

Recommendation for 2016 Agency Open Government Plans
April 2016

The following commitment should be incorporated into each agency's 2016 Open Government Plan in order to facilitate the work of the Federal FOIA Ombudsman--the Office of Government Information Service (OGIS).

Update Systems of Records Notices (SORNs) to include a routine use that allows the sharing of information with the Office of Government Information Services (OGIS)

Background: When carrying out an agency assessment, OGIS's review team evaluates a sample of agency FOIA case files against FOIA's requirements and selected DOJ and OGIS best practices. If the agency has updated its systems of records notices (SORNs) to include a routine use for the disclosure of records to OGIS, the agency is permitted to share case files without taking additional steps. However, the absence of an appropriate routine use requires additional administrative steps OGIS and the agency must take to share the information. It is important for agencies to update their SORNs to include routine uses that allow for OGIS and the agency to discuss and share information about an individual's FOIA requests.

Commitment: Each agency's Open Government Plan will include a commitment to require the head of the agency to publish in the Federal Register a system of records notice, which allows the Office of Government Information Services access to records to the extent necessary to effectively carry out its mediation services and agency assessments.

Agencies can refer to the model routine use that OGIS developed with the Department of Justice (DOJ):¹

To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. § 552(h), to review administrative agency policies, procedures and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

We welcome the opportunity to discuss this with you further. Please contact Patrice McDermott, Executive Director of OpenTheGovernment.org, at pmcdermott@openthegovernment.org or 202-332-6376.

¹ For more on the agencies that have revised their SORN's to include a routine use that allows the sharing of information with OGIS, see <https://ogis.archives.gov/Page452.aspx>.