

Freedom of Information Act Response Process

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August 2015

Office of Audit Report Summary

Objective

To determine whether non-career officials at the Social Security Administration (SSA) were involved in the *Freedom of Information Act* (FOIA) response process and, if so, whether their involvement resulted in undue delays of responses or withholding of documentation or portions of documentation that would have otherwise been released without their involvement.

Background

FOIA establishes a legal right of access to federal agency records based on the principles of openness and accountability in government. Enacted in 1966, FOIA gives any person the right to request records created by federal agencies. On January 21, 2009, the President issued two memoranda, *Transparency and Open Government* and *Freedom of Information Act*. Both documents focused on increasing the amount of information made public by the Government.

In a September 2010 report, we concluded that SSA's political appointees were sometimes made aware of, or reviewed, information requests; however, there was no evidence of FOIA information requests being detoured, unusually scrutinized, delayed, or hindered by SSA political appointees.

Findings

Generally, SSA non-career officials were not involved in the FOIA response process. Through interviews with key management officials in the Office of Privacy and Disclosure, we learned that career service employees, such as FOIA Analysts and Coordinators, were involved in developing and responding to FOIA requests. While non-career officials were sometimes made aware of FOIA requests, we did not find evidence suggesting that they impeded the FOIA response process. Further, the Chief FOIA Officer certified that non-career officials were not involved in decisions regarding the Agency's responses to FOIA requests.

Moreover, our review of 150 sample FOIA requests received October 1, 2011 to June 30, 2015 did not show any indications that the 18 non-career officials at SSA had delayed or approved FOIA responses. We found no evidence that delays in providing responses to FOIA requestors resulted from non-career officials' involvement. According to SSA, the loss in staff responsible for processing FOIA requests was the primary reason for the delays and backlog of cases. Further, SSA received several significant and complex FOIA requests from the press that required extensive staff time and effort to review and process.