



## **Protecting public access to information during the pandemic**

Public access to information is vital during times of crisis, but government transparency is often sacrificed when it is needed most. The coronavirus pandemic is no different, and we are seeing Freedom of Information Act processing either directly undermined or buried in delays. Open the Government recommends that Congress take the following measures to protect FOIA:

### **1) Increase funding for FOIA offices**

FOIA offices are chronically under-resourced, particularly as FOIA requests have [increased](#) by at least 30 percent since 2012 and the FOIA backlog has increased by 80 percent. While agencies have also increased the resources spent on FOIA in that time, it has not been enough to meet the rising need. The COVID-19 pandemic has exacerbated the problem, both because of the volume of requests as well as new challenges such as facilitating remote FOIA processing. It is more important than ever that the public receives timely response to FOIA requests, rather than waiting months or years. Congress should increase funding for FOIA offices for the duration of the crisis, so long as they continue to accept electronic requests.

### **2) Give FOIA officers access to electronic records**

One of the most significant reasons for delays in processing requests is that FOIA officers must retrieve electronic records from systems to which they do not have direct access. Instead, they must request that other departments retrieve relevant records, slowing the process and leaving searches to other officials who have not received FOIA training. Currently, many federal officials are working remotely, making it even more difficult to access relevant records. Granting FOIA officers access to an agency's electronic records would go a long way toward reducing processing delays and speeding the response to requesters.

### **3) Increase transparency around new government contracts**

Despite the fact that they use taxpayer dollars to carry out government functions, private companies that contract with the federal government are currently not subject to government transparency requirements. As a result, many private contractors operate with minimal oversight and accountability, with no mechanisms to ensure government funds are spent properly. Particularly during this difficult time, it is vital that the public is able to ensure contractors aren't guilty of waste or fraud at the expense of public health and safety. Congress should require that all new contracts made using CARES Act or other coronavirus-related funds contain a provision subjecting the contractor to the Freedom of Information Act.

We are happy to provide recommended legislative language for numbers 2 and 3 upon request. Please contact Emily Manna at [emanna@openthegovernment.org](mailto:emanna@openthegovernment.org) for more information.