



Homeland
Security

March 16, 2015

MEMORANDUM FOR: FOIA Officers

FROM: Karen L. Neuman 
Chief Privacy Officer/Chief Freedom of Information Act Officer

SUBJECT: *Freedom of Information Act* and 2015 Sunshine Week

Each year, a week in mid-March is designated “Sunshine Week,”¹ during which we emphasize the importance of openness and transparency in the Federal Government. This year Sunshine Week runs from March 15 to March 21. The week is dedicated to open government, and will include employee training and events² surrounding the Freedom of Information Act (FOIA) and government transparency.

I would like to thank all of you for your excellent contributions over the past year and for your tireless efforts to further the Department’s openness and transparency initiatives, which are detailed in the *2015 Chief FOIA Officer Report*.³ At DHS, we use FOIA to implement the Obama Administration’s policy of openness, transparency, and collaboration. We are committed to the letter and the spirit of the law, and strive to fulfill our responsibility to the public in a timely, accurate, and professional manner. As we celebrate Sunshine Week, I call upon the FOIA Officers to raise awareness of Attorney General Holder’s reaffirmation in his March 2009 FOIA guidelines that “FOIA is everyone’s responsibility.”⁴

Implementing GAO Recommendations to Further Openness and Transparency

This memorandum serves as a call to action and also highlights some of our accomplishments over the past year. In honor of Sunshine Week, we seek your renewed commitment and collaboration regarding implementation of the Government Accountability Office’s (GAO)

¹ Sunshine Week occurs each year in mid-March, coinciding with James Madison’s birthday and National Freedom of Information Day on the 16th.

² See <http://www.justice.gov/oip/blog/kick-sunshine-week-celebration-foia-professionals> and <http://blogs.archives.gov/foiablog/2015/03/06/sunshine-week-2015/> for additional details of events that are open to the public.

³ The report will be available in late March 2015 at <http://www.dhs.gov/foia-library-frequently-requested-records#2>.

⁴ The Attorney General’s Memorandum of March 19, 2009, is available at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>.

recommendations contained in its report, GAO-15-82, “*FREEDOM OF INFORMATION ACT: DHS Should Take Steps to Improve Cost Reporting and Eliminate Duplicate Processing.*”⁵

GAO Recommendation 1

The Department has made great strides in implementing Recommendation 1, which is “Finalize and issue an updated DHS FOIA regulation.” The DHS Privacy Office drafted a comprehensive FOIA regulation that updates current procedures on FOIA operations in the Department including addressing the role of the public liaison, the fee limitation for electronic news media requests, and the acceptance of requests via e-mail. In the spring of 2015, the DHS Privacy Office plans to issue a Notice of Proposed Rulemaking proposing to revise and update its FOIA regulations at 6 CFR Part 5 and anticipates the FOIA regulation will be finalized by December 31, 2015.

GAO Recommendation 2

The DHS Privacy Office is implementing Recommendation 2, which is “Improve reporting of FOIA costs by including salaries, employee benefits, non-personnel direct costs, indirect costs and costs for other offices.” The DHS Privacy Office is developing a worksheet with examples of costs associated with each category. The DHS Privacy Office anticipates disseminating the policy and worksheet by April 30, 2015.

GAO Recommendation 3

The DHS Privacy Office is collaborating with the United States Citizenship and Immigration Services (USCIS), United States Immigration and Customs Enforcement (ICE), United States Customs and Border Protection, and the Office of Biometric Identity Management in implementing Recommendation 3, which is “Determine the viability of re-establishing the service-level agreement between USCIS and ICE to eliminate duplication in the processing of immigration files. If the benefits of doing so would exceed the costs, re-establish the agreement.” The DHS Privacy Office is convening a working group with these Components and Office to determine the viability of re-establishing the service-level agreement between USCIS and ICE and, to determine a course of action for eliminating possible duplication in the processing of immigration files.

GAO Recommendation 4

The DHS Privacy Office is implementing Recommendation 4, which is “Direct USCIS and Coast Guard to fully implement the recommended FOIA processing system capabilities and the 508 requirement.” The DHS Privacy Office convened a FOIA information technology working group made up of representatives from all of the Components to develop a policy memorandum that will set forth the requirement for all DHS FOIA Offices to have a processing system with

⁵ Freedom of Information Act: DHS Should take Steps to Improve the Cost Reporting and Eliminate Duplicate Processing,” GAO-15-82 (Nov. 19, 2014), <http://www.gao.gov/assets/670/667052.pdf>.

the recommended capabilities and meets the 508 requirement. The DHS Privacy Office anticipates the policy memorandum will be issued by April 30, 2015.

FOIA Engagements and Outreach

From April through July 2015, OGIS will assess the following Components regarding their FOIA policies, procedures, and compliance: the United States Coast Guard (USCG), the Federal Emergency Management Agency (FEMA), ICE, the United States Secret Service (USSS), U.S. Customs and Border Protection (CBP), and the Transportation Security Administration (TSA). We welcome these opportunities to improve our FOIA operations and institute best practices across the Department. We value your collaborative role in these engagements.

The DHS Privacy Office is planning to host DHS Requester Roundtable meetings with the FOIA requester community regarding a variety of topics. The meetings will serve as a forum for requesters and FOIA professionals to exchange ideas and identify ways to improve the FOIA program at DHS.

Greater Use of Technology for FOIA Operations

On March 12, 2014, the DHS Privacy Office deployed a consolidated [web-based form](#) on its public facing FOIA website that enables requesters to submit their FOIA requests to the Department and its Components. In addition, the website explains how to submit a request and provides a link on the site's index page so requesters can [check the status](#) of their requests.

On February 20, 2015, the DHS Privacy Office launched a new webpage to check the status of FOIA requests. This feature works for any request submitted to the DHS Privacy Office, the Office of Intelligence and Analysis, FEMA, the National Protection and Programs Directorate, the Science and Technology Directorate, ICE, and TSA. The Check Status webpage can be found at <http://www.dhs.gov/foia-status> and is also linked to the main DHS FOIA webpage (www.dhs.gov/foia).

Training

Training and education continue to be a focus of the Department to further promote the principles of transparency and openness among DHS staff. Training also provides a mechanism to standardize FOIA practices and ensure excellence across the Department. As the *2015 Chief FOIA Officer Report* reflects, the Components all conduct annual training covering a wide variety of topics. We encourage you to continue conducting annual and specialized FOIA training.

The DHS Privacy Office provided FOIA Records Search Training to FOIA Officers and the designated FOIA Points of Contact responsible for gathering records. The training included a detailed explanation of the revised electronic FOIA Records Search form, a FOIA overview, and best practices for records searches. The DHS Privacy Office meets weekly regarding its FOIA program. Since December 2014, one meeting a month has been devoted to training, including the following FOIA topics: FOIA requester categories for fee determinations, agency records, proper

FOIA requests, and the proper use of Exemptions 5 and 6. The DHS Privacy Office provided a full day refresher training session to its FOIA staff on the processing of FOIA requests.

Proactive Disclosures

From March 2014 through January 2015, Components continued their efforts to foster a more transparent environment by proactively posting over four million pages of information to their websites and engaging in practices that reduced the need for requesters to seek information by FOIA requests.

A vast array of information is posted on DHS websites, including material previously available only through a formal FOIA request, such as: historical documents; daily schedules of senior leaders; management directives; contracts; memoranda related to FOIA operations; and procurement records that include awards, orders, solicitations, and purchase cardholder lists.

In addition to proactively posting records, we ask that you take a fresh look at your FOIA libraries, make required categories of records easier to locate, clearly indicate when records in required categories do not exist, and expand the content of your FOIA libraries. We realize that the management of the libraries is often not under the FOIA Officers' purview, but we strongly encourage you to assess your libraries and influence the content.⁶

As we approach Sunshine Week, we encourage you to take pride in your successes over the past year and find ways to improve transparency as we work to meet the needs of an informed citizenry.

Please direct questions to Delores J. Barber, Deputy Chief FOIA Officer, at delores.barber@hq.dhs.gov or (202) 343-1743.

⁶ Regarding expanding the content of FOIA libraries, please continue to follow the guidance set forth in a policy memorandum in December 2010, titled *DHS FOIA Office Procedures and Standards for Effectively Implementing Section (a)(2)(D) of the FOIA "Frequently Requested Documents" Procedures*.⁶ This memorandum outlines the process for determining when and how to disclose frequently requested documents.