

**SHORENSTEIN CENTER**

ON MEDIA, POLITICS AND PUBLIC POLICY

# **Data, Technology, and Innovation in Government**

**Seminar 8: Freedom of Information Act  
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# Seminar Background

## Personal Background

- Government: White House, Federal Communications Commission,
- Technology VC: Insight Venture Partners, Lehman Brothers, Polaris

## Goals

- Expose you to real projects, policy, and people
- Raise your Tech IQ
- Get credits toward your GSD degree

**Logistics:** Students get priority, seminar is not for credit

# Seminar Series

- Introduction to Open Data
- Government Digital Services
- Privacy and Personal Data Portability
- Marketing U.S. Data: Data Jams, Datapaloozas, Hackathons, Prizes, & CDOs
- Government Spending Transparency
- Smart Cities/Internet of Things
- Data Journalism
- Freedom of Information Act
- Healthcare.gov: A Case Study
- Regulatory Modernization

# Today's guest:



## Cori Zarek

- Senior Advisor for Open Government at the White House
- Specializes in Media Law, FOIA and Open Government

### Past:

- Staff Attorney for the office of the federal FOIA Ombudsman, working to improve the FOIA process
- First Amendment and freedom of information attorney for the Reporters Committee for Freedom of the Press
- Reporter for *The Des Moines Register*

# Open Government

## What is it?

- Government should promote transparency, participation, and collaboration to increase openness and curb corruption

## Open Government Initiative

- Launched in 2009
- Agencies publish Open Gov Plans every two years

## Open Government Partnership

- Launched in 2011; governments + civil society (anyone who is not government) work together to support openness and anti-corruption
- 65 member-nations and hundreds of civil society organizations have made more than 2,000 open gov commitments

## Open Gov is nothing new...

- See: FOIA



# The Freedom of Information Act

## What is it?

- A Federal law that grants anyone the right to request records from Federal government agencies
- Records are presumed public with limited exceptions

## Who uses it and why?

- Anyone can file a FOIA request – even non-U.S. persons
- Used by journalists, academics, researchers, corporations, and everyday people to obtain records they care about

## What is government doing to modernize FOIA?

- Good question. Let's talk.



# FOIA Modernization

## Improve FOIA processing on the inside

- Department of Justice convening Best Practices Workshops to help agencies share what works (and what doesn't).
- Exploring a standard core process for all agencies to adopt.
- New training rolled out in 2015 for ALL government employees (this is a first).

## Increase collaboration to suggest FOIA improvements

- FOIA Advisory Committee launched in 2014 includes 10 gov and 10 non-gov experts to suggest improvements.

## Make it easier to navigate the request process

- openFOIA: currently under construction!

**The Freedom of Information Act**  
The Freedom of Information Act, known as the FOIA, is a law that gives any person the right to request federal agency records. The FOIA also requires federal agencies to make certain types of information available to the public without the need to submit a request.

**Who?**  
Anyone can make a FOIA request, regardless of citizenship, including:  
Individuals, Partnerships, Corporations and Organizations

**What?**  
Any agency records can be requested, including:  
Paper documents, emails, audio and video recordings, and other electronic records

**When?**  
Generally, an agency has 20 working days to respond to a request, unless there are unusual circumstances

**How?**  
Step 1: A request is submitted to an agency for records  
Step 2: The agency searches for responsive records  
Step 3: Records are reviewed for disclosure?  
Step 4: Agency responds to request and notifies requester via email

**Why?**  
"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."  
- President Barack Obama

**FOIA by the Numbers**  
FOIA requests received overall

FY	2009	2010	2011	2012	2013
Requests	97,825	107,415	144,889	161,754	704,394

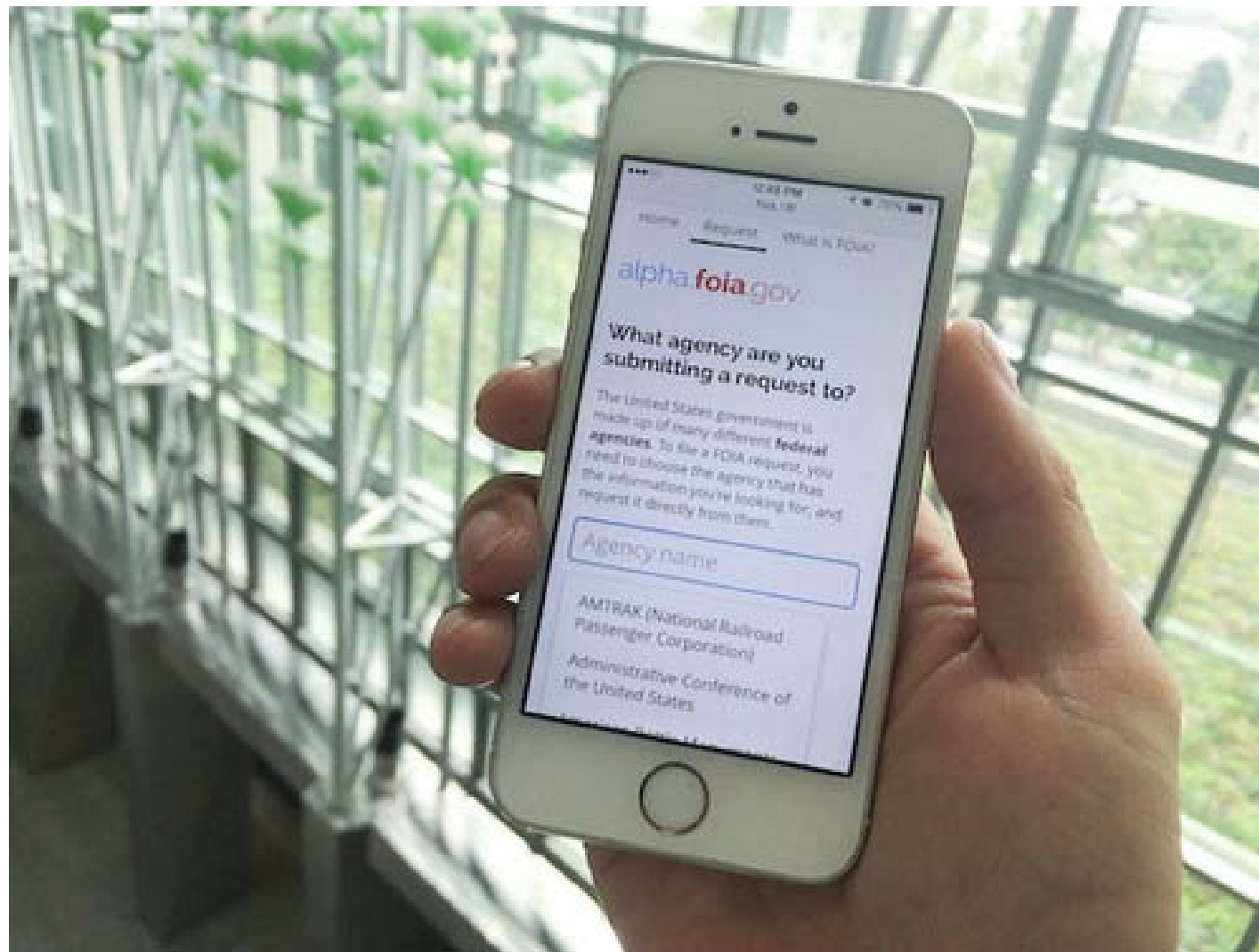
91.4% of all FOIA requests received in 2013 were granted

**FOIA at Your Agency**  
FOIA is everyone's responsibility. Any documents you create or maintain as part of your job may be responsive to a FOIA request. FOIA professionals at your agency will receive and respond to requests, but they may call on you for assistance in searching for responsive records and reviewing those records for release. These professionals are a critical resource. If you have any questions about the FOIA, you should contact them.

Most cited exemptions:  
6 & 7 (C)  
protect individual privacy

visit foia.gov  
DEPARTMENT OF JUSTICE

# openFOIA





# Open Data Initiative

## Open Data Initiatives

- Data.gov – treat data as an asset
- Open Data Action Plan
- Sectors: health, energy, climate, education, finance, and global development



## Open Data Executive Order

- Open and machine-readable is the new default
- Open Data Policy provides framework to manage information as an asset by cataloging it
- Agencies now work with the public to prioritize release of data

## Project Open Data

- Free, open-source tools and best practices to help agencies improve open data management, release data and host events



# Discussion Topics

Open Government: at home and abroad

Using FOIA: nuts and bolts

FOIA implications for journalists, businesses, NGOs, and the public

FOIA's influence on broader open data movement

# Key Takeaways

**Default to open: records, data, everything...**

**How can you participate? No really; how?**

**Next Week: HealthCare.gov: A Case Study**

# Homework

- Contribute to the conversation on GitHub about 18F's FOIA Modernization Team:
  - <https://github.com/18F/foia>

# Additional Resources

- Open Government Partnership:
  - <http://www.opengovpartnership.org/>
  - <https://www.whitehouse.gov/blog/2014/09/24/celebrating-open-government-around-globe> (with video)
- FOIA facts, stats and tips:
  - [www.foia.gov](http://www.foia.gov)
  - <http://blogs.archives.gov/foiablog/>
  - <https://foiaonline.regulations.gov>
- OpenFOIA project:
  - <https://18f.gsa.gov/2014/09/04/a-new-look-at-the-freedom-of-information-act/>
  - <https://github.com/18F/foia-hub/issues> (track and participate in the work as it's being done)
- Sunshine Week:
  - <https://www.whitehouse.gov/blog/2015/03/20/celebrating-sunshine-week-2015>
- 18F, "A New Look at the Freedom of Information Act"
  - <http://18fblog.tumblr.com/post/96625804492/a-new-look-at-the-freedom-of-information-act>
- Open Data Now, "Making FOIA More Free and Open"
  - <http://www.opendatanow.com/2013/09/new-making-foia-more-free-and-open/#.VRHNPBDF8SF>