

Several hours later he walked into the most famous office in America for the first time as president.

The new White House press secretary, Robert Gibbs, said in a statement that Obama spent 10 minutes alone and read a note left for him by Bush that was in an envelope marked "To: 44, From: 43."

He was then joined by White House chief of staff Rahm Emanuel and, several minutes later, the first lady.

Wednesday's meeting with economic advisers was coming at a time when 11 million Americans are out of work and millions more feel the loss of savings and face the prospect of foreclosures on their homes.

Last week, Congress cleared the way for use of the second installment of financial-industry bailout money, a pre-inaugural victory for Obama.

Democratic leaders hope to have the \$825 billion economic stimulus measure to his desk by mid-February.

The war in Iraq that he has promised to end featured prominently in Obama's first day as well.

Defense Secretary Robert Gates and the chairman of the Joint Chiefs of Staff, Adm. Mike Mullen, were among those called in for the meeting as the new president assumed the role of commander in chief.

In his inaugural address on Tuesday, Obama said his goal was to "responsibly leave Iraq to its people and forge a hard-earned peace in Afghanistan."

Lockett, Vania

From: Holzerland, William
Sent: Wednesday, January 21, 2009 4:43 PM
To: Tracy, Cathleen <CTR>
Subject: RE: Obama tackles recession, war and ethics on day one

Thx for sending, by the way! In my excitement about this new E.O./Memo/whatever it's called, I forgot to thank you. Sry!

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Wednesday's meeting with economic advisers was coming at a time when 11 million Americans are out of work and millions more feel the loss of savings and face the prospect of foreclosures on their homes.

Last week, Congress cleared the way for use of the second installment of financial-industry bailout money, a pre-inaugural victory for Obama.

Democratic leaders hope to have the \$825 billion economic stimulus measure to his desk by mid-February.

The war in Iraq that he has promised to end featured prominently in Obama's first day as well.

Defense Secretary Robert Gates and the chairman of the Joint Chiefs of Staff, Adm. Mike Mullen, were among those called in for the meeting as the new president assumed the role of commander in chief.

In his inaugural address on Tuesday, Obama said his goal was to "responsibly leave Iraq to its people and forge a hard-earned peace in Afghanistan."

Lockett, Vania

From: Holzerland, William
Sent: Wednesday, January 21, 2009 4:38 PM
To: Tracy, Cathleen <CTR>
Subject: RE: Obama tackles recession, war and ethics on day one

I found the following press release on this matter (emphasis added on the FOIA stuff in graf #4 below). However, the WH website still doesn't have anything on this. So, we will stay tuned!

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release January 21, 2009

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Across the country, families are tightening their belts in this economic crisis, and so should Washington. That is why in the Presidential Memorandum Regarding Pay Freeze the President has announced that he will freeze his White House senior staff pay at current levels to the full extent allowed by law. This will enable the White House to stretch its budget to get more done for the country. The President and his staff recognize that in these austere times, everyone must do more with less, and the White House is no exception.

The American people also deserve more than simply an assurance that those coming to Washington will serve their interests. They deserve to know that there are rules on the books to keep it that way. In the Executive Order on Ethics Commitments by Executive Branch Personnel, the President, first, prohibits executive branch employees from accepting gifts from lobbyists. Second, he closes the revolving door that allows government officials to move to and from private sector jobs in ways that give that sector undue influence over government. Third, he requires that government hiring be based upon qualifications, competence and experience, not political connections. He has ordered every one of his appointees to sign a pledge abiding by these tough new rules as a downpayment on the change he has promised to bring to Washington.

In the Presidential Memorandum on Transparency and Open Government, and the Presidential Memorandum on the Freedom of Information Act, the President instructs all members of his administration to operate under principles of openness, transparency and of engaging citizens with their government. To implement these principles and make them concrete, the Memorandum on Transparency instructs three senior officials to produce an Open Government Directive within 120 days directing specific actions to implement the principles in the Memorandum. And the Memorandum on FOIA instructs the Attorney General to in that same time period issue new guidelines to the government implementing those same principles of openness and transparency in the FOIA context.

Finally, the Executive Order on Presidential Records brings those principles to presidential records by giving the American people greater access to these historic documents. This order ends the practice of having others besides the President assert executive privilege for records after an administration ends. Now, only the President will have that power, limiting its potential for abuse. And the order also requires the Attorney General and the White House Counsel to review claims of executive privilege about covered records to make sure those claims are fully warranted by the Constitution.

From: Tracy, Cathleen <CTR>
Sent: Wednesday, January 21, 2009 4:36 PM
To: Holzerland, William
Subject: FW: Obama tackles recession, war and ethics on day one
Importance: High

Bill,

3/18/2009

There is mention of your new FOIA executive order in here ...

Best,
Cathleen

From: Lluberes, Andrew
Sent: Wednesday, January 21, 2009 4:30 PM
Subject: FW: Obama tackles recession, war and ethics on day one
Importance: High

fyi

Andrew L. Lluberes
Director of Communications
for Intelligence and Analysis
Office of Public Affairs
U.S. Department of Homeland Security
Washington, D.C. 20528

(b)(6)
(b)(6) (fax)
(b)(6) (cell)
(b)(6)

From: Office of the Director of National Intelligence - News Alert List
[mailto:DNI_NEWS_ALERT@LISTS.DNI.GOV] **On Behalf Of** DNI Public Affairs
Sent: Wednesday, January 21, 2009 4:23 PM
To: DNI_NEWS_ALERT@LISTS.DNI.GOV
Subject: AP: Obama tackles recession, war and ethics on day one

Obama tackles recession, war and ethics on day one

By JENNIFER LOVEN, AP White House Correspondent

WASHINGTON (AP) – In a first-day flurry of activity, President Barack Obama set up shop in the Oval Office, summoned advisers to begin dealing with war and recession and ordered new ethics rules for "a clean break from business as usual." He also froze salaries for top White House staff members, placed phone calls to Mideast leaders and had aides circulate a draft executive order that would close the detention center at Guantanamo Bay within a year.

"The way to make government responsible is to hold it accountable," Obama said as he unveiled ethics rules that he portrayed as the fulfillment of a major campaign promise. He said the action was necessary "to help restore that faith in government without which we cannot deliver the changes we were sent here to make."

Devoting swift attention to the Mideast turmoil, Obama prepared to name George Mitchell, the former Senate Democratic leader, a special envoy to the region.

In his phone calls to Israeli, Palestinian, Egyptian and Jordanian leaders, Obama emphasized that he would work to consolidate the cease-fire between Israel and Hamas in Gaza, said the new White House press secretary, Robert Gibbs.

3/18/2009

Gibbs said Obama expressed "his commitment to active engagement in pursuit of Arab-Israeli peace from the beginning of his term."

The enormity of Obama's challenge on the economy was evident in the mixed messages coming from Capitol Hill.

Rep. David Obey, chairman of the House Appropriations Committee, expressed doubt that the currently planned \$825 billion economic stimulus package would be enough, calling the proposal "no silver bullet." At the same time, House Republicans requested a meeting with Obama to air their worries that the plan was too big.

A multi-denominational prayer service at Washington National Cathedral and an open house at the presidential mansion were also on the schedule of the 44th president, taking office on a promise to fix the battered economy and withdraw U.S. troops from the unpopular war in Iraq on a 16-month timetable.

At the open house, Obama and his wife, Michelle, shook hands with a line of guests streaming through the Blue Room, some of them moved to tears by the experience.

"Enjoy yourself, roam around," a smiling Obama told one guest as he passed through the room. "Don't break anything."

The shift in administrations — former President George W. Bush was back home in Texas — was underscored in far-off Guantanamo Bay, Cuba, where a judge granted Obama's request to suspend the war crimes trial of a young Canadian. The judge issued a one-sentence order for the 120-day continuance without so much as a hearing, possibly the beginning of the end for the former administration's system of trials for alleged terrorists.

A draft executive order made clear the new president intends to go further. It called for closing the facility within a year, releasing some of the 245 detainees still there and transferring others to different sites for trial.

Pushing back pre-emptively, House Republican leader John Boehner of Ohio said the draft order raises difficult questions.

"The key question is where do you put these terrorists?" he said. "Do you bring them inside our borders? Do you release them back into the battlefield? ... Most local communities around America don't want dangerous terrorists imported into their neighborhoods, and I can't blame them."

Among Obama's executive orders:

_A freeze on salaries for White House staff earning \$100,000 or more — about 100 people in all.

_New Freedom of Information Act rules, making it harder to keep the workings of government secret.

_Tighter ethics rules governing when administration officials can work on issues on which they previously lobbied governmental agencies, and banning them from lobbying the Obama administration after leaving government service.

Obama and first lady Michelle Obama sat in the first row for Wednesday's invitation-only prayer

service. Vice President Joe Biden and his wife, Jill, joined them, as did former President Bill Clinton and Sen. Hillary Rodham Clinton, D- N.Y., awaiting confirmation as secretary of state later in the day.

"Grant to Barack Obama, president of the United States, and to all in authority your grace and good will. Bless them with your heavenly gifts, give them wisdom and strength to know and to do your will," prayed the Rev. Andy Stanley, one of numerous clerics from several religions to speak.

Obama's first White House meetings as president meshed with quickened efforts in Congress to add top Cabinet officials to the roster of those confirmed on Tuesday and to advance the economic stimulus measure that is a top priority of his administration.

Treasury Secretary-designate Timothy Geithner, appearing before the Senate Finance Committee for a confirmation hearing, said enactment of the new president's economic stimulus was essential. He also said the Senate's decision last week to permit use of the second \$350 billion installment of a financial industry bailout "will enable us to take the steps necessary to help get credit flowing."

He said Obama and he "share your belief that this program needs serious reform."

Geithner also apologized for his failure to pay personal taxes earlier in the decade, calling the omission a mistake. The taxes were repaid in stages, some after an IRS audit and the rest after a review of his returns late last year by Obama's transition team.

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Lockett, Vania

From: Holzerland, William
Sent: Wednesday, January 21, 2009 5:08 PM
To: Gramian, Nikki; Gallo, Katherine
Subject: RE: Here we go!

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release January 21, 2009

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From: Gramian, Nikki [mailto:(b)(6)]
Sent: Wednesday, January 21, 2009 5:04 PM
To: Gallo, Katherine
Cc: Holzerland, William
Subject: FW: Here we go!

This came from a friend of mine!

From:

Sent: Wednesday, January 21, 2009 4:05 PM

To: Gramian, Nikki;

Subject: Here we go!

In an attempt to deliver on pledges of a transparent government, Obama said he would change the way the federal government interprets the Freedom of Information Act. He said he was directing agencies that vet requests for information to err on the side of making information public — not to look for reasons to legally withhold it — an alteration to the traditional standard of evaluation.

Just because a government agency has the legal power to keep information private does not mean that it should, Obama said. Reporters and public-interest groups often make use of the law to explore how and why government decisions were made; they are often stymied as agencies claim legal exemptions to the law.

"For a long time now, there's been too much secrecy in this city," Obama said. He said the orders he was issuing Wednesday will not "make government as honest and transparent as it needs to be" nor go as far as he would like.

Lockett, Vania

From: Holzerland, William
Sent: Wednesday, January 21, 2009 5:09 PM
To: Gramian, Nikki; Gallo, Katherine
Subject: RE: Here we go!

I haven't seen a copy of the memo yet, but the press release I just sent is all I know thus far...

From: Gramian, Nikki [mailto:(b)(6)]
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Lockett, Vania

From: Levin, Toby
Sent: Wednesday, January 21, 2009 5:28 PM
To: Holzerland, William
Subject: RE: Presidential Memorandum on Transparency and Open Government & Presidential Memorandum on the Freedom of Information Act

Is there a link to the executive order ? I went to the White House website and it was not yet posted.

Toby Milgrom Levin
Senior Advisor and Director of Privacy Policy
DHS Privacy Office
(b)(6) (direct)
703-235-0780 (Privacy Office)
703-235-0442 (FAX)

From: Holzerland, William
Sent: Wednesday, January 21, 2009 4:07 PM
To: Privacy Office; FOIA Officers; Palmer, David; Borrero, Charles; Moll, Robert <CTR>
Subject: Presidential Memorandum on Transparency and Open Government & Presidential Memorandum on the Freedom of Information Act

More information on these matters to follow , but please take particular notice of paragraph four in the press release below (emphasis added). The following information is posted on GovExec.com. (http://blogs.govexec.com/fedblog/2009/01/more_on_the_executive_orders.php)

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Regards,

Bill

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development

(b)(6)

Lockett, Vania

From: Levin, Toby
Sent: Thursday, January 22, 2009 4:33 AM
To: Holzerland, William
Subject: Re: President's memoranda on FOIA & Transparency

Excellent!

Sent using BlackBerry

----- Original Message -----

From: Holzerland, William
To: FOIA Officers; Palmer, David; Borrero, Charles; Moll, Robert <CTR>; Levin, Toby; Clark, Tara; Clark-Moe, Loren; Lantz, Emily <CTR>; Ryan, Michael <CTR>; Wolfrey, Jimmy <CTR>; Holzer, James; Martin, Theodore; Burroughs, Sabrina
Cc: Kropf, John
Sent: Wed Jan 21 23:34:44 2009
Subject: President's memoranda on FOIA & Transparency

All,

I know it's late, but the President wasted no time in issuing a FOIA memorandum on his first full day in office; hence, I wish to distribute this information as quickly as possible.

The text of the President's 1/21/09 memo on FOIA is below. I have attached PDF copies of both the FOIA memo and one issued on Transparency today as well.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 21, 2009

January 21, 2009

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Freedom of Information Act

A democracy requires accountability, and accountability requires transparency. As Justice Louis Brandeis wrote, "sunlight is said to be the best of disinfectants." In our democracy, the Freedom of Information Act (FOIA), which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government. At the heart of that commitment is the idea that accountability is in the interest of the Government and the citizenry alike.

The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails.

The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve. In responding to requests under the FOIA, executive branch agencies (agencies) should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public.

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.

The presumption of disclosure also means that agencies should take affirmative steps to make information public. They should not wait for specific requests from the public. All agencies should use modern technology to inform citizens about what is known and done by their Government. Disclosure should be timely.

I direct the Attorney General to issue new guidelines governing the FOIA to the heads of executive departments and agencies, reaffirming the commitment to accountability and transparency, and to publish such guidelines in the Federal Register. In doing so, the Attorney General should review FOIA reports produced by the agencies under Executive Order 13392 of December 14, 2005. I also direct the Director of the Office of Management and Budget to update guidance to the agencies to increase and improve information dissemination to the public, including through the use of new technologies, and to publish such guidance in the Federal Register.

more

(OVER)

2

This memorandum does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

#

regards,
Bill

William H. Holzerland, CIPP/G
Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security
(703)235-0790

Lockett, Vania

(b)(5) Attorney/Client Privilege

----- Original Message -----

From: Holzerland, William

To: FOIA Officers; Palmer, David; Borrero, Charles; Moll, Robert <CTR>; Levin, Toby; Clark, Tara; Clark-Moe, Loren; Lantz, Emily <CTR>; Ryan, Michael <CTR>; Wolfrey, Jimmy <CTR>; Holzer, James; Martin, Theodore; Burroughs, Sabrina

Cc: Kropf, John

Sent: Wed Jan 21 23:34:44 2009

Subject: President's memoranda on FOIA & Transparency

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Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security

(703) 235-0790

Lockett, Vania

From: Kropf, John
Sent: Thursday, January 22, 2009 6:54 AM
To: Palmer, David; Holzerland, William
Cc: Papoi, Catherine
Subject: Re: President's memoranda on FOIA & Transparency

Wise counsel. Look forward to talking later.

From a historical perspective, in 1993, AG Reno issued a similar policy memo during the Clinton admin. Might be good to know how that policy was implemented. DOJ's OIP would likely have some insight.

Sent from my BlackBerry Wireless Handheld. Typed with all thumbs so please excuse typos.

(b)(5) Attorney/Client Privilege



This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.

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From: Holzerland, William
To: FOIA Officers; Palmer, David; Borrero, Charles; Moll, Robert <CTR>; Levin, Toby; Clark, Tara; Clark-Moe, Loren; Lantz, Emily <CTR>; Ryan, Michael <CTR>; Wolfrey, Jimmy <CTR>; Holzer, James; Martin, Theodore; Burroughs, Sabrina
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BARACK OBAMA

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regards,
Bill

William H. Holzerland, CIPP/G
Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security
(703)235-0790

Lockett, Vania

From: Papoi, Catherine
Sent: Thursday, January 22, 2009 6:58 AM
To: Lockett, Vania
Subject: Fw: President's memoranda on FOIA & Transparency

Catherine M. Papoi, J.D., CIPP/G
Deputy Chief FOIA Officer &
Director, Departmental Disclosure
U.S. Department of Homeland Security

----- Original Message -----

From: Kropf, John
To: Palmer, David; Holzerland, William
Cc: Papoi, Catherine
Sent: Thu Jan 22 06:54:15 2009
Subject: Re: President's memoranda on FOIA & Transparency

Wise counsel. Look forward to talking later.

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----- Original Message -----

From: Holzerland, William
To: FOIA Officers; Palmer, David; Borrero, Charles; Moll, Robert <CTR>; Levin, Toby; Clark, Tara; Clark-Moe, Loren; Lantz, Emily <CTR>; Ryan, Michael <CTR>; Wolfrey, Jimmy <CTR>; Holzer, James; Martin, Theodore; Burroughs, Sabrina
Cc: Kropf, John
Sent: Wed Jan 21 23:34:44 2009
Subject: President's memoranda on FOIA & Transparency

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 21, 2009

January 21, 2009

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Freedom of Information Act

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BARACK OBAMA

#

regards,
Bill

William H. Holzerland, CIPP/G
Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security
(703)235-0790

Lockett, Vania

From: Lockett, Vania
Sent: Thursday, January 22, 2009 7:27 AM
To: 'Kropf, John'; Palmer, David
Cc: Papoi, Catherine; Holzerland, William
Subject: FW: President's memoranda on FOIA & Transparency

John, one of the things that DOJ did in response to AG Reno's memorandum was issue a directive instituting new work performance standards as part of the regular performance evaluation process for employees, including non-FOIA personnel whose functions are essential in administering the FOIA.

Vania

-----Original Message-----

From: Papoi, Catherine
Sent: Thursday, January 22, 2009 6:58 AM
To: Lockett, Vania
Subject: Fw: President's memoranda on FOIA & Transparency

Catherine M. Papoi, J.D., CIPP/G
Deputy Chief FOIA Officer &
Director, Departmental Disclosure
U.S. Department of Homeland Security

----- Original Message -----

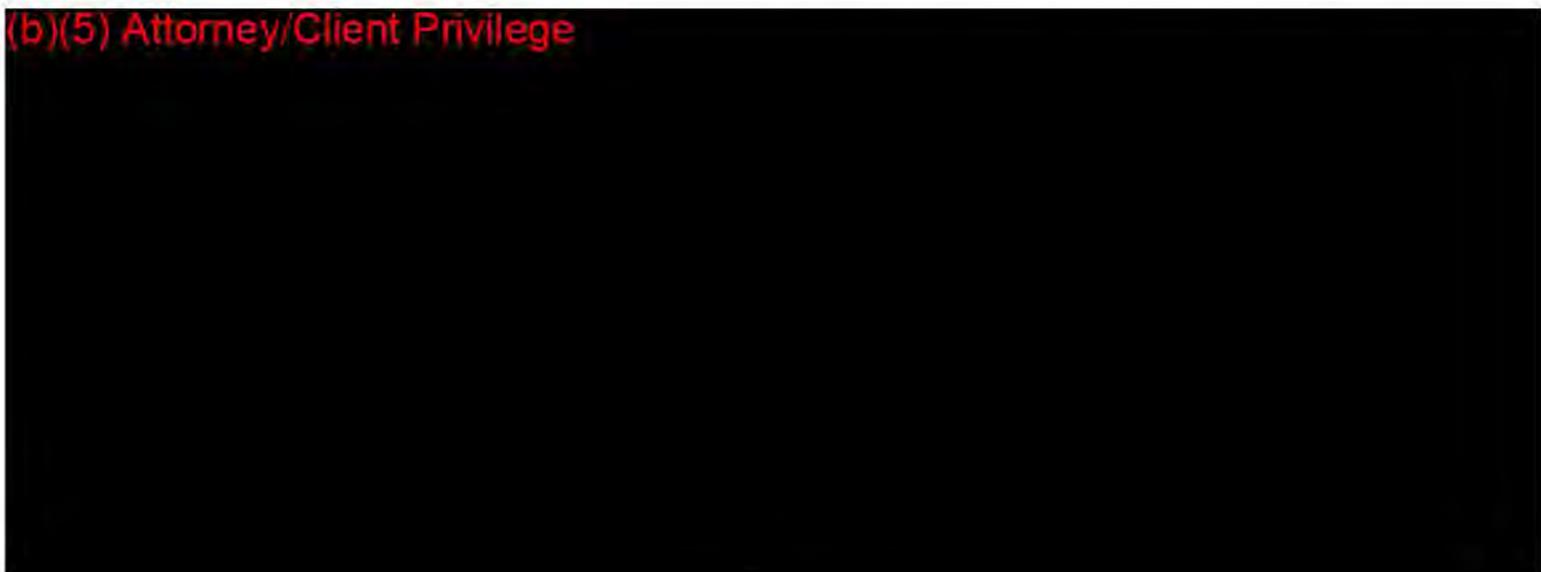
From: Kropf, John
To: Palmer, David; Holzerland, William
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To: FOIA Officers; Palmer, David; Borrero, Charles; Moll, Robert <CTR>; Levin, Toby; Clark, Tara; Clark-Moe, Loren; Lantz, Emily <CTR>; Ryan, Michael <CTR>; Wolfrey, Jimmy <CTR>; Holzer, James; Martin, Theodore; Burroughs, Sabrina

Cc: Kropf, John

Sent: Wed Jan 21 23:34:44 2009

Subject: President's memoranda on FOIA & Transparency

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Office of the Press Secretary

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January 21, 2009

January 21, 2009

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SUBJECT: Freedom of Information Act

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BARACK OBAMA

#

regards,
Bill

William H. Holzerland, CIPP/G
Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security
(703)235-0790

Lockett, Vania

From: Holzerland, William
Sent: Thursday, January 22, 2009 7:30 AM
To: Lockett, Vania
Subject: Fw: President's memoranda on FOIA & Transparency

Sorry, I meant to copy you on this as well...

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(703) 235-0790

----- Original Message -----

From: Holzerland, William
To: Kropf, John; Palmer, David
Cc: Papoi, Catherine
Sent: Thu Jan 22 07:29:24 2009
Subject: Re: President's memoranda on FOIA & Transparency

Very true. I am looking forward to chatting about this later today. Another interesting piece of this from a historical perspective is that OIP in large part drafted the 1993 Reno memo as well as the 2001 Ashcroft memo after the respective administrations were firmly in place. According to what I read last night, OIP did not know of the existence of yesterday's memo prior to it becoming public knowledge.

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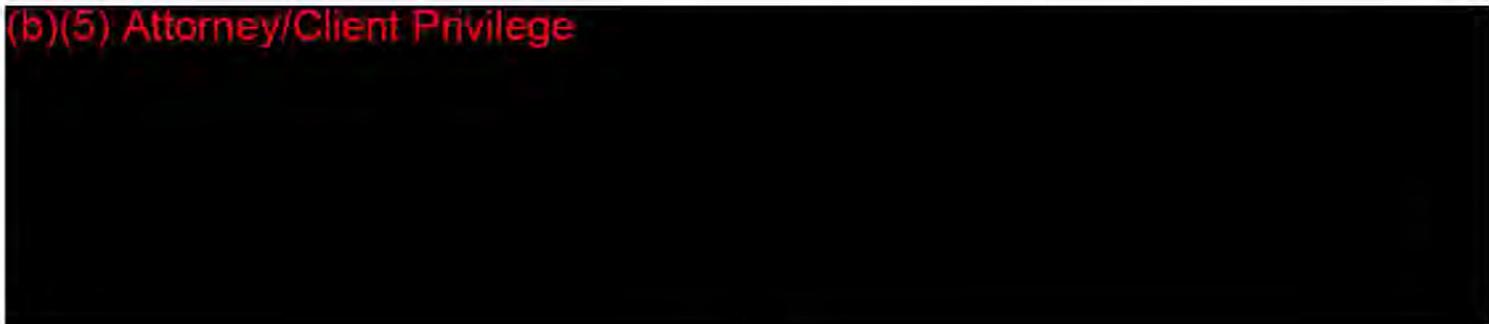
From: Kropf, John
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To: FOIA Officers; Palmer, David; Borrero, Charles; Moll, Robert <CTR>; Levin, Toby; Clark, Tara; Clark-Moe, Loren; Lantz, Emily <CTR>; Ryan, Michael <CTR>; Wolfrey, Jimmy <CTR>; Holzer, James; Martin, Theodore; Burroughs, Sabrina

Cc: Kropf, John

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January 21, 2009

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BARACK OBAMA

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regards,
Bill

William H. Holzerland, CIPP/G
Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security

(703) 235-0790

Lockett, Vania

From: Moll, Robert <CTR>
Sent: Thursday, January 22, 2009 7:31 AM
To: Holzerland, William
Subject: RE: President's memoranda on FOIA & Transparency

Bill- Cool! I think the real key to the whole transparency and FOIA memos is proactive dissemination of information to ensure that the public feels that they have a real participatory role in government. Which of course brings us to 552(a)(2) and the other affirmative publication requirements in FOIA, as well as an additional push to publish other info that we are not necessarily required to put out there. I bet this will be a big issue for the new S1. I have some thoughts about this. Would you give me a call when you can? I guess I won't be seeing you today, but we presumably can still have a private conversation over the phone! And, in case it's not clear, openness and FOIA are big issues for this Administration! Bob

-----Original Message-----

From: Holzerland, William
Sent: Wednesday, January 21, 2009 11:35 PM
To: FOIA Officers; Palmer, David; Borrero, Charles; Moll, Robert <CTR>; Levin, Toby; Clark, Tara; Clark-Moe, Loren; Lantz, Emily <CTR>; Ryan, Michael <CTR>; Wolfrey, Jimmy <CTR>; Holzer, James; Martin, Theodore; Burroughs, Sabrina
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Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security
(703)235-0790

Lockett, Vania

From: Dorgan, Mark
Sent: Thursday, January 22, 2009 7:43 AM
To: Holzerland, William
Subject: RE: President's memoranda on FOIA & Transparency

And the pendulum swings back...

-----Original Message-----

From: Holzerland, William
Sent: Wednesday, January 21, 2009 11:35 PM
To: FOIA Officers; Palmer, David; Borrero, Charles; Moll, Robert <CTR>; Levin, Toby; Clark, Tara; Clark-Moe, Loren; Lantz, Emily <CTR>; Ryan, Michael <CTR>; Wolfrey, Jimmy <CTR>; Holzer, James; Martin, Theodore; Burroughs, Sabrina
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Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security
(703)235-0790

Lockett, Vania

From: Kropf, John
Sent: Thursday, January 22, 2009 8:03 AM
To: Holzerland, William
Subject: RE: President's memoranda on FOIA & Transparency

I'll be up at the NAC for an 845. May drop by after.

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From: Holzerland, William
Sent: Thursday, January 22, 2009 7:29 AM
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Cc: Papoi, Catherine
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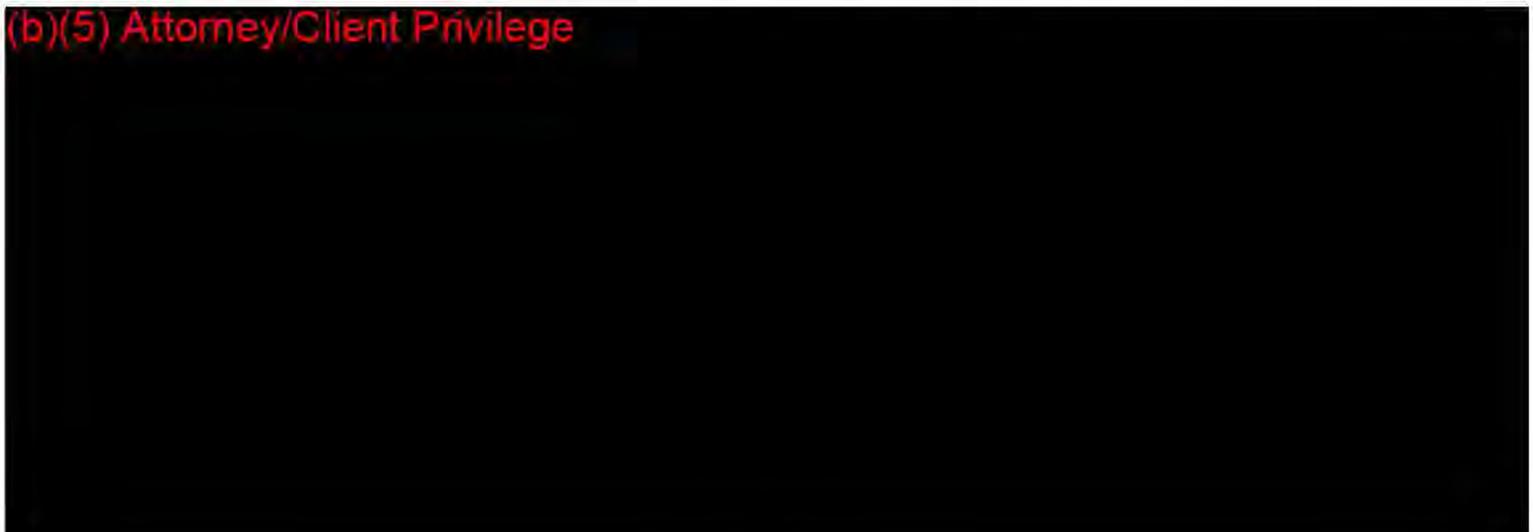
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Cc: Kropf, John

Sent: Wed Jan 21 23:34:44 2009

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Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security
(703)235-0790

Lockett, Vania

From: Holzerland, William
Sent: Thursday, January 22, 2009 9:04 AM
To: Kropf, John
Subject: RE: President's memoranda on FOIA & Transparency

Excellent! I am here and will look forward to your visit.

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Cc: Kropf, John

Sent: Wed Jan 21 23:34:44 2009

Subject: President's memoranda on FOIA & Transparency

All,

I know it's late, but the President wasted no time in issuing a FOIA memorandum on his first full day in office; hence, I wish to distribute this information as quickly as possible.

The text of the President's 1/21/09 memo on FOIA is below. I have attached PDF copies of both the FOIA memo and one issued on Transparency today as well.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 21, 2009

January 21, 2009

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Freedom of Information Act

A democracy requires accountability, and accountability requires transparency. As Justice Louis Brandeis wrote, "sunlight is said to be the best of disinfectants." In our democracy, the Freedom of Information Act (FOIA), which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government. At the heart of that commitment is the idea that accountability is in

the interest of the Government and the citizenry alike.

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I direct the Attorney General to issue new guidelines governing the FOIA to the heads of executive departments and agencies, reaffirming the commitment to accountability and transparency, and to publish such guidelines in the Federal Register. In doing so, the Attorney General should review FOIA reports produced by the agencies under Executive Order 13392 of December 14, 2005. I also direct the Director of the Office of Management and Budget to update guidance to the agencies to increase and improve information dissemination to the public, including through the use of new technologies, and to publish such guidance in the Federal Register.

more

(OVER)

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The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

#

regards,
Bill

William H. Holzerland, CIPP/G
Associate Director, Disclosure Policy & FOIA Program Development

U.S. Department of Homeland Security
(703)235-0790

Lockett, Vania

From: Kropf, John
Sent: Thursday, January 22, 2009 9:54 AM
To: Kudwa, Amy
Cc: Holzerland, William
Subject: Re: FOIA guidance

Amy,
Bill Holzerland and I left you an extensive vm on the topic. Your outlined answer is right on--we're working with OGC on how best to implement the new WH Memorandum. In any case, we have a good story to tell with backlog being reduced in last 2+ years by about a third.

No problem talking with CIS directly.

Sent from my BlackBerry Wireless Handheld. Typed with all thumbs so please excuse typos.

From: Kudwa, Amy
To: Kropf, John
Sent: Thu Jan 22 09:25:31 2009
Subject: FOIA guidance

Hi, John:

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My guess would be at this early stage that PRIV and OGC are working together to determine how best to implement the new direction/tools/etc. (seek your guidance on the correct word), and that we're always looking for ways to reduce the backlog and be more transparent with the public. I'm also going to advocate that she talk to USCIS about how they're reducing their naturalization backlog, which drives the overwhelming majority of the FOIA requests.

LA Times is on deadline for early this afternoon, and so I appreciate any guidance you can provide in the next couple of hours. Thanks!

Amy Kudwa
Acting Press Secretary
U.S. Department of Homeland Security
202.282.8010 main
202.282.8408 fax

Lockett, Vania

From: Holzerland, William
Sent: Thursday, January 22, 2009 9:57 AM
To: Kropf, John
Subject: Accepted: WH FOIA memo

Lockett, Vania

From: Lockett, Vania
Sent: Thursday, January 22, 2009 10:00 AM
To: Holzerland, William
Subject: RE: President's memoranda on FOIA & Transparency

Thx. Has a meeting been scheduled at the NAC at 2? Pls let me know. I let Toby know that we'll likely be revising our objectives based on information that came out yesterday in the President's memorandum. We should discuss. Thx.

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From: Holzerland, William
Sent: Thursday, January 22, 2009 7:30 AM
To: Lockett, Vania
Subject: Fw: President's memoranda on FOIA & Transparency

Sorry, I meant to copy you on this as well...

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(703) 235-0790

----- Original Message -----

From: Holzerland, William
To: Kropf, John; Palmer, David
Cc: Papoi, Catherine
Sent: Thu Jan 22 07:29:24 2009
Subject: Re: President's memoranda on FOIA & Transparency

Very true. I am looking forward to chatting about this later today. Another interesting piece of this from a historical perspective is that OIP in large part drafted the 1993 Reno memo as well as the 2001 Ashcroft memo after the respective administrations were firmly in place. According to what I read last night, OIP did not know of the existence of yesterday's memo prior to it becoming public knowledge.

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From: Kropf, John
To: Palmer, David; Holzerland, William
Cc: Papoi, Catherine
Sent: Thu Jan 22 06:54:15 2009
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From: Holzerland, William

To: FOIA Officers; Palmer, David; Borrero, Charles; Moll, Robert <CTR>; Levin, Toby; Clark, Tara; Clark-Moe, Loren; Lantz, Emily <CTR>; Ryan, Michael <CTR>; Wolfrey, Jimmy <CTR>; Holzer, James; Martin, Theodore; Burroughs, Sabrina

Cc: Kropf, John

Sent: Wed Jan 21 23:34:44 2009

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January 21, 2009

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SUBJECT: Freedom of Information Act

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more

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BARACK OBAMA

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regards,
Bill

William H. Holzerland, CIPP/G
Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security
(703)235-0790

Lockett, Vania

From: Holzerland, William
Sent: Thursday, January 22, 2009 10:06 AM
To: Kropf, John
Subject: Accepted: WH FOIA memo

Lockett, Vania

From: Holzerland, William
Sent: Thursday, January 22, 2009 10:07 AM
To: Lockett, Vania
Subject: RE: President's memoranda on FOIA & Transparency

Yes, David, Charlie and I plan to dial you and John and we can discuss. I just forwarded you the calendar appt. Let me know when you have a minute and I will ring you so we can chat. I am so stoked about this memo!

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Sent: Thursday, January 22, 2009 10:00 AM
To: Holzerland, William
Subject: RE: President's memoranda on FOIA & Transparency

Thx. Has a meeting been scheduled at the NAC at 2? Pls let me know. I let Toby know that we'll likely be revising our objectives based on information that came out yesterday in the President's memorandum. We should discuss. Thx.

-----Original Message-----

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Sent: Thursday, January 22, 2009 7:30 AM
To: Lockett, Vania
Subject: Fw: President's memoranda on FOIA & Transparency

Sorry, I meant to copy you on this as well...

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(703) 235-0790

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January 21, 2009

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SUBJECT: Freedom of Information Act

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Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security
(703)235-0790

Lockett, Vania

From: Holzerland, William
Sent: Thursday, January 22, 2009 11:07 AM
To: Kropf, John; Kudwa, Amy
Cc: Lockett, Vania
Subject: RE: FOIA guidance

Amy,

As background, please note that prior to FY 2008, agencies were not required to report the number of backlogged requests (those open beyond the 20-day statutory timeframe) in our annual reports to the Attorney General. We were required to report on the number of pending requests (those requests on which a final agency response has not yet been issued). As of the FY06 Annual Report, we had 108,472 pending requests; as of the FY08 report, we had 83,742 pending. Of that number 74,879 were backlogged as of 9/30/08. We have backlog numbers from 9/15/06, but they are not exact. At that time, DHS had approximately 99,211 backlogged requests. By any measure, progress has been made. However, it would be more accurate to state that we've reduced the backlog by 25% over two years.

Regards,
Bill

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(703) 235-0790

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3/18/2009

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Acting Press Secretary
U.S. Department of Homeland Security
202.282.8010 main
202.282.8408 fax

Lockett, Vania

From: Lockett, Vania
Sent: Thursday, January 22, 2009 12:19 PM
To: Holzerland, William
Subject: RE: President's memoranda on FOIA & Transparency

Ok, pls give me a call when you have a moment.

-----Original Message-----

From: Holzerland, William
Sent: Thursday, January 22, 2009 10:07 AM
To: Lockett, Vania
Subject: RE: President's memoranda on FOIA & Transparency

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Associate Director,
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Associate Director, Disclosure Policy & FOIA Program Development
U.S. Department of Homeland Security
(703)235-0790

Lockett, Vania

From: Holzerland, William
Sent: Thursday, January 22, 2009 12:41 PM
To: Palmer, David; Kropf, John
Subject: RE: WH FOIA memo

David, I am still at the NAC, so I will join you for the call.
Thanks,
Bill

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Lockett, Vania

From: Lockett, Vania
Sent: Thursday, January 22, 2009 1:41 PM
To: Holzerland, William
Subject: tomorrow
Attachments: Backlog as of Dec 08.pdf

Bill – Attached is the document I shared with everyone at last week's team meeting to let them know how we're doing w/r/t this office's backlog. As you will see, the backlog has climbed a little, which is partly due to everyone being pulled in different directions over the past couple of months. However, now that we're almost fully staffed, we don't have an excuse. I noticed in your e-mail to NPPD, you mentioned bringing a team of people to copy NPPD's records. We would be in a better position to do this if we were processing our own records. So if you have any ideas on how to encourage the group to get moving, let me know.

Did you say you were coming into the office in the AM? I was wondering if you'd come talk to the group at the meeting re the President's memo on FOIA. Perhaps that might inspire everyone. If not, no biggy. We can do it next week.

Thx.

Vania T. Lockett, CIPP/G

Acting Deputy Chief FOIA Officer

Privacy Office

U.S. Department of Homeland Security

Main: 1.866.431.0486 or 703.235.0790

Direct: (b)(6)

Fax: 703.235.0443

Web: <http://www.dhs.gov/foia>

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Lockett, Vania

Subject: FW: WH FOIA memo
Location: By phone
Start: Thu 1/22/2009 2:00 PM
End: Thu 1/22/2009 2:30 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded

From: Kropf, John
Sent: Thursday, January 22, 2009 9:52 AM
To: Palmer, David; Holzerland, William; Kropf, John
Subject: WH FOIA memo
When: Thursday, January 22, 2009 2:00 PM-2:30 PM (GMT-05:00) Eastern Time (US & Canada).
Where: By phone

Lockett, Vania

From: Holzerland, William
Sent: Friday, January 23, 2009 10:00 AM
To: Lockett, Vania
Subject: Meeting

Let me know when you're ready and I will dial-in to chat about the memo. I'm set whenever you are!

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(703) 235-0790

Lockett, Vania

From: Lockett, Vania
Sent: Friday, January 23, 2009 10:19 AM
To: Holzerland, William
Subject: Re: Meeting

Ready!

Vania T. Lockett, CIPP/G
Associate Director, Disclosure & FOIA Operations Privacy Office U.S. Department of
Homeland Security
Office: 1.866.431.0486 or 703.235.0790
Fax: 703.235.0443
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Lockett, Vania

From: Lockett, Vania
Sent: Friday, January 23, 2009 11:09 AM
To: Holzerland, William
Subject: RE: Meeting

Bill - Thanks again for calling in! I really appreciate you talking to the team today!
(b)(6). :)

-----Original Message-----

From: Holzerland, William
Sent: Friday, January 23, 2009 10:00 AM
To: Lockett, Vania
Subject: Meeting

Let me know when you're ready and I will dial-in to chat about the memo. I'm set whenever you are!

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(703) 235-0790

Lockett, Vania

From: Holzerland, William
Sent: Friday, January 23, 2009 11:11 AM
To: Lockett, Vania
Subject: Re: Meeting

My pleasure! I am excited and we need to ensure everyone is excited!!! It's a new day in FOIA and we've got a team capable of setting a great example for the Dept.

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(703) 235-0790

----- Original Message -----
From: Lockett, Vania
To: Holzerland, William
Sent: Fri Jan 23 11:09:22 2009
Subject: RE: Meeting

Bill - Thanks again for calling in! I really appreciate you talking to the team today!
(b)(6) . :)

-----Original Message-----
From: Holzerland, William
Sent: Friday, January 23, 2009 10:00 AM
To: Lockett, Vania
Subject: Meeting

Let me know when you're ready and I will dial-in to chat about the memo. I'm set whenever you are!

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(703) 235-0790

Lockett, Vania

From: Holzerland, William
Sent: Friday, January 23, 2009 12:07 PM
To: Tracy, Cathleen <CTR>
Subject: Re: Obama tackles recession, war and ethics on day one

Oh yes, but thanks! An early victory for open government, for sure. I am very pleased that the President issued this memo.

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development
(703) 235-0790

From: Tracy, Cathleen
To: Holzerland, William
Sent: Fri Jan 23 11:47:37 2009
Subject: RE: Obama tackles recession, war and ethics on day one

I figured you have seen it but just in case not

http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/

From: Holzerland, William
Sent: Wednesday, January 21, 2009 4:43 PM
To: Tracy, Cathleen <CTR>
Subject: RE: Obama tackles recession, war and ethics on day one

Thx for sending, by the way! In my excitement about this new E.O./Memo/whatever it's called, I forgot to thank you. Sry!

From: Tracy, Cathleen <CTR>
Sent: Wednesday, January 21, 2009 4:36 PM
To: Holzerland, William
Subject: FW: Obama tackles recession, war and ethics on day one
Importance: High

Bill,

There is mention of your new FOIA executive order in here ...

Best,
Cathleen

From: Lluberes, Andrew
Sent: Wednesday, January 21, 2009 4:30 PM
Subject: FW: Obama tackles recession, war and ethics on day one
Importance: High

3/18/2009

fyi

Andrew L. Lluberes
Director of Communications
for Intelligence and Analysis
Office of Public Affairs
U.S. Department of Homeland Security
Washington, D.C. 20528

(b)(6)

(b)(6)

(fax)

(b)(6)

(cell)

(b)(6)

From: Office of the Director of National Intelligence - News Alert List
[mailto:DNI_NEWS_ALERT@LISTS.DNI.GOV] **On Behalf Of** DNI Public Affairs
Sent: Wednesday, January 21, 2009 4:23 PM
To: DNI_NEWS_ALERT@LISTS.DNI.GOV
Subject: AP: Obama tackles recession, war and ethics on day one

Obama tackles recession, war and ethics on day one

By JENNIFER LOVEN, AP White House Correspondent

WASHINGTON (AP) – In a first-day flurry of activity, President Barack Obama set up shop in the Oval Office, summoned advisers to begin dealing with war and recession and ordered new ethics rules for "a clean break from business as usual." He also froze salaries for top White House staff members, placed phone calls to Mideast leaders and had aides circulate a draft executive order that would close the detention center at Guantanamo Bay within a year.

"The way to make government responsible is to hold it accountable," Obama said as he unveiled ethics rules that he portrayed as the fulfillment of a major campaign promise. He said the action was necessary "to help restore that faith in government without which we cannot deliver the changes we were sent here to make."

Devoting swift attention to the Mideast turmoil, Obama prepared to name George Mitchell, the former Senate Democratic leader, a special envoy to the region.

In his phone calls to Israeli, Palestinian, Egyptian and Jordanian leaders, Obama emphasized that he would work to consolidate the cease-fire between Israel and Hamas in Gaza, said the new White House press secretary, Robert Gibbs.

Gibbs said Obama expressed "his commitment to active engagement in pursuit of Arab-Israeli peace from the beginning of his term."

The enormity of Obama's challenge on the economy was evident in the mixed messages coming from Capitol Hill.

Rep. David Obey, chairman of the House Appropriations Committee, expressed doubt that the currently planned \$825 billion economic stimulus package would be enough, calling the proposal "no silver bullet." At the same time, House Republicans requested a meeting with Obama to air their worries that

3/18/2009

the plan was too big.

A multi-denominational prayer service at Washington National Cathedral and an open house at the presidential mansion were also on the schedule of the 44th president, taking office on a promise to fix the battered economy and withdraw U.S. troops from the unpopular war in Iraq on a 16-month timetable.

At the open house, Obama and his wife, Michelle, shook hands with a line of guests streaming through the Blue Room, some of them moved to tears by the experience.

"Enjoy yourself, roam around," a smiling Obama told one guest as he passed through the room. "Don't break anything."

The shift in administrations — former President George W. Bush was back home in Texas — was underscored in far-off Guantanamo Bay, Cuba, where a judge granted Obama's request to suspend the war crimes trial of a young Canadian. The judge issued a one-sentence order for the 120-day continuance without so much as a hearing, possibly the beginning of the end for the former administration's system of trials for alleged terrorists.

A draft executive order made clear the new president intends to go further. It called for closing the facility within a year, releasing some of the 245 detainees still there and transferring others to different sites for trial.

Pushing back pre-emptively, House Republican leader John Boehner of Ohio said the draft order raises difficult questions.

"The key question is where do you put these terrorists?" he said. "Do you bring them inside our borders? Do you release them back into the battlefield? ... Most local communities around America don't want dangerous terrorists imported into their neighborhoods, and I can't blame them."

Among Obama's executive orders:

- _ A freeze on salaries for White House staff earning \$100,000 or more — about 100 people in all.
- _ New Freedom of Information Act rules, making it harder to keep the workings of government secret.
- _ Tighter ethics rules governing when administration officials can work on issues on which they previously lobbied governmental agencies, and banning them from lobbying the Obama administration after leaving government service.

Obama and first lady Michelle Obama sat in the first row for Wednesday's invitation-only prayer service. Vice President Joe Biden and his wife, Jill, joined them, as did former President Bill Clinton and Sen. Hillary Rodham Clinton, D- N.Y., awaiting confirmation as secretary of state later in the day.

"Grant to Barack Obama, president of the United States, and to all in authority your grace and good will. Bless them with your heavenly gifts, give them wisdom and strength to know and to do your will," prayed the Rev. Andy Stanley, one of numerous clerics from several religions to speak.

Obama's first White House meetings as president meshed with quickened efforts in Congress to add top Cabinet officials to the roster of those confirmed on Tuesday and to advance the economic stimulus measure that is a top priority of his administration.

Treasury Secretary-designate Timothy Geithner, appearing before the Senate Finance Committee for a confirmation hearing, said enactment of the new president's economic stimulus was essential. He also said the Senate's decision last week to permit use of the second \$350 billion installment of a financial industry bailout "will enable us to take the steps necessary to help get credit flowing."

He said Obama and he "share your belief that this program needs serious reform."

Geithner also apologized for his failure to pay personal taxes earlier in the decade, calling the omission a mistake. The taxes were repaid in stages, some after an IRS audit and the rest after a review of his returns late last year by Obama's transition team.

Obama and his wife arrived at the White House around 1 a.m. after attending 10 official inaugural balls.

Several hours later he walked into the most famous office in America for the first time as president.

The new White House press secretary, Robert Gibbs, said in a statement that Obama spent 10 minutes alone and read a note left for him by Bush that was in an envelope marked "To: 44, From: 43."

He was then joined by White House chief of staff Rahm Emanuel and, several minutes later, the first lady.

Wednesday's meeting with economic advisers was coming at a time when 11 million Americans are out of work and millions more feel the loss of savings and face the prospect of foreclosures on their homes.

Last week, Congress cleared the way for use of the second installment of financial-industry bailout money, a pre-inaugural victory for Obama.

Democratic leaders hope to have the \$825 billion economic stimulus measure to his desk by mid-February.

The war in Iraq that he has promised to end featured prominently in Obama's first day as well.

Defense Secretary Robert Gates and the chairman of the Joint Chiefs of Staff, Adm. Mike Mullen, were among those called in for the meeting as the new president assumed the role of commander in chief.

In his inaugural address on Tuesday, Obama said his goal was to "responsibly leave Iraq to its people and forge a hard-earned peace in Afghanistan."

Lockett, Vania

From: Hawkins, Sandra L.
Sent: Friday, January 23, 2009 4:32 PM
To: Kropf, John; Papoi, Catherine; [b] [redacted] Holzerland, William
Subject: Fw: President Obama's FOIA Memorandum

FYI
 Thanks,

Sandra L. Hawkins
 Privacy Office
 U.S. Department of Homeland Security

From: DOJ.OIP.FOIA

To: Arrington, Angela ; Ball, Katherine ; Bartlett, Michael J. ; Bridge, Diane L. ; Broderick, Marilyn ; Brown, Vanessa S. ; Cramer, JodiL; Dangin, Alfan ; Adams Jr., Albert D. ; An, Gil Hyun ; Apol, David ; Babcock, Lisa ; Batie, Patricia ; Bender, Stuart ; Berger, Robin ; Berumen, Malia ; Boling, Edward A. ; Bomgardner, Elizabeth ; Boyd, Harriette ; Brockner-Ryan, Beth ; Buck, John ; Carey, Priscilla ; Carter, Mildred; Carter, Rodney L. ; CASTELLI, LAURENCE E; Castelli, Michael ; Cerveney, John ; Christopher, Nancy ; Coe, A. Ren'ee ; Cornell, Susan R. ; Costello, Dan ; Cragg, Scott ; Crago, Erica ; Crowley, Gerald F; Cuffe, Elizabeth ; Diaz-Ortiz, Martha ; Dolan, Brenda ; Dorsey, Betty B. ; Duncan, Hilario R. ; Eckert, Robert ; Ehrlich, Carol ; Femi, Judy ; Fina, Joan ; Fisch, Fred ; FitzGerald, E. William ; Frangipane, Noelle ; Frye, Nneka ; Garner, Stephanie D. ; Gee, Patricia ; Gottesman, Larry ; Gottry, Heather C. ; Grafeld, Margaret P. ; Gressman, William E. ; Gross, Jacqueline ; Hackett, John F. ; Hair, Shoko ; Hanz, Brenda ; Hardy, Dionne ; Harris, Talya ; Hawkins, Sharron ; Higgins, Kitty ; Hite, Jeanette S. ; Hollaway, Rebecca ; Hollingsworth, Judi ; Hudson, Jennifer ; Huff, Latita M. ; Ingersoll, Janet ; Inman, Katie ; Jagadesan, Des ; Jeffcoat, Mary A. ; Jensen, Leslie ; Johnson, Clay ; Kammer, Will ; Kil, Sophia ; Kinsey, Brian Scott ; Kirkpatrick, Christopher ; Korb, Timothy ; Krol, Jim ; Kurt, Christopher ; Laster, John ; Lazaroff, Joy ; Link, Kendra ; Livornese, John ; Low, Carol ; Luczynksi, Kimberley ; Luna, Stella ; Marquis, Michael S. ; Mason, Tony ; Matthews, Carol A. ; McConnell, Stephen ; McCoy, Regina ; McCready, Andrew W. ; McLaughlin, Jeanne ; Means, Judith ; Mengel, David ; Mills, Alberta ; Newman, Annette ; Nichols, Russell A. ; Noble, Jacqueline ; Oleinick, Lew ; Oliver, Ramona ; Papoi, Catherine ; Parsons, Bobbie ; Paskar, Joanne ; Patermaster, mMara ; Patten, Mae R. ; christina.pearson@hhs.gov; Peppe, Margaret G. ; Perhach, William ; Petersen, Daniel ; Phillips, Pamela N. ; Plick, Joe ; Polk, Willie J. ; Ratchford, Jeanne ; Ray, Kathy ; Rosas, Christina E. ; Sadler, Fred ; Schaub, Patricia ; Smith, Angela J; Tanaka, Allison ; Steve Aitken; Army Human Resources Command ; Barber, Delores J. ; Beemer, Anne ; Brown, Miriam ; Carr, Paul J. ; Michell Clark; Combs, Robert ; Corbman, Laura ; DeProspero, Peggy ; Drabek, Cynthia ; Easter, Stacy ; Eiden, Leo ; English, Sarah ; Gilmore, Hugh ; Hawkins, Sandra, L. ; Hester, tom ; Hogan, Jim ; Hudson, Jennifer ; Jackson, Kim ; Johnson, Tammye ; Johnson, Toyia ; Jones, Thom ; Kahn, R. ; Leonard, Rachael ; Lesko, Stephanie ; Levitt, Marilyn ; Lighton, Sharon ; Mallus, Alex ; Mancini, N. ; Marr, Jennifer ; Martz, Amanda ; Mastromichalis, Keith ; McConnell, Stephen ; Miller, Margaret A. ; Moye, Melba ; Nelson, Delores ; O'Connor, Cindy ; Oliveri, Medaris ; Olsen, Matthew ; Ortiz, Raho ; Paez, ALan ; Pavlik-Keenan, Catrina M; Pickworth, Melissa ; Ramsay, Nancy ; Reali, Francis ; Salva, Dianne ; Schecker, Larry ; Sealing, Donna ; Sealing, Donna L. ; Senzel, David ; Sharpe, Thomas ; Sheils, Peter ; Shonks, Margie ; Sincavage, Michael ; SINGER, HAROLD M; Smith, Nancy Kegan ; Smith-Toomey, Mary Beth ; Sorbera, Joseph A. ; St. Louis, Nicole ; Steinberg, David ; Stevenson, Todd A. ; SUZUKI, SHARI; Taylor, Anastazia N; Thomas, Charlene Wright ; Tilley, Steven D. ; Travers, Linda A. ; Underwood, Dale ; Vance, Frank D. ; Vankevich, Peter M. ; Veach, Kimberly ; Vergelli, John ; Verreau, Rebecca ; Virga, Jane ; Wallace, Sally ; Washington, Angela ; Watt, Sheree H; Winefordner, Arlin ; Wooden, Eric ; Wright, Lauren E. ; Wright, Virginia ; Yates, Ruth ; Yohe, Melanie

Sent: Fri Jan 23 16:29:23 2009
Subject: President Obama's FOIA Memorandum

FOIA Professionals:

3/18/2009

On January 21, 2009, President Obama signed the "Presidential Memorandum for the Heads of Executive Departments and Agencies on the Freedom of Information Act," which establishes a new policy for Executive Branch departments and agencies concerning disclosure and transparency. The President directed all agencies to administer the FOIA with a clear presumption in favor of disclosure, to resolve doubts in favor of openness, and to not withhold information based on "speculative or abstract fears." In addition, the President called on agencies to ensure that requests are responded to with "a spirit of cooperation," that disclosures are timely, and that modern technology is used to make information available to the public even before a request is made.

To implement these objectives, the President directed the Attorney General to issue new guidelines governing the FOIA. Those guidelines will reaffirm the Executive Branch's "commitment to accountability and transparency." The Department of Justice looks forward to issuing the guidelines directed by the President and to working directly with other departments and agencies to ensure that the President's goal of making his administration the most open and transparent in history is realized.

The President's memorandum was effective immediately and supersedes former Attorney General Ashcroft's Memorandum on the FOIA dated October 12, 2001. As a result, agency personnel should immediately begin to apply the presumption of disclosure to all decisions involving the FOIA, as the President has called for.

Once the new FOIA guidelines are issued by the Attorney General, OIP will conduct comprehensive training on those guidelines and provide additional advice and guidance to departments and agencies to ensure that our government is accountable and transparent, in keeping with the President's commitment.

Melanie Ann Pustay
Director
Office of Information and Privacy
U.S. Department of Justice

Lockett, Vania

From: Holzerland, William
Sent: Monday, January 26, 2009 5:18 PM
To: Lockett, Vania
Subject: DRAFT message to components re: POTUS FOIA memo

Good evening V,

Per our telecon with David Palmer/Charlie Borrero/John last week, I drafted a short message John to send when distributing the memo to executives who oversee FOIA operations at components. It's a rough draft, but I wanted to get your thoughts. One question I have on this is (b)(5)

[REDACTED] At any rate, draft below, with potential distribution list below that.

DRAFT MESSAGE:

All,

On January 21, 2009, the President issued a memorandum on the Freedom of Information Act to the heads of all Federal agencies. As Acting Chief Privacy Officer/Chief FOIA Officer for DHS, I thought it prudent to ensure timely dissemination of this information to all DHS FOIA officers and those who oversee FOIA operations at DHS components. While we wait for the Attorney General to issue new guidelines governing the FOIA, there are aspects of the President's memo which must be implemented at this time. Accordingly, I call on all FOIA offices DHS-wide to process FOIA requests with the presumption that in the face of doubt, openness prevails.

(b)(5)

[REDACTED]

-30-

Dist list:

- Kimberly Walton (TSA Special Counselor)
- Don Yando (Executive Director, Commercial Targeting and Enforcement, Office of International Trade, CBP)
- Diane Cejka (Director, USCIS NRC)
- Delia Davis (Director of Business Operations, Management Directorate, FEMA)
- Theresa Bertucci (Deputy Assistant Secretary, Management, ICE)
- Craig Ullmer (SAC, USSS)
- Sherry Richardson (Chief, Office of Information Management, USCG)
- Elizabeth Gary (Chief, Information Management & Business Culture, NPPD)
- James McNeeley (Attorney, CRCL)
- Richard N. Reback (Counsel to Inspector General)
- Gail Kaufman (Policy)

3/18/2009

- Adrienne Turner (Acting Chief of Staff, US-VISIT)

CC: FOIA Officers; David Palmer; Charles Borrero

Question marks (b)(5)

Thx,
B

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development

(b)(6)

Lockett, Vania

From: Lockett, Vania
Sent: Monday, January 26, 2009 5:25 PM
To: Holzerland, William
Subject: Re: DRAFT message to components re: POTUS FOIA memo

Bill, this looks great, and I agree that (b)(5) [redacted]. As for S&T, I am checking, as I seem to remeber having that information. I just don't remember off-hand.

Vania T. Lockett, CIPP/G
Associate Director, Disclosure & FOIA Operations
Privacy Office
U.S. Department of Homeland Security
Office: 1.866.431.0486 or 703.235.0790
Fax: 703.235.0443
Web: <http://www.dhs.gov/foia>

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From: Holzerland, William
To: Lockett, Vania
Sent: Mon Jan 26 17:18:13 2009
Subject: DRAFT message to components re: POTUS FOIA memo

Good evening V,

Per our telecon with David Palmer/Charlie Borrero/John last week, I drafted a short message John to send when distributing the memo to executives who oversee FOIA operations at components. It's a rough draft, but I wanted to get your thoughts. One question I have on this is (b)(5) [redacted]

[redacted] At any rate, draft below, with potential distribution list below that.

DRAFT MESSAGE:

All,

On January 21, 2009, the President issued a memorandum on the Freedom of Information Act to the heads of all Federal agencies. As Acting Chief Privacy Officer/Chief FOIA Officer for DHS, I thought it prudent to ensure timely dissemination of this information to all DHS FOIA officers and those who oversee FOIA operations at DHS components. While we wait for the Attorney General to issue new guidelines governing the FOIA, there are aspects of the President's memo which must be implemented at this time. Accordingly, I call on all FOIA offices DHS-wide to process FOIA requests with the presumption that in the face of doubt, openness prevails.

(b)(5) [redacted]

(b)(5)

-30-

Dist list:

- Kimberly Walton (TSA Special Counselor)
- Don Yando (Executive Director, Commercial Targeting and Enforcement, Office of International Trade, CBP)
- Diane Cejka (Director, USCIS NRC)
- Delia Davis (Director of Business Operations, Management Directorate, FEMA)
- Theresa Bertucci (Deputy Assistant Secretary, Management, ICE)
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- Elizabeth Gary (Chief, Information Management & Business Culture, NPPD)
- James McNeeley (Attorney, CRCL)
- Richard N. Reback (Counsel to Inspector General)
- Gail Kaufman (Policy)
- Adrienne Turner (Acting Chief of Staff, US-VISIT)

CC: FOIA Officers; David Palmer, Charles Borrero

Question marks: (b)(5)

Thx,
B

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development

(b)(6)

Lockett, Vania

From: Holzerland, William
Sent: Tuesday, January 27, 2009 11:22 AM
To: Kropf, John
Cc: Lockett, Vania
Subject: DRAFT: Issuance of POTUS FOIA Memo to components
Attachments: Obama FOIA Memo 1 21 09.pdf

Good morning John,

Per our telecon with David Palmer/Charlie Borrero last week, I drafted a short message for you to send when distributing the memo to executives who oversee FOIA operations at components. One question I have is

(b)(5) [Redacted]

Vania concurs with this recommendation. As far as we're concerned, the higher level this comes from, the better. The draft message is below, with the potential distribution list below that.

DRAFT MESSAGE:

On January 21, 2009, the President issued a memorandum on the Freedom of Information Act to the heads of all Federal agencies. As Acting Chief Privacy Officer/Chief FOIA Officer for DHS, I thought it prudent to ensure timely dissemination of this information to all DHS FOIA officers and those who oversee FOIA operations at DHS components. These guidelines will reaffirm the Executive Branch's "commitment to accountability and transparency." To implement these objectives, the President directed the Attorney General to issue new guidelines governing the FOIA. The Department of Justice will issue the guidelines directed by the President and work directly with departments and agencies to ensure that the President's goal of making his administration the most open and transparent in history is realized. The President's memorandum was effective immediately and supersedes former Attorney General Ashcroft's Memorandum on the FOIA dated October 12, 2001. Accordingly, I call on all FOIA offices DHS-wide to process FOIA requests with the presumption that in the face of doubt, openness prevails.

(b)(5) [Redacted]

[Redacted]

[Redacted]

Dist list:

- Kimberly Walton (TSA Special Counselor)
- Don Yando (Executive Director, Commercial Targeting and Enforcement, Office of International Trade, CBP)

- Diane Cejka (Director, USCIS NRC)
- Delia Davis (Director of Business Operations, Management Directorate, FEMA)
- Theresa Bertucci (Deputy Assistant Secretary, Management, ICE)
- Craig Ullmer (SAC, USSS)
- Sherry Richardson (Chief, Office of Information Management, USCG)
- Elizabeth Gary (Chief, Information Management & Business Culture, NPPD)
- James McNeeley (Attorney, CRCL)
- Richard N. Reback (Counsel to Inspector General)
- Gail Kaufman (Policy)
- Adrienne Turner (Acting Chief of Staff, US-VISIT)
- Nicole Marcson (Assistant General Counsel for Science & Technology)

CC: FOIA Officers; David Palmer; Charles Borrero

Thx,
B

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development

(b)(5)

Lockett, Vania

From: Holzerland, William
Sent: Wednesday, January 28, 2009 1:22 PM
To: (b)(6)
Subject: FOIA

Hi Sharon,

It was a pleasure to meet you this afternoon. I'm looking forward to working with you on implementing the sweeping changes in FOIA policy required by POTUS' memo. We're excited to hit the ground running on these matters!

Below are links to several different FOIA training options that you might find useful. The ASAP and USDA Grad School training are commercial in nature, but there's no charge to attend DOJ Office of Legal Education FOIA courses.

<http://www.accesspro.org/trainingconf2009/>

http://www.usdoj.gov/usao/eousa/ole/ole_course_calendar/calendar.html

http://grad.usda.gov/course_details.php?cid=PMGT7000D

Also, here is a link to the DHS FOIA main webpage. Here, you will find our electronic reading room, containing our annual reports and other pertinent information.

http://www.dhs.gov/xfoia/editorial_0579.shtm

Thanks again for taking the time to chat. Please let me know if I can be of further assistance.

Regards,
Bill

William H. Holzerland, CIPP/G
U.S. Department of Homeland Security
Associate Director,
Disclosure Policy & FOIA Program Development

(b)(6)

Lockett, Vania

From: Holzerland, William
Sent: Wednesday, February 04, 2009 10:29 AM
To: 'Kropf, John'
Subject: RE: White House FOIA Memo

Thanks John!

From: Kropf, John [mailto:John.Kropf@dhs.gov]
Sent: Wednesday, February 04, 2009 10:27 AM
To: Walton, Kimberly; YANDO, DONALD F; Cejka, Diane T; Davis, Delia; Bertucci, Theresa C; Ulmer, Craig; Richardson, Sherry; Reback, Richard; Turner, Adrienne C; Borrero, Charles; Gary, Elizabeth; McNeely, James; Kaufman, Gail; Marcson, Nicole
Cc: Palmer, David; Lockett, Vania; Holzerland, William; Papoi, Catherine
Subject: White House FOIA Memo

Dear FOIA Colleagues,

On January 21, 2009, the President issued a memorandum on the Freedom of Information Act to the heads of all Federal agencies. As Acting Chief Privacy Officer/Chief FOIA Officer for DHS, I wanted to use this opportunity to share the memorandum with all DHS FOIA officers and those who oversee FOIA operations at DHS components. These guidelines will reaffirm our "commitment to accountability and transparency." To implement this new policy, the Department of Justice has been tasked by the President to issue new guidelines on FOIA. We will be sharing further information on this guidance as soon as it becomes available. In the meantime, please keep in mind the spirit of memorandum's direction that that in the face of doubt, openness prevails. If you have any questions, please contact Acting Deputy Chief FOIA Officer Vania Lockett.

John Kropf
Acting Chief Privacy Officer
U.S. Department of Homeland Security
Washington, DC 20528
703.235.0780
www.dhs.gov/privacy

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3/18/2009

Lockett, Vania

From: Lockett, Vania
Sent: Tuesday, March 03, 2009 4:37 PM
To: Holzerland, William
Subject: Bullets for John
Importance: High
Follow Up Flag: Follow up
Flag Status: Red

Bill,

Can you add whatever you think John should mention when he opens up the meeting? Thx.

- New Chief FOIA Officer, Mary Ellen Callahan begins effective March 9, 2009
- Status of FOIA Regs and FOIA MD
- FOIA litigation summaries were due to PRIV February 9, 2009. Any thoughts on implementing FOIA litigation tracking system?

FYI – I talked to Tara, and I just don't have enough info to talk about the backlog or processing stats. She needs to sit down with you to go over that again. The only items I have to discuss are the use of the templates and guidance on the weekly significant FOIA report. Let me know if you think there's anything else I should cover or if you want to cover something during the meeting?

Vania T. Lockett, CIPP/G

Acting Deputy Chief FOIA Officer
Privacy Office
U.S. Department of Homeland Security
Main: 1.866.431.0486 or 703.235.0790
Direct: (b)(6)
Fax: 703.235.0443
Web: <http://www.dhs.gov/foia>

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Lockett, Vania

From: Holzerland, William
Sent: Tuesday, March 03, 2009 5:18 PM
To: Lockett, Vania
Subject: RE: Bullets for John

- New Chief FOIA Officer, Mary Ellen Callahan begins effective March 9, 2009
- President Obama's memorandum of 1/21/09 & its importance (reiterating John's message to components dated 2/4/09 on this subject)
- FOIA litigation summaries were due to PRIV February 9, 2009. Any thoughts on implementing FOIA litigation tracking system?
- Status of FOIA Regs/MD/Handbook (We're revising all three. Components will likely see the MD first, followed by the regs and the handbook for comment)

From: Lockett, Vania
Sent: Tuesday, March 03, 2009 4:37 PM
To: Holzerland, William
Subject: Bullets for John
Importance: High

Bill,

Can you add whatever you think John should mention when he opens up the meeting? Thx.

- New Chief FOIA Officer, Mary Ellen Callahan begins effective March 9, 2009
- Status of FOIA Regs and FOIA MD
- FOIA litigation summaries were due to PRIV February 9, 2009. Any thoughts on implementing FOIA litigation tracking system?

FYI – I talked to Tara, and I just don't have enough info to talk about the backlog or processing stats. She needs to sit down with you to go over that again. The only items I have to discuss are the use of the templates and guidance on the weekly significant FOIA report. Let me know if you think there's anything else I should cover or if you want to cover something during the meeting?

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3/18/2009

Lockett, Vania

From: Lockett, Vania
Sent: Tuesday, March 03, 2009 5:58 PM
To: Kropf, John
Subject: Bullets for FOIA Meeting

*New Chief FOIA Officer, Mary Ellen Callahan begins effective March 9, 2009 *President Obama's memorandum of 1/21/09 & its importance (reiterating John's message to components dated 2/4/09 on this subject) *FOIA litigation summaries were due to PRIV February 9, 2009. Any thoughts on implementing FOIA litigation tracking system?
*Status of FOIA Regs/MD/Handbook (We're revising all three. Components will likely see the MD first, followed by the regs and the handbook for comment)

Vania T. Lockett, CIPP/G
Associate Director, Disclosure & FOIA Operations Privacy Office U.S. Department of Homeland Security
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Lockett, Vania

From: Lockett, Vania
Sent: Sunday, March 15, 2009 6:55 PM
To: Hawkins, Sandra L.
Subject: RE: Courtesy Calls/Meetings and Briefing Materials - March 16-20, 2009
Follow Up Flag: Follow up
Flag Status: Red
Attachments: fees.docx

Sandy,

With the exception of MGMT, we do not have any FOIA-related concerns that need to be addressed to this particular audience. Although, Mary Ellen may want to mention the President's memos on FOIA and Transparency (see bullets below). (b)(5)

- On January 21, 2009, the President issued a memorandum on the Freedom of Information Act to the heads of all Federal agencies. These guidelines will reaffirm the Executive Branch's "commitment to accountability and transparency." To implement these objectives, the President directed the Attorney General to issue new guidelines governing the FOIA. The Department of Justice will issue the guidelines directed by the President and work directly with departments and agencies to ensure that the President's goal of making his administration the most open and transparent in history is realized. The President's memorandum was effective immediately and supersedes former Attorney General Ashcroft's Memorandum on the FOIA dated October 12, 2001. Accordingly, I call on all FOIA offices DHS-wide to process FOIA requests with the presumption that in the face of doubt, openness prevails.
- Furthermore, per the President's memo, agencies should take affirmative steps to make information public, including using modern technology to disseminate information proactively. In particular, I would like to remind components of the requirements outlined in subsection (a)(2) of the FOIA. Under subsection (a)(2), federal agencies must make four distinct categories of records affirmatively available for "public inspection and copying." Agencies must satisfy this "Reading Room" provision of the FOIA by providing the designated documents either solely in electronic Reading Rooms on agency websites, or in a combination of electronic and conventional "paper" Reading Rooms. 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."

Thanks.

Vania

From: Hawkins, Sandra L.
Sent: Wed 3/11/2009 7:53 PM
To: privdir
Subject: Courtesy Calls/Meetings and Briefing Materials - March 16-20, 2009

Mary Ellen's calendar is filling up fast with meetings with Component Heads/Program Officials.

3/18/2009

The schedule is detailed below:

Component	Meeting Date/Time	Name/Title	Subject
I&A	Monday, March 16 at 9:30am	James Chaparro, Deputy Under Secretary	NAO
S&T	Monday, March 16 at 3:30pm	Brad Buswell, Under Secretary (Acting)	Courtesy
MGMT	Tuesday, March 17 at 9:30am	Elaine Duke, Under Secretary	Courtesy
NPPD	Tuesday, March 17 at 11:30am	Dallas Brown III, Chief Operating Officer and Rear Admiral Michael Brown, Assistant Secretary for Cyber Security (Acting)	Courtesy
CRCL	Tuesday, March 17 2:00pm	Tim Keefer, CRCL Officer (Acting)	Courtesy
NPPD	Friday, March 20 at 2:00pm	Mary Ellen Seale, Director, Cybersecurity Center (Acting)	Courtesy

Vania – FOIA issues?

Nathan – Compliance issues?

Please provide briefing materials/talking points to me at least 24 hours in advance of the meeting.

Thank you.

Sandy

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3/18/2009