

# GAO Highlights

Highlights of [GAO-16-248](#), a report to congressional requesters

## Why GAO Did This Study

FOIA requires federal agencies to provide the public with access to government information in accordance with principles of openness and accountability and generally requires agencies to respond to requests for information within 20 working days. When an agency does not respond or a requester disagrees with the outcomes of his or her request, the requester can appeal a decision or file a lawsuit against the agency. Like other agencies, DOL responds to thousands of FOIA requests each year. In fiscal year 2015, the department received approximately 16,800 requests.

GAO was asked to review DOL's FOIA processing. GAO's objectives were to determine (1) how the department and its components manage and process FOIA requests, including how they prioritize requests, and the extent that responses to requests have been timely; and (2) how many lawsuits DOL has been subjected to arising from FOIA requests, and the results of those lawsuits. To do so, GAO reviewed DOL reports, policies, guidance, and other documentation; analyzed a random sample of FOIA requests processed by the department in fiscal year 2014; reviewed FOIA-related legal records; and interviewed officials.

## What GAO Recommends

GAO is recommending, among other things, that DOL establish a time frame to finalize and issue its updated FOIA regulation and take actions to implement required and recommended system capabilities. In written comments on a draft of the report, the department agreed with the recommendations.

View [GAO-16-248](#). For more information, contact Valerie C. Melvin at (202) 512-6304 or [melvinv@gao.gov](mailto:melvinv@gao.gov).

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## FREEDOM OF INFORMATION ACT

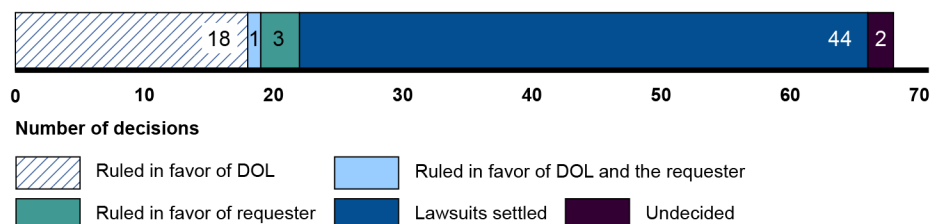
### Department of Labor Can Improve Management of Its Program

## What GAO Found

Responsibilities for managing and processing Freedom of Information Act (FOIA) requests are handled by the Department of Labor's (DOL) 23 component offices. Within one of these components, the Office of Information Services (OIS) functions as the department's central FOIA office and has agency-wide responsibility for managing the program; however, the department has not updated its FOIA regulation to reflect changes in its process made in response to more recent amendments to the law and new implementing guidance. DOL uses an information technology (IT) system to manage and track requests, but it has not implemented key required and recommended capabilities for enhancing FOIA processing, such as capabilities to accommodate individuals with disabilities or electronic redaction. Implementing the required and recommended capabilities could improve the efficiency of the department's FOIA processing. DOL and its components have implemented a process for prioritizing FOIA requests, allowing for expedited processing in certain cases, and in fiscal year 2014 the department processed an estimated 76 percent of requests that GAO reviewed within 20 working days. For the estimated 24 percent of cases that were not timely, officials attributed these delays, in part, to the involvement of multiple components in a single request or the time required to process large volumes of requested records. However, the department did not document the rationales for delays in its FOIA tracking system or notify requesters of them. Further, the department had not responded to administrative appeals within the statutory time frame of 20 working days, but is taking steps to reduce the backlog of appeals.

From January 2005 through December 2014, 68 FOIA-related lawsuits were brought against DOL. Of these lawsuits, the court ruled in favor of the department in 18 cases, jointly in favor of both the department and the requester in 1 case, and in favor of the requesters in 3 cases. In 44 of the remaining lawsuits, the department and the requesters established settlement agreements that awarded attorney's fees and other costs to the requesters or resulted in the department potentially releasing additional information. A decision on 2 lawsuits was undecided as of April 2016 (see figure).

**Number and Outcomes of Freedom of Information Act-Related Lawsuits Brought against the Department of Labor (DOL), January 2005–December 2014**



Source: GAO analysis of lawsuits documentation. | GAO-16-248

Although recommended by Department of Justice guidance, the department did not notify requesters of mediation services offered by the Office of Government Information Services as an alternative to litigation. By doing so, DOL may be able to avoid future lawsuits, thus saving resources and ensuring that requesters are kept informed about the department's FOIA process.