



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503



DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530
February 12, 2019

M-19-10

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Margaret Weichert 
Deputy Director for Management
Office of Management and Budget

Jesse Panuccio 
Principal Deputy Associate Attorney General
Department of Justice

SUBJECT: Guidance for Achieving Interoperability with the National Freedom of Information Act (FOIA) Portal on FOIA.gov

- 1. Purpose.** Transparency and openness are foundational principles underlying the FOIA. The FOIA Improvement Act of 2016 furthered these principles by enacting several meaningful improvements. One of the principal improvements in the 2016 amendments is the requirement to create a central, online request portal that allows a member of the public to submit a request for records under the FOIA to any Federal agency from a single website. Pursuant to the statute, the Office of Management and Budget (OMB) and the Department of Justice (DOJ) are required to ensure operation of a consolidated, online request portal and establish standards for interoperability between the new National FOIA Portal and agencies' current FOIA platforms.

This memorandum provides instructions for agencies' Chief FOIA Officers¹ on actions that agencies must take to ensure interoperability with the National FOIA Portal ("the Portal").

- 2. Authority.** This memorandum is authorized and required by the FOIA Improvement Act of 2016, 5 U.S.C. § 552(m). It requires agencies to provide information and complete necessary actions that will facilitate interoperability with the National FOIA Portal, through which a member of the public can submit a request for information to any Federal agency from any website.

¹ The FOIA requires agencies to designate a Chief FOIA Officer, who is charged with "agency-wide responsibility for efficient and appropriate compliance" with the Act. See 5 U.S.C. § 552(j)(2)(A) (2012 & Supp. IV 2016). The FOIA requires that each Chief FOIA Officer "shall be a senior official of such agency (at the Assistant Secretary or equivalent level)." *Id.* at § 552(j)(1). Agencies should ensure that their respective Chief FOIA Officer designations are at the appropriate level, consistent with the statute.

3. **Agency Applicability.** This memorandum applies to all Federal Executive Branch agencies subject to the FOIA pursuant to 5 U.S.C. § 552(f)(1).
4. **Interoperability Standards.** Agencies' diverse missions, operations, and resources affect the volume, subject, and complexity of the FOIA requests they receive and process, as well as the agency-specific systems developed for supporting agency FOIA operations. This precludes a "one-size-fits-all" solution for the Portal. For example, some agencies with very low volumes of requests use simple, non-automated solutions, such as spreadsheets, that fully satisfy their FOIA management needs. By contrast, those agencies with high volumes of requests require automated case management systems. Consequently, agencies can be interoperable with the Portal in one of two ways: (1) agencies can accept a FOIA request directly to their current platforms via a structured Application Programming Interface (API), or (2) agencies can accept a FOIA request via a formal, structured e-mail to a designated e-mail inbox.

Unless granted an exception by OMB and DOJ, agencies with automated case management systems will be required to achieve full interoperability with the National FOIA Portal by accepting requests through a structured API. Any agency seeking an exception must make such a request in writing through the agency's Chief FOIA Officer, and OMB and DOJ will evaluate such requests on a case-by-case basis. Agencies with non-automated solutions will be required to achieve full interoperability by accepting FOIA requests through the National FOIA Portal via a formal, structured e-mail to a designated e-mail inbox.

Additional documentation and technical instructions for agencies to achieve interoperability through the API are available at <https://foia.gov/developer/>.

Further, to support interoperability, a uniform terminology and approach will enable agencies to describe their FOIA processes and their requirements for accepting FOIA requests. To ensure that each agency maintains interoperability with the National FOIA Portal, each agency will be required to:

- maintain an account on FOIA.gov where the agency will update information about its FOIA administration, including its FOIA contact information; and
- maintain a customized FOIA request form tailored to its own FOIA regulations.

5. **Timeline for Achieving Interoperability.** Most agencies will see efficiencies by accepting the API, and are strongly encouraged to pursue this option early. However, achieving that level of interoperability may require resources to support the necessary development work and testing for API configuration. The cost for implementing the API will vary by agency depending on each agency's case management solution and level of technical support.

By **May 10, 2019**, Chief Financial Officers (CFO) Act agencies must provide to OMB a plan for how they intend to achieve full interoperability. Interoperability plans submitted to OMB should include the fiscal year by which the agency expects to achieve full interoperability and the estimated cost. In general, plans should provide for interoperability via formal, structured e-mail as soon as technically feasible, and for those agencies with an automated

case management system, full API interoperability within two fiscal years, unless granted an exception. No exceptions will be granted beyond August 2023.

Agencies should begin budget proposal discussions with their applicable OMB Resource Management Office if they need to seek additional resources to achieve interoperability via an API.

Additionally, effective immediately, agencies must ensure that future case management systems are developed to ensure interoperability with the National FOIA Portal via an API.

6. **Agency Action Items.** The following requirements are effective immediately and on an ongoing basis:
 - a. **Update FOIA.gov:** Agencies are required to maintain and regularly update their respective FOIA.gov accounts as needed to reflect any changes to their respective agency FOIA programs or contacts. It is each agency's responsibility to ensure that its information on FOIA.gov is fully up-to-date.
 - b. **Annual Certification:** Although agencies should be regularly reviewing and updating their FOIA.gov accounts, all agencies are required annually to certify the accuracy of their FOIA.gov information to DOJ during the annual FOIA report clearance process. This certification ensures that agency FOIA information, including agency mission statements, FOIA reference guides, FOIA regulations, FOIA contact information, FOIA request forms, and links to FOIA libraries remain up-to-date.
 - c. **Future Information and Data Requirements:** OMB and DOJ may require additional FOIA information and data collections from agencies as enhancements are made to the Portal to improve the efficiency of FOIA processes and operations Government-wide, and will communicate these requirements to agencies as applicable.
7. **Information and Data Quality.** Agencies are responsible for the accuracy and completeness of the FOIA information and data they provide.
8. **Points of Contact.** Further information may be obtained from DOJ's Office of Information Policy (OIP) or OMB's Performance Teams at:
 - a. **DOJ Office of Information Policy:** Bobby Talebian at phone 202-514-3642 or e-mail Bobak.Talebian@usdoj.gov or National.FOIAPortal@usdoj.gov.
 - b. **OMB Performance Team:** Adam Lipton at phone 202-395-2511 or e-mail alipton@omb.eop.gov or performance@eop.omb.gov.
 - c. **OMB Office of the Federal Chief Information Officer:** Rebecca Williams at e-mail Rebecca.A.Williams@omb.eop.gov or OFCIO@omb.eop.gov.