

GAO Highlights

Highlights of [GAO-22-105040](#), a report to congressional addressees

Why GAO Did This Study

FOIA, enacted into law more than 50 years ago, seeks to improve the public's access to government information and promote the principles of openness and accountability in government.

The CARES Act includes a provision for GAO to monitor and oversee the federal government's response to the COVID-19 pandemic. GAO also was asked to review how the pandemic affected FOIA processes and procedures. This report examines (1) how key measures of FOIA administration changed from fiscal years 2019 to 2020 and over time since fiscal year 2012; (2) how selected agencies adapted their FOIA operations during the pandemic; and (3) how selected agencies' backlog reduction plans aligned with standards for internal control and performance management practices.

GAO selected five agencies based on a variety of factors including the number of FOIA requests received, processed, and backlogged. GAO reviewed documents and interviewed officials from the selected agencies and the National Archives and Records Administration.

What GAO Recommends

GAO is making a total of four recommendations, with one each to DOL, DHS, USDA, and OIP. These include that OIP should evaluate the usefulness and burden of collected performance information, and identify ways reporting can inform current and emerging challenges. The agencies agreed with the recommendations.

View [GAO-22-105040](#). For more information, contact James R. McTigue, Jr. at (202) 512-6806 or mctiguej@gao.gov.

January 2022

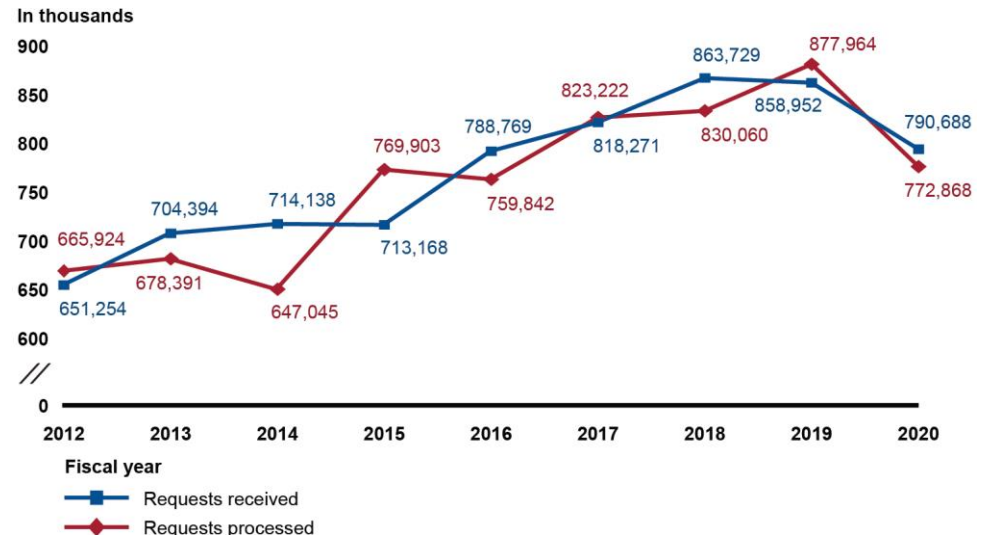
FREEDOM OF INFORMATION ACT

Selected Agencies Adapted to the COVID-19 Pandemic but Face Ongoing Challenges and Backlogs

What GAO Found

The COVID-19 pandemic affected some measures of Freedom of Information Act (FOIA) administration government-wide. For example, FOIA requests received declined government-wide by 8 percent in fiscal year 2020, the first year of the pandemic, compared to fiscal year 2019. Overall, agencies processed about 12 percent fewer requests during this same period. Other measures continued longer-term trends, such as increasing FOIA request backlogs.

FOIA Requests Received and Processed Government-wide, Fiscal Years 2012 through 2020



Source: GAO analysis of agency-reported Freedom of Information Act (FOIA) data on FOIA.gov. | GAO-22-105040

Four of the five selected agencies—the Departments of Agriculture (USDA), Homeland Security (DHS), and Labor (DOL), and the Environmental Protection Agency—initially faced pandemic-related challenges such as access to information technology networks and FOIA requests received by mail. FBI's use of a classified FOIA system meant that staff could not telework. Thus, they had to ensure workforce safety in the office.

All five agencies employed strategies and leading practices to maintain operations during the pandemic, including processing requests based on their complexity, increased communication with requesters, and interim releases. These agencies also continued long-term, non-pandemic related planning efforts, such as technology updates to FOIA systems and organizational changes.

Some of the agencies reviewed did not have key performance information in their backlog reduction plans. For example, USDA could better document planned actions and milestones and DOL may not have reliable backlog data. Additionally, DHS components with significant backlogs could develop plans. Such information could help, for example, ensure agencies sustain backlog reduction efforts. GAO found opportunities for the Office of Information Policy (OIP) to collect and publicly report additional data, such as the causes of FOIA litigation, which could help agencies address emerging challenges.