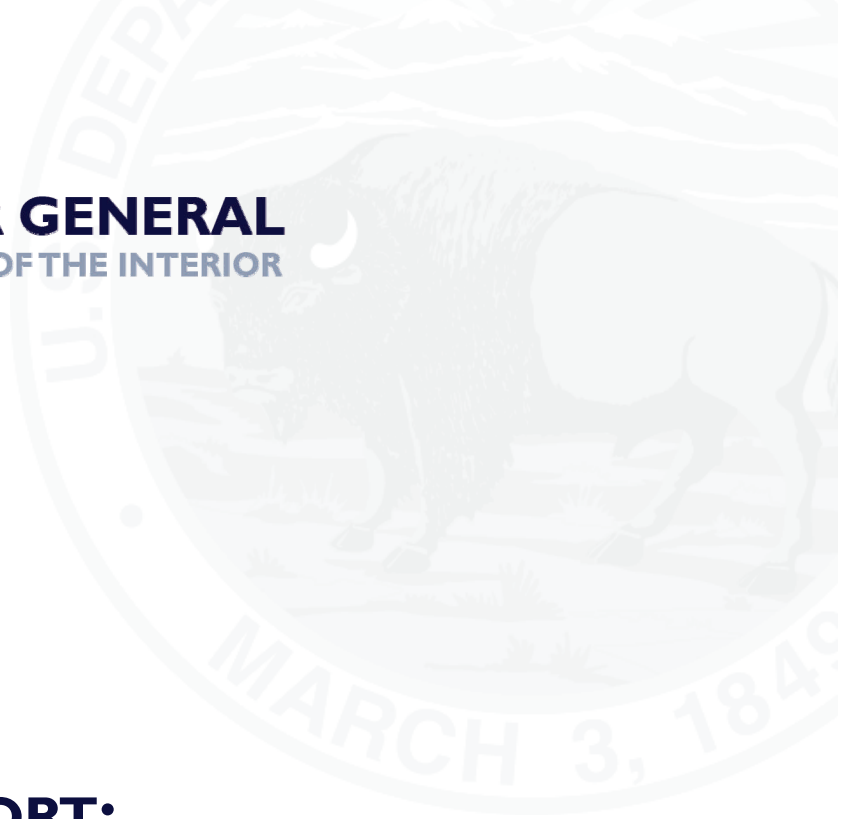




OFFICE OF  
**INSPECTOR GENERAL**  
U.S. DEPARTMENT OF THE INTERIOR



# **INSPECTION REPORT:**

## FREEDOM OF INFORMATION ACT



OFFICE OF  
**INSPECTOR GENERAL**  
U.S. DEPARTMENT OF THE INTERIOR

OCT 25 2010

Memorandum

To: Secretary Salazar

From: Mary L. Kendall *Mary L. Kendall*  
Acting Inspector General

Subject: Inspection Report: Freedom of Information Act  
(Assignment No. ER-IS-MOA-0004-2010)

We received a congressional request on August 23, 2010, asking the Office of Inspector General to conduct an inquiry into the Department of the Interior (Department) Freedom of Information Act (FOIA) Office. Specifically, they asked us to determine whether political appointees are made aware of information requests and, if so, the extent to which they have a role in request reviews or decision-making.

We found that political appointees may be aware of FOIA requests, but in most cases do not have a role in the request reviews or decision-making. We did find, however, six outstanding requests submitted by a Los Angeles Times reporter back in 2004 that may have had direct political involvement. The unusual processing of these six requests and the considerable delays involved could indicate political appointee involvement. We were, however, unable to obtain definitive proof of such involvement. Overall, we did not find evidence of pervasive direct involvement in the request reviews or decision-making.

If you have any questions or need additional information, please do not hesitate to contact Kimberly Elmore, Assistant Inspector General for Audits, Inspections, and Evaluations, at 202-208-5512.

## **Introduction**

We performed this inspection in response to a congressional request. The request tasked the Office of Inspector General with conducting an inquiry into the Department of the Interior (Department) Freedom of Information Act (FOIA) Office. Specifically, we were asked to determine whether political appointees are made aware of information requests and, if so, the extent to which they have a role in request reviews or decision-making. To respond to this request, we performed an inspection in accordance with the “Quality Standards for Inspections” endorsed by the Council of Inspectors General on Integrity and Efficiency. Specifically, we interviewed officers from the Department FOIA Office and each FOIA office within the various Department bureaus and reviewed FOIA regulations, a FOIA tracking system, and select documents.

## **Background**

The organizational structure of the Department’s FOIA Program is similar to the decentralized structure of the Department itself. The Department’s FOIA website states that this structure offers the Department the most “effective and efficient system for compliance with all FOIA requirements, not just those that govern responses to individual requests.”

The Department’s diverse functions and the sensitive, high profile issues with which it deals, generate a large and increasing number of FOIA requests each year.

### **Department-level:**

The Department-level FOIA Program is responsible for developing policies and guidelines, providing support, and maintaining the Department’s electronic tracking system.

### **Bureau/Office-level:**

The Department has decentralized its FOIA operations among 11 bureaus and offices, each of which has a FOIA Officer leading its separately managed and resourced FOIA Program. These FOIA Officers are responsible for tracking, managing and responding to FOIA requests for records in their organization’s possession and control, and administering their organization’s FOIA programs.

## **Findings**

Overall, we found that political appointees may be aware of FOIA requests but in most cases they do not have a role in the request reviews or decision-making. In the case of the Deepwater Horizon incident, the Department has taken steps to coordinate responses to eliminate duplication. As a result, bureaus communicate incoming FOIA requests with various levels within the Department. Even so, although the political appointees may be aware of the requests, we did not find evidence of pervasive direct involvement in the request reviews or decision-making.

We did find, however, six outstanding requests that may have had direct political involvement. A Los Angeles Times reporter submitted these requests, dated January 13-16, 2004, to the Department FOIA Office. The reporter requested communications between the White House and high-ranking Interior officials on various politically sensitive topics.

The Office of the Secretary (OS) FOIA Officer informed us that the Department took 2 years to prepare the original responses to these requests. The responses were then sent to the White House, where they remained for another 2 years before being returned to the Department's Office of the Solicitor (SOL), where they remained for yet another 2 years. Recently, the OS FOIA Officer and the SOL revisited the requests and decided to release the responses, which were sent to the White House for review in July 2010, where they remain.

The unusual processing of these six requests and the considerable delays involved could indicate political appointee involvement. We were, however, unable to obtain definitive proof of such involvement.

## **Conclusion**

Overall, the Department's FOIA process has remained free from political influence. In rare circumstances that involved coordination with outside agencies, political involvement may have hindered the responses.

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U.S. Department of the Interior  
Office of Inspector General  
Mail Stop 4428 MIB  
1849 C Street, NW  
Washington, D.C. 20240

## **By Phone:**

24-Hour Toll Free 800-424-5081  
Washington Metro Area 703-487-5435

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