

*Government-wide*

*Freedom of Information*

*Act (FOIA) Workflow*

*Utilizing a Centralized Repository*



*White Paper*

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# **GOVERNMENT-WIDE FOIA WORKFLOW OVERVIEW WHITE PAPER**

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## **Overview**

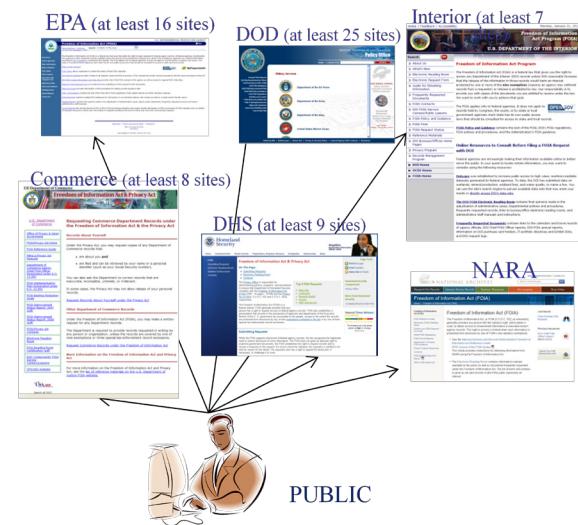
This document will cover the current Freedom Of Information Act (FOIA) environment government-wide and will focus on one method being utilized to improve FOIA processing for agencies using a Software as a Service (SaaS) model. While the federal government has made great strides in improving FOIA capabilities, FOIA processing and resources are still thought of as a byproduct of existing processes and is not given high consideration when allocating funding or personnel due to constraints placed on agency mission.

In recent times with the advent of FOIA-specific software, improvements in information technology delivery mechanisms, along with more emphasis across the government on information and knowledge sharing, FOIA has received a new emphasis on ensuring improved FOIA processing and response.

As part of all federal government Open Government initiatives which require agencies to be open, invite participation and have a collaborative conversation with their stakeholders --the American people-- FOIA received even greater emphasis on ensuring information and knowledge dissemination about FOIA request.

## **Current FOIA Environment**

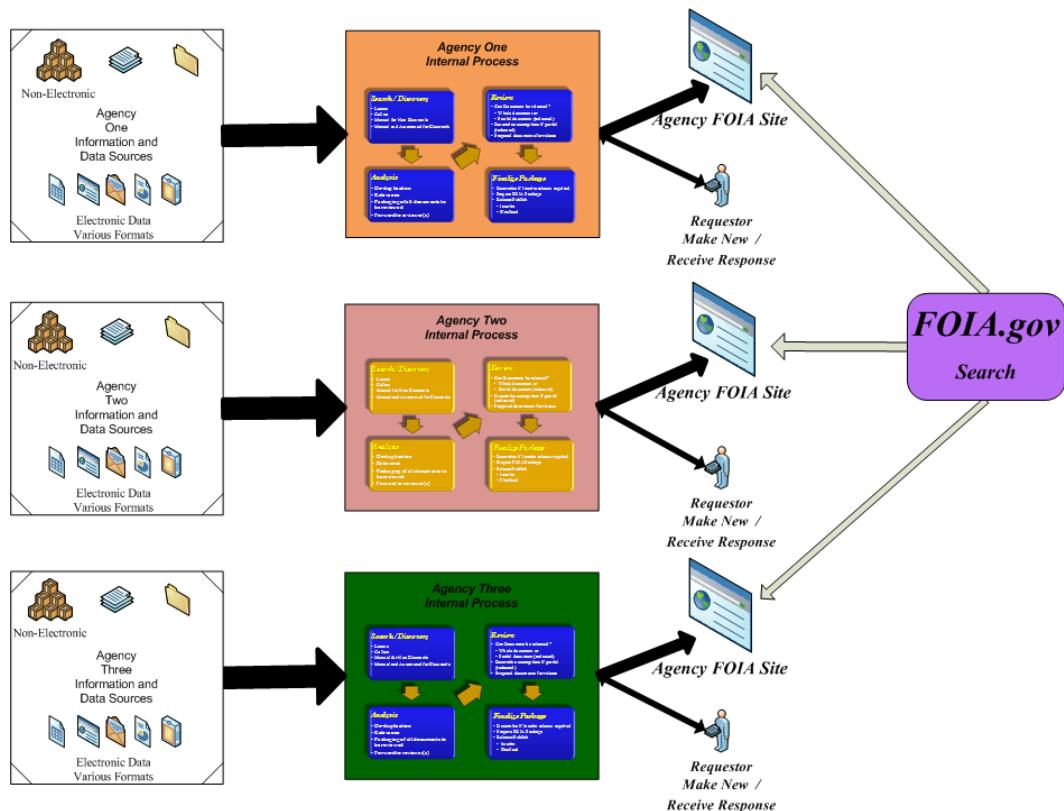
Under the current FOIA environment, FOIA requests are processed in various manners. Figure 1 – Current FOIA Environment shows the current FOIA environment across just a few of the agencies that process FOIA. Every federal government agency has a mix of records to process when a FOIA request arrives. These records range from paper stored in NARA compliant warehouses or other paper storage areas, such as offices, file cabinets, and/or boxes to fully electronic records in databases, e-mail systems, and or file storage areas within a network or on an electronic storage device, such as a PC or an external storage device. In order to find and release the information requested under FOIA, each agency has a process that it follows. These processes meet FOIA guidelines and requirements laid out by the Department of Justice, Office of Information Policy.



**Figure 1 - Current FOIA Environment**

## Government-wide FOIA Workflow (Today)

The current government-wide FOIA workflow process is laid out in Figure 2 – Government-wide FOIA Workflow. The actual processes themselves take many forms and vary from agency to agency. Some are almost fully automated, while others are completely manual.

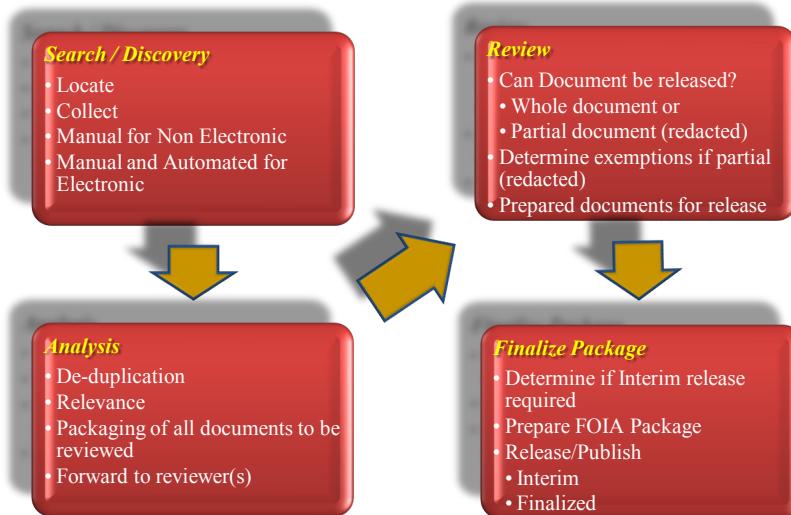


**Figure 2 - Current Government-wide FOIA Workflow**

In Figure 3 – Agency Internal Process, you can see the general steps that occur during the processing of a FOIA request. These steps are:

1. Search/Discovery
2. Analysis
3. Review
4. Finalize Package

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**Figure 3 - Agency Internal Process**

All agencies follow this basic process in order to release information under FOIA request to the requester. Each agency internal FOIA process is based on the agency business requirements, resource availability, and the number of requests processed.

Some agencies' requests are processed using pencil and paper for tracking, manual searching to find existing documents, manual reviews for analyzing and evaluating the documents found, and physically copying the appropriate documents for releasing as a paper-based package mailed to the requester.

Another group of agencies may use simple tracking mechanisms, such as spreadsheets, simple databases for tracking, and capture metrics on the number of requests they process. However, most still utilize manual searching to find existing documents, manual reviews for analyzing and evaluating the documents found, and physically copying the appropriate documents for releasing as a paper-based package mailed to the requester.

Another group of agencies may use commercial off-the-shelf (COTS) software to automate the bulk of their processing. They may utilize automated tools to find, analyze, and review electronic records. Agencies may even have a process which allows them to import paper records creating electronic versions which can then be processed through their automated routines. Once they have found, analyzed, and reviewed all documents, the agencies can create an electronic package that contains the appropriate documents for releasing to the requester.



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Most agencies that use COTS have a hybrid of the method described above that utilizes both manual and automated processes in order to meet the FOIA requester's requirements for information.

### **What is the Problem with the Status Quo?**

The status quo has proven that responses to requests are inefficient and untimely. While all FOIA professionals are working to achieve a rapid turnaround on each request and wish to release the maximum amount of information, they are not given the tools and resources to respond appropriately. This is not meant to be detrimental assessment of agencies. The facts are agencies have specific mission objectives to achieve with limited resources (dollars, time, and personnel) with which to achieve these core objectives. This limitation produces risk. In the case of FOIA, the risk is timely and accurate response to request.

In a perfect world, agencies would be going fully automated, and all federal records would be electronic. However, going fully automated costs a great deal of money and requires a major revamp of every piece of federal information that is currently non-electronic based. It would also require that all electronic-based information be in a fully configured manner to which search/discovery, analysis and review could be performed utilizing automated tools. The cost to create such an environment would be exorbitant. In a time where every dollar needs to be crunched to gain valuable economies of scale, this option is not feasible.

If you cannot get to a perfect world and the status quo is inadequate to meet the needs, how do you get a happy medium that allows improvements to the existing environment while targeting long-range goals?

### **How do Agencies improve the FOIA Process?**

Each agency is responsible for how it processes and shares information. As agencies build their strategic plans and determine their way ahead to achieve those plans, each utilizes a lifecycle approach that allows oversight and review throughout the lifecycle. Utilizing this approach allows agency management to implement in a cost-effective manner new business and information processes that integrate best practices for attainment of their strategic goals. These information practices are designed to include the utilization of tools, such as web portals, mobile applications, and social media for collection, dissemination, and discovery of agency information by the public.

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Some agencies are on the leading edge in discovering new methods for information collection, analysis, and dissemination. These agencies are continually sharing with others best practices across the federal government in order to enhance government-wide information sharing both internal and external to the government.

As agencies approach their individual information lifecycles to achieve their mission goals, this information sharing and best practice implementation is critical to meeting the stated objectives for FOIA. While each agency has its own FOIA internal process, all of these processes are similar in nature. In order to improve FOIA, an agency must first determine its near-term, midterm, and long-term objectives. They must also layout a realistic plan on moving from the current state to the target state.

## **An Example of the Lifecycle Review Process**

One such environment at the Department of Commerce has just gone through this type of evaluation. The current environment was made up of various FOIA processes. The department itself is a decentralized environment consisting of 12 individual bureaus/operating units, plus the Office of the Secretary (OS) and the Office of the Inspector General (OIG). Two operating units share one FOIA lead. The actual FOIA work environment utilized pen and paper, Government Off-The-Shelf (GOTS) spreadsheets and simple databases, and COTS for processing and tracking FOIAs. In this environment, the department utilized a departmental FOIA officer and 13 FOIA leads to facilitate and orchestrate the FOIA processing.

In order to improve FOIA processing, the department began a review of existing processes and tools in order to develop a long-range plan to streamline and expedite FOIA processing. During this review, it was noted that the overall volume of the department was low in relationship to the volume of other departments. While reviewing this workload, it was found that improving the tracking was the first major hurdle in order to manage mandatory reporting to the Department of Justice and to decrease chronic and significant backlogs. The long-range goal was to find an integrated tracking system which would allow full electronic workflow with information sharing throughout the department and if possible across federal agencies that work on overlapping policy areas. Those areas confuse requesters, thus causing requests to move around and cause further delays. In making this a long-term objective, the department believed they would be able to build on existing best practices while looking forward to accomplish streamline workflow with electronic publication.

The review formulated the following:

- Need for Improved Tracking and Reporting
- Developed Strategy
  - Find Immediate Interim Solution



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- Develop Target End-State Goals
- Find a way to achieve the End-State
- Results
  - Interim – FOIA Tracking Access Database
  - End-State – Partnered Developed Integrated FOIA Tracking Module

### **The Review and Results**

The department found its environment contained FOIA offices using pen and paper, spreadsheets, GOTS Access databases, and COTS being utilized for tracking and reporting. Based on the results of the review, it was determined that an interim solution could be developed from existing GOTS Access databases to a single solution for those who were utilizing pen and paper, spreadsheets, and GOTS Access databases.

In order to create a timely interim solution, the Access databases were evaluated. It was determined that three of them had critical features for tracking and reporting and that a hybrid of the three would be the best in terms of a solution. This hybrid was developed and deployed for utilization during FY 2012. This database was also made available free to any federal agency that wanted to utilize or review its capabilities. It should be noted that this database is only an automated tracking system with general reporting capabilities.

The sub agency utilizing the COTS product had a significant investment as well as a streamlined workflow which made it capable of meeting all the goals and objectives for departmental reporting. The cost of the COTS product to become a viable departmental solution was too great in the current reduced budget environment. This sub agency agreed that as they proceed in their program lifecycle that they will review the capabilities and cost-effectiveness of moving to a different solution when appropriate. This is normal in a program lifecycle managed process.

In part of the review and evaluation to find a long-term solution, the agency looked into government-wide efforts and found that none existed. The review determined that the ongoing developmental work at Environmental Protection Agency (EPA) showed promise in all aspects to achieve the department mid-term and long-range objectives with a planned cost model that was palatable to the budget constraints faced by the federal government. Review of the EPA proposal for a FOIA module led the department to determine that a partnership would be appropriate for its long-term objectives. In moving to an automated tracking and processing system with a web-based public interface, the Department will increase transparency and collaboration by allowing requesters to easily submit a request and track their progress. This process will allow the department to achieve its long-range goal of an integrated FOIA system that allows full workflow management along with NARA compliant electronics records management of FOIA request and responses. The FOIA Module will help to streamline and improve efficiency of the Department's internal processes by moving requests electronically

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through a Department-defined workflow that will also collects metrics for reporting and status publication. Utilizing a web-based shared service environment [Software as a Service (SaaS)], the Department will achieve considerable cost savings over commercial tools which require expensive licenses and separate maintenance contracts.

## **What is the FOIA Module?**

The FOIA module, or FOIA portal as it is been termed by those who have heard and written about it, is being designed as a website for the public to submit and track request, search, and view any responses. It will also act as a portal for agencies to receive, store, assign, and process requests in a secure manner. It will allow interagency referral and consultations along with providing metrics for DOJ annual reporting.

The FOIA module will provide a single interface through which the public can submit requests to any participating agency, eliminating the need to find the contact information for multiple agencies. The system will automatically assign tracking numbers to requests, which the requester could use to view the status of the request online, eliminating the need to wait for manual replies from agencies. Agencies will also be able to generate e-mails to requesters through the system to seek clarifying information or send invoices for fees, reducing mail delays and postage costs. When an agency identifies records responsive to a request, it will have the ability to add them to the system. Consultations and referrals to other agencies will occur within the system for participating agencies, reducing the need to send documents around. Because the current consultation and referral process is a frequent source of delays and dead-ends for FOIA requests, improvements in timeliness here will be very welcome. Released documents can be uploaded to a public website, and the requester would be notified of their availability. This critical feature will improve transparency by making released documents fully available to the general public, rather than delivered only to the requester. It will also stop agencies from processing multiple requests for the same materials over and over. The FOIA module will supply the participating agencies a fully compliant records management system, the ability to collect metrics throughout the workflow process as defined by the agency, and it will generate full Department of Justice Annual Report automatically.

The FOIA Module is designed using a leveraged approach from the eRulemaking platform that allows utilization of existing government licenses for cost reduction. Utilizing a multi agency governance structure for continued funding and system enhancements, this multi agency partnership consist currently of Department of Commerce, EPA, and National Archives and Records Administration

The core functionality for the FOIA module can be found in Table 1 – FOAI Module Core Functionality defined in the Requirements Traceability Matrix (RTM).

**Table 1 – FOIA Module Core Functionality**

FOIA Module Core Functionality	
<i>Accept Requests Online</i>	<ul style="list-style-type: none"> <li>• Allow requester to pre-populate their information</li> <li>• Provide status to requesters</li> <li>• Create communications (i.e. letters via email) between agencies and requesters</li> </ul>
<i>Track Requests in a Case File</i>	<ul style="list-style-type: none"> <li>• Process and track FOIA request</li> <li>• Break down requests into multiple tasks</li> <li>• Multi-track processing (Simple, Complex, Expedited)</li> <li>• Track time spent on requests (the list shifts from starting with –ing words to not... breaking down, track, assign...)</li> <li>• Assign case numbers</li> <li>• Start and stop the clock according to rules</li> <li>• Keep an online folder of all documents related to a request (<i>including notifications to requesters</i>)</li> </ul>
<i>Manage Deadlines</i>	<ul style="list-style-type: none"> <li>• Start/Stop the clock</li> <li>• Generate backlog reports</li> <li>• Monitor workload</li> <li>• Notify FOIA professionals based on 10- and 20-day deadlines</li> <li>• Close cases when fees are not paid (<i>according to business rules</i>)</li> </ul>
<i>Calculate Fees</i>	<ul style="list-style-type: none"> <li>• Track fees and fee waiver processing</li> <li>• Generate invoices</li> <li>• Deduct what is free of charge (i.e. first 100 pages)</li> <li>• Manually adjust recorded time</li> <li>• Distinguish between search and review time</li> </ul>
<i>Research and Upload Records</i>	<ul style="list-style-type: none"> <li>• Store consultations, referrals, and letters</li> <li>• Send tasks to others with instructions about which records to search</li> <li>• Upload scanned documents</li> </ul>
<i>Publish Electronic Records</i>	<ul style="list-style-type: none"> <li>• Review/sign the case file to approve redactions and fee calculations</li> <li>• (Verb needed here) Partial/incremental releases</li> <li>• Send system-generated email notifications to requesters</li> </ul>
<i>Accept Appeals Online</i>	<ul style="list-style-type: none"> <li>• Track status and outcome of litigation and appeals</li> <li>• Issue supplemental release after appeal</li> <li>• Forward copies of processing to Appeals unit</li> </ul>
<i>Prepare the Annual Report</i>	<ul style="list-style-type: none"> <li>• Prepare the report in the required format with the required data structure</li> <li>• Use dashboards to display these metrics throughout the year, including trends</li> </ul>
<i>Search and Retrieve</i>	<ul style="list-style-type: none"> <li>• Searching (including metadata and full-text)</li> </ul>

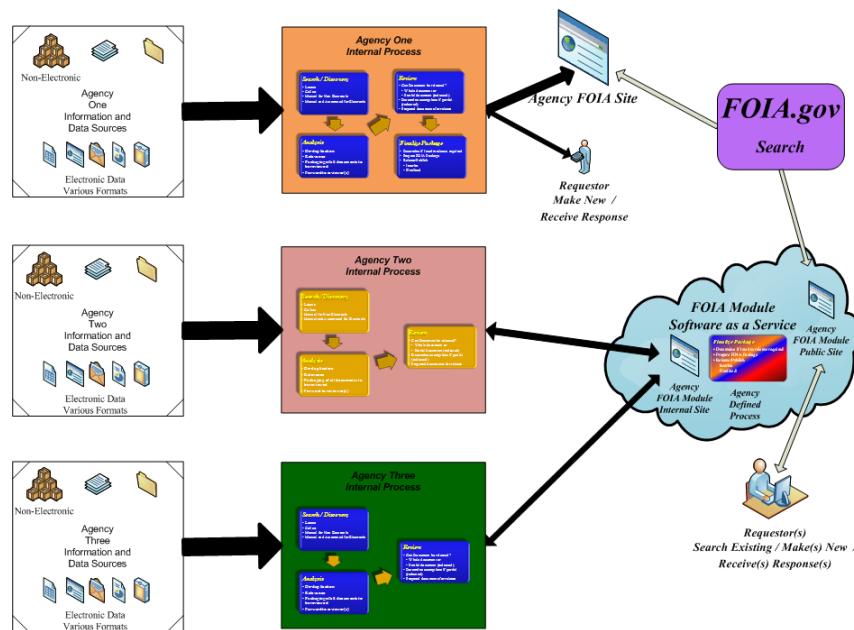
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## Government-wide FOIA with FOIA Module Implemented

The current government-wide FOIA workflow process is laid out in Figure 4 – Government-wide FOIA with FOIA Module Implemented. The overall workflow is similar to that in Figure 2 with agencies still in total control of their internal processes. The difference is that some agencies will choose to implement the FOIA module, replacing a portion of their internal processes by utilizing the FOIA module. In the figure some agencies will choose to utilize various process based on their individual business case scenarios. All agencies still achieve their stated goals of supporting their FOIA customers.

**Figure 4 - Government-Wide FOIA with FOIA Module Implemented**

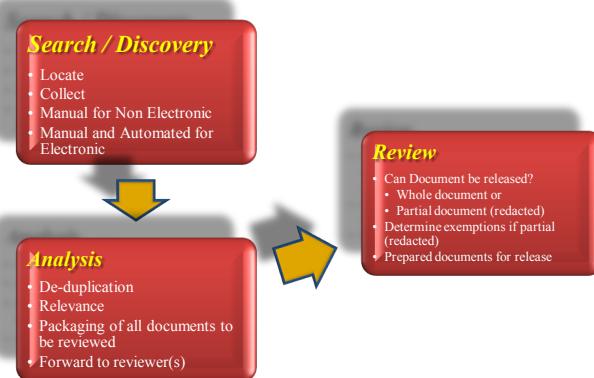


In Figure 5 – Agency Internal Process Using FOIA Module, you can see the general steps that occur during the processing of a FOIA request are the same as those in Figure 3, with the exception that Step 4 – Finalize Package is now part of the FOIA module automated processes for those agencies that utilize the FOIA Module. The steps are:

1. Search/Discovery
2. Analysis
3. Review

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**Figure 5 – Agency Internal Process Using FOIA Module**



All agencies still follow basic processes in order to release information under FOIA request to the requester. Each agency that is not utilizing the FOIA Module as part of their process would have a workflow just as Agency One in Figure 5. Any agency that is using the FOIA Module would have a workflow like the ones for Agency Two and Three. This shows the usage of steps 1 2, and 3 with step 4 being broken out as a shared service to the FOIA Module in the Cloud which contains much more functionality than just Step 4 which is shown in Figure 6 – Agency Step 4 using FOIA Module. The list of initial functionality can be found in Table 1 – FOIA Module Core Functionality.

**Figure 6 – Agency Step 4 using FOIA Module**



Processing the request utilizing the FOIA module will allow an agency to have an automated workflow that collects metrics throughout the FOIA process as well as expedites searches across similar requests to the agency where documents may already be reviewed, analyzed, and

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processed for release, thereby allowing reuse of documents for a similar request. While the diagram in figure 4 shows focus of the FOIA Module on step 4 - Finalize/Publish, the FOIA module actually has integration points across the whole FOIA workflow. These integration points are key for an agency to capture metrics concerning their FOIA processing capabilities, which will enhance the ability for continual review/evaluation of the agency FOIA process allowing for improvements to those processes.

The FOIA Module will also allow public access to FOIA request that have been published by multiple agencies in a single repository. The agency chooses what items to publish or not publish to the public repository based on agency-established guidelines. This repository will allow the public to view previously released requests and information pertaining to those requests. This capability allows the requestor to refine his or her request based on more complete information.

## **Workflow within the FOIA Module Itself**

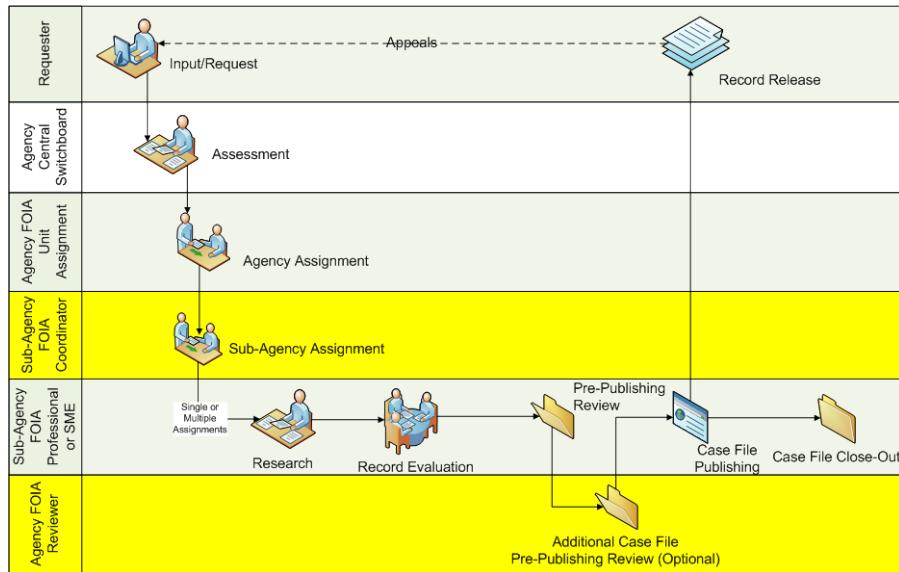
In <sup>1</sup>Figure 7 – Processing a FOIA Using the FOIA Module, we see a graphical depiction of the workflow defined by an agency. In this example, there are six various user types:

1. Requester
2. Agency's central switchboard
3. Agency FOIA unit assignment
4. Sub-agency FOIA coordinator
5. Sub-agency FOIA professional or subject matter expert (SME)
6. Agency FOIA reviewer

In some agencies, these roles would be performed by the same person

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**Figure 7 – Processing a FOIA using the FOIA module**



All of the features in the FOIA module are depicted in the Cloud graphic on Figure 4. These features and capabilities within the FOIA module include the ability to:

- *Accept Requests Online*
- *Track Requests in a Case File*
- *Manage Deadlines*
- *Calculate Fees*
- *Research and Upload Records*
- *Publish Electronic Records*
- *Accept Appeals Online*
- *Prepare the Annual Report*
- *Search and Retrieve*

## Conclusion

The ability of the government to meet FOIA requirements while working in a reduced budget environment is next to impossible. However, many government agencies are working to implement best practices across their environments while achieving not just the legal requirement of FOIA, but the spirit of FOIA and open government. These FOIA professionals working in an environment that has limited resources are performing an admirable job. In order to allow these professionals to improve their processes and meet the objectives defined by their agencies, we need to supply a cost-effective solution that allows the agencies to define how it will implement in a manner that fits the agency-business process.

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The FOIA module allows each participating agency to model its business processes with available resources in a cost-effective manner. It also allows an agency to determine when an agency should move to the module within its existing FOIA lifecycle so that the migration/implementation fits their business and cost model.

While the FOIA module is not a silver bullet, it does allow a cost-effective implementation to improve an agency's FOIA effort and public outreach. The implementation of the FOIA module will be a cost-effective solution that meets both public and government requirements with scalability to become a government-wide solution. The implementation of government-wide system for FOIA would allow the public the ability to access in one location information from all agencies that had been released under the Freedom Of Information Act. This central repository would create the most efficient outreach for transparency ever by the federal government. The efforts by all agencies to meet the mandates under FOIA are time consuming, any capability to enhance these efforts that streamlines the processes and improves the access to information by the public all while reducing the cost to the agencies is a positive step by the government.