

June 3, 2009

The Honorable John Berry
Director
United States Office of Personnel Management
Theodore Roosevelt Federal Building
1900 E Street, NW
Washington, D.C. 20415-0001

Dear Mr. Berry:

The undersigned organizations and individuals concerned with government transparency write to request that the Office of Personnel Management (OPM) reconsider and revise its December 16, 2008, report issued pursuant to Section 11 of the OPEN Government Act of 2007.

The OPEN Government Act directed OPM to provide recommendations to Congress regarding a series of potential ways to improve personnel practices for employees who administer the Freedom of Information Act (FOIA) in the federal government. The report issued by OPM at the close of the Bush Administration, however, falls short of Congress' intentions and the expectations of both government FOIA professionals and members of the public who regularly file FOIA requests. On his first day in office, President Obama "usher[ed] in a new era of openness" and committed his administration to greater transparency and accountability. Realization of these promises depends on qualified, committed Freedom of Information Act (FOIA) personnel.

We request that OPM gather input from the key stakeholders who were not previously consulted before making any further recommendations pursuant to the OPEN Government Act mandate. The report states that OPM staff met with FOIA officials from two agencies. OPM should consult with a range of agencies—those with FOIA programs that are smaller, larger, centralized, and decentralized—and consider the issues and ideas raised by agencies in their FOIA Improvement Plans, submitted to the Department of Justice in 2006 pursuant to Executive Order 13,392, and subsequent reports on implementation of the executive order, which describe the FOIA personnel and resource challenges agencies face.

In addition to meeting with a wide range of agencies, OPM should consult with representatives from the American Society of Access Professionals (ASAP), an independent organization for FOIA and privacy professionals. OPM should also seek input from members of the FOIA requester and advocacy community, who interact with agency FOIA personnel on a daily basis and understand the implications for government transparency and accountability of neglecting professional development and failing to support FOIA staff.

We look forward to your response indicating that OPM will reexamine the issues described in Section 11 of the OPEN Government Act of 2007 and a timetable for the completion of that process. We appreciate your attention to these issues, and we look forward to working with you on developing new recommendations for improving FOIA personnel practices. Representatives

of our organizations would be happy to meet with you or your staff to discuss our requests in more detail.

Sincerely,

The National Security Archive

Essential Information

OpenTheGovernment.org

Federation of American Scientists

American Association of Law Libraries

Government Accountability Project

Association of Research Libraries

Liberty Coalition

Californians Aware

Mine Safety and Health News

Center for National Security Studies

Minnesota Coalition on Government Information

Citizens for Responsibility and Ethics in Washington (CREW)

National Whistleblowers Center

Collaboration on Government Secrecy

OMB Watch

Defending Dissent Foundation

Project on Government Oversight (POGO)

Electronic Frontier Foundation

Utah Foundation for Open Government

Individual signatories, additional information for identification purposes only

Larry W. Bryant
Alexandria, VA

Mary A. Johnson
Oak Park, IL

Richard A. Knee, Sunshine activist and freelance journalist
San Francisco, CA

Kimberly Nugent, Advocate - Child Support Enforcement
Orange County, CA

Judith C. Russell
former Superintendent of Documents at the U.S. Government Printing Office

Chad Scherr, FOI Advocate
West New York, NJ