



September 17, 2015

MEMORANDUM

Memo No. 15-07

TO: India Pinkney
General Counsel and Chief FOIA Officer

FROM: Tonie Jones 
Inspector General

SUBJECT: Management Advisory Report - NEA's Freedom of Information Act Program

BACKGROUND

On June 23, 2015, Senators Ron Johnson and Thomas Carper requested the Office of Inspectors General to provide information on its respective agency's Freedom of Information Act (FOIA) practices. Specifically, we were to analyze the involvement of non-career officials in the FOIA response process for the period of January 1, 2007 to present. If there was involvement by a non-career official, we were to determine whether that involvement resulted in undue delays or withholdings of documents that would have otherwise been released.

ANALYSIS RESULTS

We performed the analysis and provided our response to Senators Johnson and Carper and your office on August 12, 2015. We did not identify any delays or withholdings of documents as a result of the involvement of a non-career official; however, we did identify some areas for improvement in NEA's FOIA program.

As part of our analysis, we interviewed the FOIA Officer, reviewed NEA's FOIA tracking system, which includes the FOIA database and case files, and procedures provided by the FOIA Officer. Our analysis identified instances of inaccurate or incomplete information in the FOIA files and database system and inconsistencies between NEA's annual report and the data on www.foia.gov. Our review of NEA's FOIA website found broken links and incomplete information. NEA also does not have a process in place to ensure non-career officials are informed of their responsibilities for the handling of FOIA requests timely. As a result, we issued the following recommendations to strengthen NEA's FOIA program and provide continuity.

RECOMMENDATIONS

1. Revise the FOIA written policies and procedures to include procedures for quality reviews of NEA's FOIA tracking system, including the database, case files and annual reports to ensure the information is complete and accurate. All NEA General Counsel employees involved in the FOIA process should be familiar with the policies and procedures.

You have agreed to update the FOIA written policies to include procedures for quality reviews of NEA's FOIA tracking system.

2. Update its FOIA website to ensure that all links are active and information is accurate and complete.

You informed us that your office is in the process of updating the FOIA website; however, the links must be corrected by NEA's staff responsible for the website.

3. Develop and implement a process to ensure non-career officials are informed of their responsibilities for the handling of FOIA requests.

You informed us that the Office of General Counsel provides a handbook to all senior level officials, career and non-career, which includes an overview of NEA's FOIA program. However, the handbook does not address specifics for the handling of FOIA requests. Although not required, you have agreed to implement a process to inform senior level executives of their obligation to "act promptly" to FOIA requests.

The recommendations will remain open until corrective actions have been fully implemented.

We appreciate your quick response and thank you for the cooperation of you and your staff during our analysis of NEA's FOIA program.

Please provide support for implementation of corrective actions to me when completed. If you have any questions, please contact me at extension 5774.

cc: Winona H. Varnon, Deputy Chairman for Management and Budget
Mike Griffin, Chief of Staff
Caralyn Spector, Senior Advisor to the Chairman
Desiree Flippin, Paralegal Specialist and FOIA Officer