

## Lockett, Vania

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**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

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Office of the Press Secretary

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BARACK OBAMA

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THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

January 21, 2009

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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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2

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.

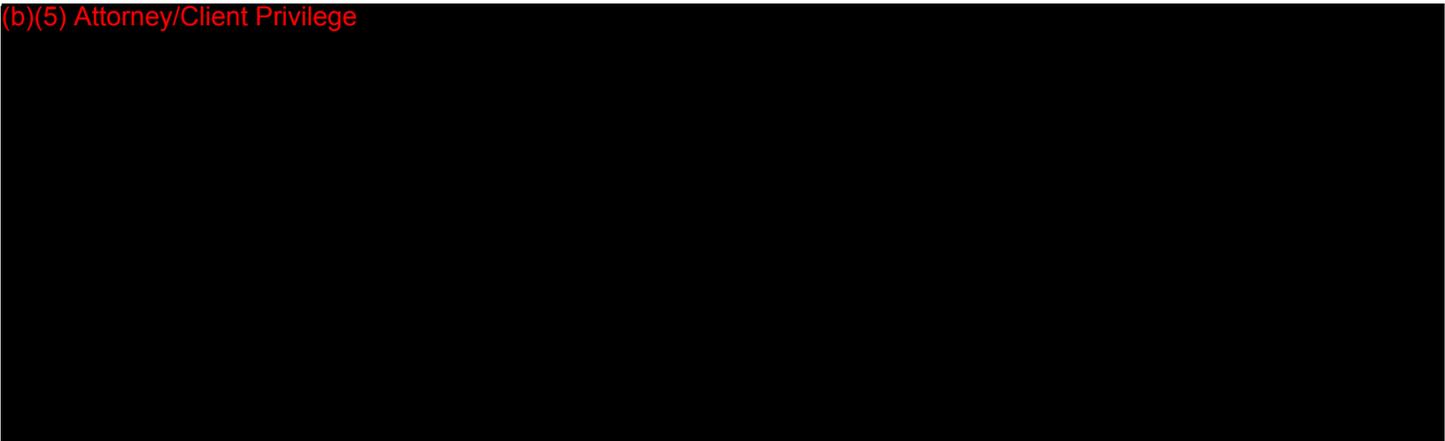
This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

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

BARACK OBAMA

**Lockett, Vania**

(b)(5) Attorney/Client Privilege



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**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.

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**From:** DHS Employee Communications  
**Sent:** Wednesday, January 21, 2009 2:40 PM  
**To:** ^DHS-HQ-ALL-QB  
**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

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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](http://blogs.govexec.com/fedblog/2009/01/more_on_the_executive_orders.php))

THE WHITE HOUSE  
 Office of the Press Secretary

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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.

Regards,  
 Bill

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

3/18/2009

Disclosure Policy & FOIA Program Development

(b)(6)

## Lockett, Vania

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**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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**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

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([http://blogs.govexec.com/fedblog/2009/01/more\\_on\\_the\\_executive\\_orders.php](http://blogs.govexec.com/fedblog/2009/01/more_on_the_executive_orders.php))

THE WHITE HOUSE  
Office of the Press Secretary

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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.

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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**

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**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).

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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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**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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Regards,

Bill

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

(b)(6)

**Lockett, Vania****(b)(5) Attorney/Client Privilege**

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Bill

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

(b)(6)

**Lockett, Vania**

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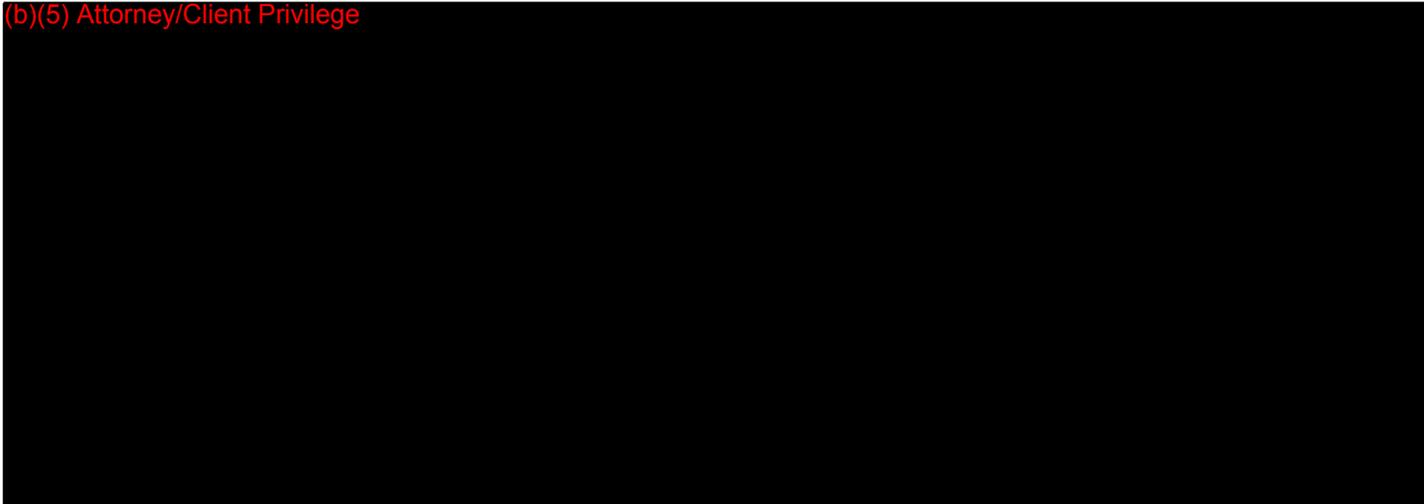
**From:** Holzerland, William  
**Sent:** Wednesday, January 21, 2009 4:31 PM  
**To:** Palmer, David  
**Subject:** Re: Presidential Memorandum on Transparency and Open Government & Presidential Memorandum on the Freedom of Information Act

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

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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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Bill

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

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**Lockett, Vania**

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**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

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**From:** Llubes, 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. Llubes  
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)

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**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.

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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**

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**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

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)  
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3/18/2009

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**Lockett, Vania**

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**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

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For Immediate Release January 21, 2009

The President today signed two Executive Orders and three Presidential Memoranda. These five documents represent a bold first step to fulfill his campaign promises to make government more responsible and accountable, to launch sweeping ethics reform, and to begin a new era of transparent and open government.

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.

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**Importance:** High

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3/18/2009

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fyi

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Director of Communications  
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**Lockett, Vania**

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

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Office of the Press Secretary

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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!

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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**

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**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...

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## Lockett, Vania

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**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](http://blogs.govexec.com/fedblog/2009/01/more_on_the_executive_orders.php))

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**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.

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,

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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.

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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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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

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

(703) 235-0790

## Lockett, Vania

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**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**



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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

# # #

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

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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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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 -----

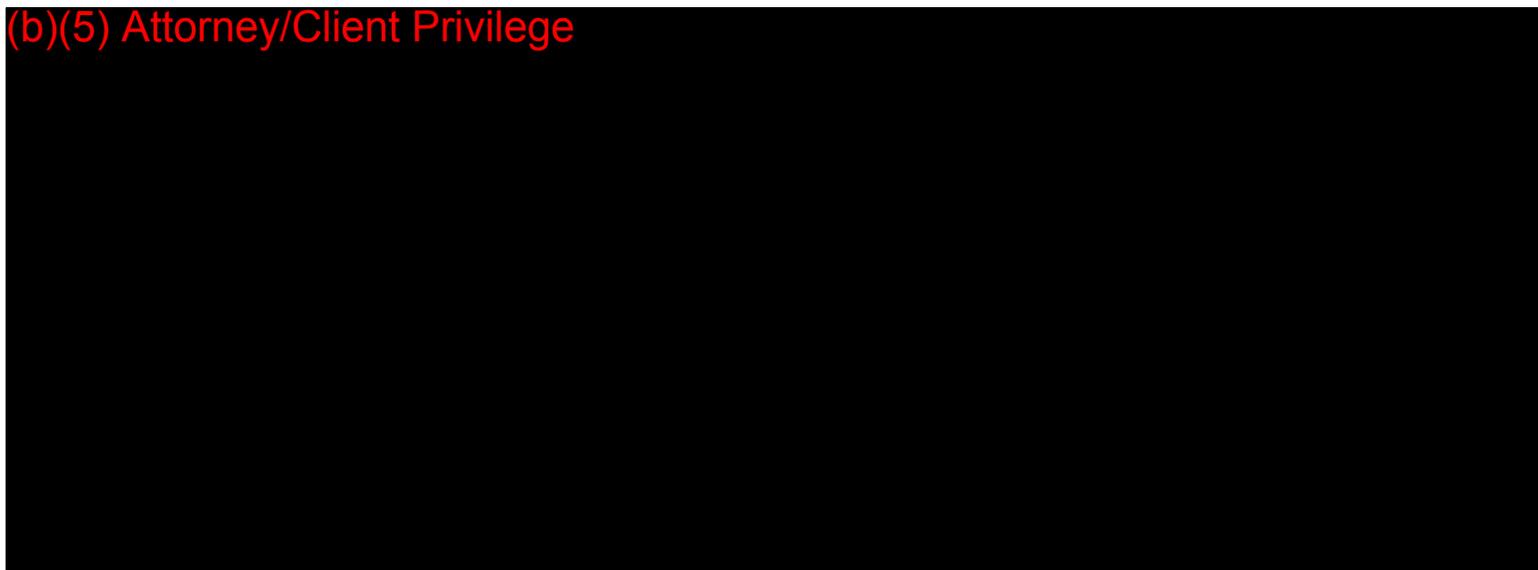
**From:** Kropf, John  
**To:** Palmer, David; Holzerland, William  
**Cc:** Papoi, Catherine  
**Sent:** Thu Jan 22 06:54:15 2009  
**Subject:** Re: President's memoranda on FOIA & Transparency

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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  
Subject: President's memoranda on FOIA & Transparency

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Office of the Press Secretary

For Immediate Release

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.

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

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

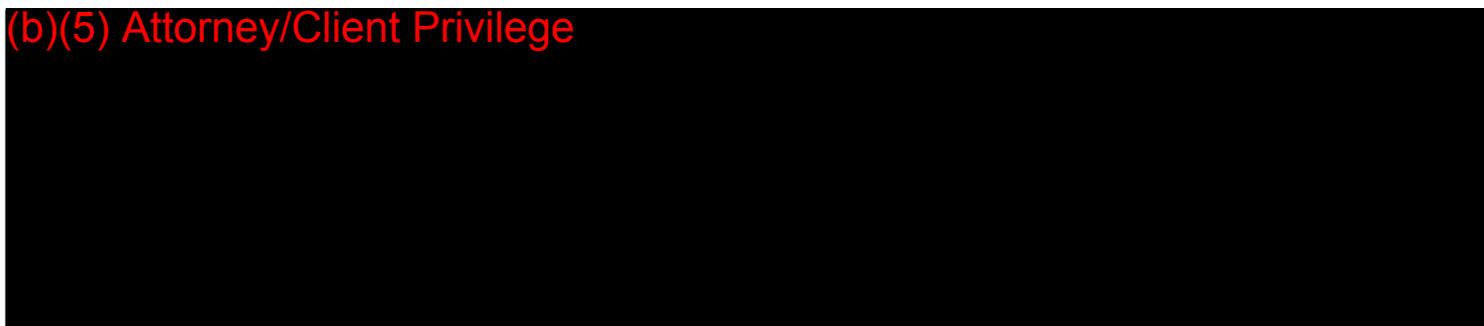
**From:** Kropf, John  
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**Subject:** Re: President's memoranda on FOIA & Transparency

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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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BARACK OBAMA

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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  
**Cc:** Kropf, John  
**Subject:** President's memoranda on FOIA & Transparency

All,

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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

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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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:** 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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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 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.

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

**From:** Holzerland, William  
**Sent:** Thursday, January 22, 2009 7:29 AM  
**To:** Kropf, John; Palmer, David  
**Cc:** Papoi, Catherine  
**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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William H. Holzerland, CIPP/G  
U.S. Department of Homeland Security  
Associate Director,  
Disclosure Policy & FOIA Program Development  
(703) 235-0790

----- 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

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**(b)(5) Attorney/Client Privilege**



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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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BARACK OBAMA

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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 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.

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

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

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**Sent:** Thursday, January 22, 2009 7:29 AM  
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**Cc:** Papoi, Catherine  
**Subject:** Re: President's memoranda on FOIA & Transparency

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

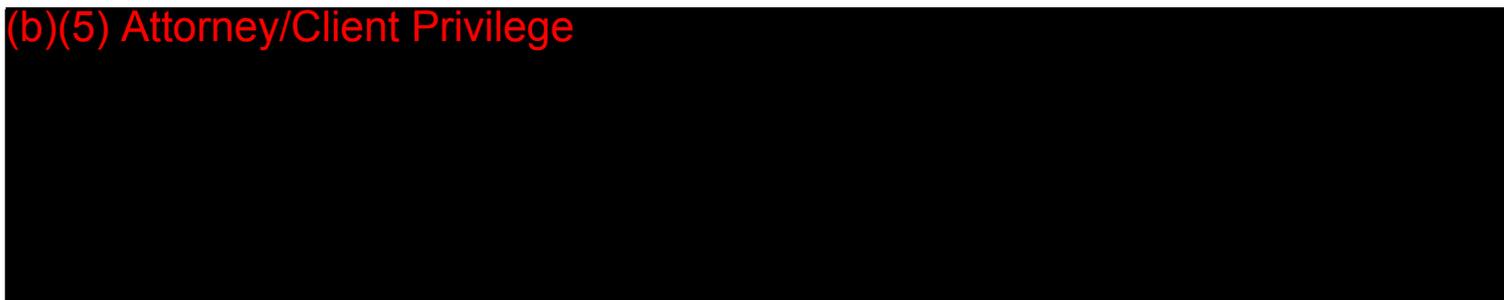
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**To:** Palmer, David; Holzerland, William  
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Sent: Wed Jan 21 23:34:44 2009

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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:** 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:

I had a call late last night from the LA Times, asking about the new FOIA guidance from the White House yesterday. Specifically, she referenced the Privacy report detailing a backlog of 83K FOIA requests (she acknowledges that most of those are USCIS related). She's asking how the new guidance will impact that backlog.

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.

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

**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

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**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

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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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**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!

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

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

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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

---

**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

---

**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:

I had a call late last night from the LA Times, asking about the new FOIA guidance from the White House yesterday. Specifically, she referenced the Privacy report detailing a backlog of 83K FOIA requests (she acknowledges that most of those are USCIS related). She's asking how the new guidance will impact that backlog.

3/18/2009

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:** 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

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!

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

**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.

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

**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.

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

----- 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.

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**



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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

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

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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:** 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

**(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.

## 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>

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.

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

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

From: Holzerland, William  
To: Lockett, Vania  
Sent: Fri Jan 23 10:00:14 2009  
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 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/](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)

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(fax)

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(cell)

(b)(6)

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**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**

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**From:** Hawkins, Sandra L.  
**Sent:** Friday, January 23, 2009 4:32 PM  
**To:** Kropf, John; Papoi, Catherine; (b)(6) 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 ; Cerveny, 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 ; Luczynski, 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 ; Paternmaster, 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)

- 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)
- 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)

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)

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)

[Large redacted block of text]

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)(6)

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

[http://grad.usda.gov/course\\_details.php?cid=PMGT7000D](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](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](http://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?

**Vania T. Lockett, CIPP/G**  
Acting Deputy Chief FOIA Officer  
Privacy Office  
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Main: 1.866.431.0486 or 703.235.0790  
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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  
Office: 1.866.431.0486 or 703.235.0790  
Fax: 703.235.0443  
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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

Sandra L. Hawkins  
 Director of Administration  
 Privacy Office  
 U.S. Department of Homeland Security  
 245 Murray Lane, SW, Mail Stop 0655  
 Arlington, VA 20598-0655  
 Telephone: (b)(6)  
 Fax: (703) 235-0442  
 E-mail: (b)(6)

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3/18/2009

**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

3/18/2009

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) - Office  
(b)(6) - Cell  
(b)(6)