

Lisa DeLuca

Where do FOIA responses live?

Electronic Reading Rooms and web sources

The Freedom of Information Act, FOIA (5 U.S.C. 552), generally provides any person with the statutory right, enforceable in court, to obtain access to government information in executive branch agency records. FOIA does not apply to the judicial or legislative branches of the U.S. government. This right to access is limited when information is protected from disclosure by one of FOIA's nine statutory exemptions and exclusions.

The "Electronic Freedom of Information Act Amendments of 1996" required that agencies needed to make eligible records available electronically. As a result, there are dozens of FOIA Libraries and Electronic Reading Rooms that are repositories for responses to agency FOIA requests. These documents are also known as responsive documents. Documents are often posted by agencies with redactions to protect personal privacy, national security, and other FOIA exemptions and exclusions. It is important for researchers, journalists, and citizens to use the terms "FOIA Libraries" and "Electronic Reading Rooms" as part of their search terminology. This will ensure they can find documents that might not be findable through a regular Google search.

There is no shortage of literature analyzing the challenges and administrative components of FOIA, including response wait times, complaints about excessive redactions, and lawsuits over access to government files. The purpose of this article is to describe where FOIA responses can be located. Searchable

government FOIA information varies by agency. This column includes descriptions of several agency Electronic Reading Rooms, government sources (including Presidential Libraries), and the National Archives and Records Administration (NARA), as well as nongovernment sources, such as FOIA Mapper and MuckRock. The sources listed in this column are excellent starting points to locate current and historical FOIA content.

Electronic Reading Rooms

• Central Intelligence Agency (CIA)

-CREST. The CIA Records Search Tool (CREST) is the publicly accessible repository of the subset of CIA records reviewed under this 25-year program in electronic format. The database contains more than 11 million pages, including documentation about the Berlin Tunnel and Joint Publications Research Service (JPRS). JPRS is a government agency that translates foreign language books, newspapers, journals, unclassified foreign documents, and research reports. *Access:* <https://www.cia.gov/library/readingroom/collection/crest-25-year-program-archive>.

• Central Intelligence Agency (CIA)-

Historical Records. This Electronic Reading

Lisa DeLuca is social sciences librarian at Seton Hall University, email: lisa.deluca@shu.edu

© 2019 Lisa DeLuca

Room allows researchers to review documents about the Bay of Pigs Invasion, the Nazi War Crimes Disclosure Act, and CIA involvement in the 1954 coup in Guatemala. An important part of CIA's ongoing effort to be more open and to provide for more public accountability has been acknowledging and declassifying historically significant agency documents. These historical documents include President Carter and the Role of Intelligence in the Camp David Accords, President Nixon and the Role of Intelligence in the 1973 Arab-Israeli War, and the CIA's Analysis of the Korean War. The Electronic Reading Room is searchable by year, which ranges from 1900 and 1975 to 2017. The number of documents posted from 1975 to 1997 is smaller, averaging 200 per year. In 1998, more documents were born digital and released to the Electronic Reading Room as of August 1, 2018. *Access:* <https://www.cia.gov/library/readingroom/historical-collections>.

• **Department of Homeland Security (DHS).** This Electronic Reading Room states that FOIA Reading Rooms contain four distinct categories of records. The four categories of Reading Room records are: 1) "final opinions [and] . . . orders" made in the adjudication of cases, 2) specific agency policy statements, 3) "administrative staff manuals and instructions to staff that affect a member of the public," and 4) records disclosed in response to a FOIA request that "the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records." Frequently requested records include the Deepwater Horizon Oil Spill Response, Occupy Wall Street, and Presidential Transition Records. There are also many reports, logs, and Presidential Executive Orders on Protecting the Homeland. In addition to Deferred Action for Childhood Arrivals (DACA) Characteristics Data, New York University Medical Center Public Assistance Project Worksheets Regarding Hurricane Sandy and USCIS A-Files of Interest, there are DHS Open Government Data Sets. More and more Open Government Data will

be available for download from all agency websites and from data.gov. *Access:* <https://www.dhs.gov/foia-library>.

• **Environmental Protection Agency (EPA).** The National Online FOIA Library directs users to final opinions, administrative staff manuals and instructions, frequently requested records, such as hurricane responses and FOIA Logs, EPA-related information systems, and Superfund-related information. *Access:* <https://www.epa.gov/foia/national-online-foia-library>.

• **Federal Bureau of Investigation (FBI).** The FBI's Electronic Reading Room is called the Vault. The Vault contains more than 6,700 documents and other content. Topics range from Civil Rights to Counterterrorism. Records about historical periods (Gangster Era, World War II), political figures (Aristotle Onassis to Winston Churchill), and events (Watergate and the Mississippi Burning case) are available. Frequently requested records include the 2018 Director Comey Memoranda of Communications with President Trump and the 2018 St. Joseph Missouri School District Investigation. The site contains agency policy statements, administrative staff manuals, and instructions and proactive disclosures. *Access:* <https://vault.fbi.gov/reading-room-index>.

Government resources

• **Data.gov.** While not all agency data may be transferred into data.gov, this is an important resource to check while conducting FOIA government research. In fall 2018, there were 299 federal datasets in data.gov with the search term "FOIA." In some cases the metadata record is available for the public, but the data itself is not public for privacy or security reasons. *Access:* <https://www.data.gov/>.

• **FOIA.gov.** A government-wide FOIA resource managed by the Department of Justice's Open Government Plan, the site is designed to have users check agency websites first to see if content already resides at the agency level. If the content does not

exist, users are given instructions about how to submit a FOIA request to a specific federal agency. Also, the public has access to FOIA agency data collected by the Department of Justice and can view the data graphically and generate reports. FOIA.gov also provides information about how the FOIA process works and describes new FOIA releases. Approximately 60 agencies are listed at foia.gov and links to their Electronic Reading Room are provided, if they exist. Additionally, one can query data about exemptions, appeals, processing time, proactive disclosures, and other variables. *Access:* www.foia.gov.

- **FOIAonline.** A tracking and processing tool for registered agencies and offices, FOIAonline allows citizens to request information under FOIA from participating agencies, track the status of requests, file appeals, and search for other people's requests, appeals, and responsive records. FOIAonline is a multiagency web-application that allows the public to make FOIA requests from participating agencies, monitor the status of an agency's response to a request, search for information previously made available, and create reports about FOIA processing. FOIAonline also is a multiagency workflow system and repository that enables partner agencies to receive, manage, track, and respond to FOIA requests, create reports, including the annual FOIA report that is submitted to the Department of Justice, communicate with requesters, and manage their FOIA case files as electronic records. The site was relaunched in July 2018, and 18 agencies have used FOIAonline to post records since 2012. *Access:* <https://foiaonline.regulations.gov/foia/action/public/home>.

Nongovernment resources

- **FOIA Mapper.** An independent website created by Max Galka, with funding from the Knight Foundation, FOIA Mapper aggregates and displays FOIA information in a visually dynamic envi-



ronment. The site collects data from government websites and databases and organizes them into a searchable catalog. Researchers can search FOIA Mapper by keyword, and it will return a list of what information exists, which government agency stores the information, the format that is stored in, and provides instructions about making FOIA requests. Additionally, contact information for each agency is provided, including emails and phone numbers. When a user searches by agency in FOIA Mapper, they can see FOIA Logs, which are record keeping systems to track FOIA requests within an agency. For example, on FOIA Mapper, you can see the 16 subagencies that comprise the Department of Defense, including the Department of the Army, the Defense Intelligence Agency, and the National Security Agency. For each sub-agency, you can see agency request logs, statistics about wait time, denials, and backlogs of FOIA requests. This site is useful because it not only aggregates FOIA information by agency, but it also shows the hierarchy of government agencies and subagencies in an easy to navigate format. This is useful for researchers who may need to determine which agency to contact regarding the FOIA. *Access:* <https://foiamapper.com/agencies>.

- **MuckRock.** This nonprofit, collaborative news site for journalists, researchers, activists, and citizens allows users to request, analyze, and share government documents.

M u c k -

R o c k ' s

m a i n

MUCKROCK

goal is to make politics more transparent and democracies more informed. The site provides a repository of nearly 3 million pages of original government materials, information on how to file requests, and tools to make the requesting process easier. MuckRock staff and other contributors upload primary source documents received through the site to create an investigative reporting and analysis repository. Government materials on MuckRock are available free of charge and, with some exceptions,

without restriction. Filing requests through MuckRock starts at just \$20 to file up to four requests, which includes advice, postage, follow up, and hosting of the materials in an easy-to-use format. *Access:* <https://www.muckrock.com/foi/list/>.

Presidential records

Additional FOIA records can be found at Presidential Libraries. These records are subject to FOIA and the Presidential Records Act of 1978 (PRA). From the links below, you will see that there is not yet standardization among Presidential Libraries where FOIA records are located on the Presidential Library sites.

- **Ronald Reagan Presidential Library and Museum.**

This Library has FOIA logs from 2000 to 2016 posted, and not all records are hyperlinked. Nonetheless a log would give researchers additional search terms or log numbers to make FOIA requests. It is not indicated if documents are not available because they have not been digitized or if they meet FOIA exclusions or are subject to PRA. Reagan's files were subject to FOIA starting in 1994. Topic guides can also help users access content ranging from acid rain to Soviet Union relations. *Access:* <https://www.reaganlibrary.gov/freedom-of-information-act-requests/freedom-of-information-act-requests-by-year>.

- **George H. W. Bush Presidential Library and Museum.**

This Presidential Library currently has records from 1998 to 2019, all records are hyperlinked. There are currently nearly 900 records ranging from John Sununu to Paul Manafort. Records are searchable by case number, and the records are full-text searchable. *Access:* <https://bush41library.tamu.edu/archives/finding-aids/foia>.

- **Clinton Presidential Library and Museum.**

In the Clinton Digital Library, FOIA documents range from the Anti-Terrorism and Effective Death Penalty Act to Elena Kagan. The Kagan files encompass White House Counsel Files, Domestic Policy Counsel Files, and White House

Office of Records Management Files. As of January 20, 2014, Clinton's Presidential Records were subject to FOIA. The Clinton Library has FOIA records listed by topic. *Access:* <https://clinton.presidentiallibraries.us/collections/show/6>.

- **George W. Bush Presidential Library and Museum.**

In the digital library section of this website, FOIA collections include White House Staff Member Office Files, WHORM, and FOIA Requests dated 2014 to 2016. Additionally, other files contain Records Related to the Nomination and Appointment of Neil M. Gorsuch and Records Related to Brett M. Kavanaugh. *Access:* <https://www.georgewbushlibrary.smu.edu/Research/Digital-Library>.

- **Barack Obama Presidential Library.**

Barack Obama's Presidential records will be subject to FOIA on January 20, 2022. Unlike other Presidential Libraries administered by NARA, the Barack Obama Presidential Library will be a fully digital library. Records are currently stored in Hoffman Estates, Illinois, while the permanent site is under construction in Chicago. *Access:* <https://www.obamalibrary.gov/about-us>.

Vice-presidential records

Vice Presidential records are available in the National Archives and Records Administration (NARA) Catalog. Researchers may view open and publicly available Gore, Cheney, and Biden Vice Presidential records in the main research room located in the National Archives Building on Pennsylvania Avenue in Washington, D.C. Digital records are available in the NARA Catalog. These include:

- **Gore Responses.** Records of the Gore Office of the Vice President from 1993 to 2001.

- **Cheney Responses.** Records of the Cheney Office of the Vice President, 2001–09.

- **Biden Responses.** Records of the Biden Office of the Vice President, 2009–17. *Access:* <https://www.archives.gov/research/vice-presidential-records/research.html>.