

# GAO Highlights

Highlights of [GAO-22-105845](#), a testimony before the Committee on the Judiciary, United States Senate

## Why GAO Did This Study

FOIA seeks to improve the public's access to government information and promote openness and accountability in government. However, the COVID-19 pandemic presented challenges for FOIA administration by significantly affecting how federal employees performed their work as agencies adopted a maximum telework posture and limited on-site work.

GAO was asked to testify on FOIA government-wide performance and the associated impact of the pandemic. Specifically, this statement summarizes the results from GAO's previously issued reports on (1) government-wide FOIA performance for fiscal year 2020 compared to fiscal year 2019 and long-term trends from fiscal years 2012 through 2020; (2) selected agencies' initial pandemic-related challenges and their use of leading practices to maintain FOIA operations; (3) selected agencies' continuing challenges with FOIA request backlogs; and (4) selected agencies' use of proactive information disclosures—making records publicly available without waiting for specific requests.

To address these objectives, GAO summarized the results of pertinent FOIA reports it issued from 2018 to 2022. It also followed up with selected agencies on the extent to which they had implemented GAO's prior recommendations related to FOIA operations.

View [GAO-22-105845](#). For more information, contact James R. McTigue, Jr. at (202) 512-6806 or [McTigueJ@gao.gov](mailto:McTigueJ@gao.gov).

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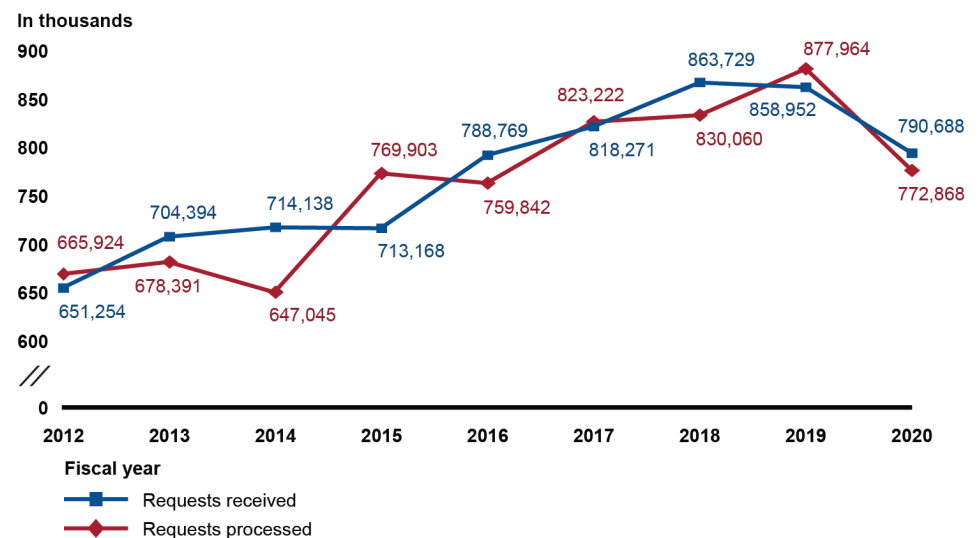
## FREEDOM OF INFORMATION ACT

### Selected Agencies Adapted to COVID-19 Challenges but Actions Needed to Reduce Backlogs

## What GAO Found

In January 2022, GAO reported that the COVID-19 pandemic affected selected government-wide measures of Freedom of Information Act (FOIA) administration, while other indicators reflected ongoing longer-term trends. FOIA requests received declined by 8 percent and requests processed declined by 12 percent in fiscal year 2020, the first year of the pandemic, compared to the previous year.

FOIA Requests Received and Processed Government-wide, Fiscal Years 2012 through 2020



Source: GAO analysis of agency-reported Freedom of Information Act (FOIA) data on FOIA.gov. | GAO-22-105845

This report also found that four of five selected agencies—the Departments of Agriculture, Homeland Security, and Labor, and the Environmental Protection Agency—initially encountered temporary challenges preparing employees to work in the maximum telework environment. These challenges included working in a virtual environment and ensuring access to equipment at home. The agencies subsequently used various practices, such as providing interim releases of requested information, to help maintain operations.

GAO has reported that selected agencies faced continuing challenges with FOIA request backlogs. From fiscal years 2012 to 2020, the government-wide backlog increased by 97 percent. GAO has made several recommendations to address these challenges, including that agencies develop specific plans to reduce backlogs. However, three of these recommendations from its January 2022 report and two from its 2018 review have not yet been implemented.

Further, in 2021, GAO found that selected agencies had not (1) updated their policies and processes to reflect current proactive disclosure requirements, and (2) accurately and completely reported disclosures. Accordingly, it made six recommendations to these agencies to improve their management of proactive disclosures, which have not yet been implemented.

Taking actions to address backlogs and make proactive disclosures could help enhance government transparency and the efficient use of agency resources.