

federal-eye

What would the ideal FOIA regulations include?

By Josh Hicks

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The Obama administration this month began a series of inter-agency discussions on how to improve and simplify its patchwork of Freedom of Information Act regulations, which are currently different for all 99 agencies that are subject to the law.

The talks, led by the Justice Department's Office of Information Policy, are part of an effort to meet President Obama's promise of creating the most open government in U.S. history. Transparency advocates say the administration has fallen well short of its goal.

The disparate regulations currently in place have tended to frustrate information seekers. The inter-agency discussions are meant to develop a common set of practices that would make navigating the system simpler for information requesters, in addition to helping the government update its regulations with greater ease.

A coalition of transparency advocates — consisting of Citizens for Responsibility and Ethics in Washington, the Electronic Privacy Information Center and the National Security Archive — recently developed its own set of recommendations.

Below are some highlights of the group's proposals:

- * **Equal access for online news organizations:** No discriminating against digital journalists. Each of them should be considered a "representative of the news media," which qualifies them for a FOIA fee waiver under the law.
- * **Post requested documents online:** This could make access easier and save taxpayers money on printing and paper costs.
- * **Disclosure should be the default:** Obama issued a government-wide memorandum during his first term saying agencies should never withhold information merely because its disclosure would cause embarrassment. The coalition recommended that the government formalize that order to give it more weight.
- * **Limit Exemption 5:** This exemption allows the government to refuse records in some cases if the information is part of the decision-making process, but critics say the administration has abused it. The coalition proposes limiting the exemption to documents less than 12 years old.
- * **Reduce unnecessary secrecy:** Require agencies to review classified documents that have been requested to determine whether the information still needs to be classified.

A full list of the recommendations and their explanations is available on the coalition's Web site.

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