Deloitte.

FREEDOM FROM
YOUR INFORMATION:
SURGE CAPACITY FOR YOUR
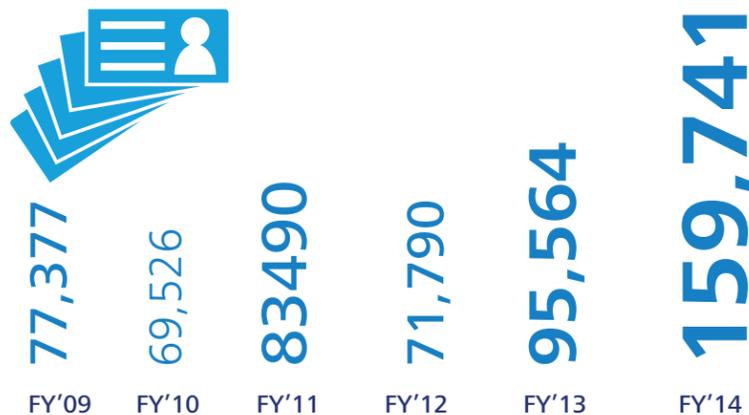# FOIA BACKLOG

THE ISSUE

President Obama ordered more responsiveness to Freedom of Information Act (FOIA) requests at the outset of his presidency. Since that time, government agencies have committed to sharing more information with the public, including proactively posting data to their web sites[i]. Despite this effort to be more open and transparent there are historically high FOIA requests. Processing these requests has become a challenge for many government agencies in light of the current budgetary climate and reductions in staffing[1].

TOTAL NUMBER OF REQUESTS RECEIVED GROW YEAR-OVER-YEAR

FY'09	FY'10	FY'11	FY'12	FY'13	FY'14
557,825	597,415	644,165	651,254	704,394	714,231

ADDITIONALLY, THE BACKLOG GREW:
NUMBER OF BACKLOGGED REQUESTS

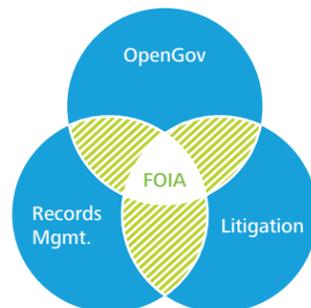| FY'09	FY'10	FY'11	FY'12	FY'13	FY'14
77,377	69,526	83490	71,790	95,564	159,741

A TARGETED FOIA SOLUTION

- A sudden surge or a large static backlog of cases presents an ideal opportunity to use technology to enhance review **efficienc**y and **accuracy**.

- Data protection—Leverage technology to identify whether the FOIA request includes the release of personally identifiable information (PII) and initiate workflow to redact or perform further review

- Technology recommendations and implementation

- FOIA review subject matter expert

- Analytics—Text-based categorization and predictive technology.

Example: Using key word terms developed with agency leadership we can pre-identify cases that potentially fall into three key categories. We will filter these to SME teams for faster and more accurate review.
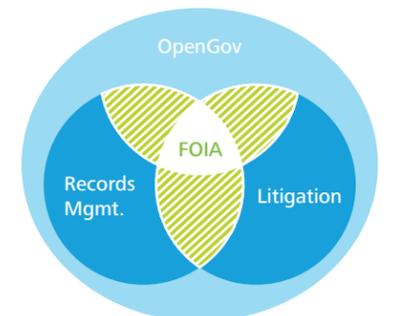
- Predictive analysis of FOIA and fraud

- Collection—Document chain of custody to ensure defensibility in potential litigation. Forensic capture of Electronically Stored Information (ESI). Cross-functional use of data captured at enterprise level.

- Process Innovation and workflow analysis

FOIA vs. OpenGov

OpenGov / FOIA / Records Mgmt. / Litigation

Currently, compliance with the FOIA and OpenGov are both affecting and being affected by Records Management and Litigation, in some instances creating conflicts.

Over time, OpenGov will come to encompass all of these more directly, with FOIA decreasing. Recently, seven agencies launched an effort to place requested FOIA documents online.[2].

OpenGov / FOIA / Records Mgmt. / Litigation

ARE YOU PREPARED TO ADDRESS YOUR FOIA BACKLOG OR A POTENTIAL SURGE?

IN OUR EXPERIENCE A SUCCESSFUL FOIA/OPENGOV PROGRAM IS BASED ON THE FOLLOWING KEY ELEMENTS

Use technology and analytics

These are the keys to ensuring **accurate** review, as well as an **efficient** review workflow that allows timely response to FOIA requests.

Allow you to **efficiently collect and cull** information needed for response.

Allow you to **understand and categorize** the information collected.

Develop flexible workflow and staffing approaches

Choose the appropriate workflow and staffing approach based on the current circumstances of your review:

Steady-State Operations: When receipt rate of FOIA request is predictable use a linear workflow with a standard base of resources.

Surge due to Catastrophic Event: This can create backlog. Utilize an assembly-line workflow, significantly augmented by analytics (such as text-based categorization) and filter groups of FOIA documents to teams with specific experience reviewing their specific content.

Employ versatile technology

Platform used for FOIA delivery, including COTS products, should have robust analytics capability or the ability to accept analytics-based information from other technologies. The **technology should be open to innovation** so that you can adjust approaches to your needs rather than being constrained by the product's functionality.

Examples of analytics:

De-duplication of identical documents and identification of nearly duplicate documents

Text-based searching and categorization of documents.

Predictive coding and redaction of documents based on content.

Develop and utilize experienced strike teams

Develop subject-matter expertise within review teams that specialize in certain types of FOIA requests or content.

CONTACT US
TO ASSIST WITH ENHANCING YOUR AGENCY'S FOIA/OPENGOV PROCESS

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To find out how to address your FOIA backlog or FOIA surge, contact:

governmentdiscovery@deloitte.com

[1] http://usat.ly/1BNasBf
[2] http://1.usa.gov/1eHX5YK
[3] http://bit.ly/1VwzrhL