

**From:** Law, Ryan  
**Sent:** Thu, 16 Jun 2016 13:48:59 +0000

**To:** (b)(6)

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**Cc:** (b)(6)

**Subject:** RE: FOIA Legislation Update

All – below is a brief and draft summary of the changes to the FOIA in the FOIA Improvement Act of 2016. As we discussed yesterday during our monthly Bureau Council Meeting, (once the President signs the bill) I expect DOJ to issue guidance and hold training that will address the changes (when the Open Government Act was signed into law on December 31, 2007, OIP issued guidance only nine days later on January 9, 2008). Once we have DOJ guidance in hand, we will schedule a Treasury-wide FOIA training – likely in late July or early August.

- requires disclosure of records in multiple, electronic formats
- codifies “rule of three”: proactive posting of records requested three or more times
- creates additional fee limitations, further defines exceptional circumstances
- standardizes appeal time to 90 days
- in final determinations, requires notice to requester of right to contact FOIA public liaison and/or OGIS
- codifies “harm standard” for all exemptions but exemption 3
- exemption 5 deliberative process privilege “expires” after 25 years – document must be 25 years older than the date of the request (does not impact other exemption 5 privileges)
- adds additional reporting requirements: (1) number of time exclusions used, (2) number of records disclosed pursuant to (a)(2) [final opinions, policies, staff manuals, “rule of three” requests]
- requires posting of annual report in electronic and “open” format and raw data
- creates new reporting requirements for DOJ, moves deadline to March (was April)
- creates new reporting requirements for OGIS
- makes OGIS more independent
- requires OGIS to hold an annual meeting for purpose of collecting public feedback
- requires agencies to designate a Chief FOIA Officer at the Assistant Secretary level, CFO to designate one or more FOIA public liaisons
- requires CFO to annually review agency FOIA operations (evaluate regulations, disclosure of records under (a)(2) and (a)(8), fees and fee waivers, use of exemptions, dispute resolution services)
- establishes the CFO Council, led by OIP and OGIS to meet at least annually, open to public (Treasury’s CFO will need to participate)
- requires OMB and DOJ to establish a “government-wide FOIA portal”
- requires agencies to update regulations within 180 days
- changes only apply to requests made after the date of enactment

Ryan Law  
Director for FOIA and Transparency  
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[Ryan.Law@treasury.gov](mailto:Ryan.Law@treasury.gov)

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**From:** Law, Ryan  
**Sent:** Tuesday, June 14, 2016 8:04 AM  
**To:** (b)(6)

(b)(6)

**Cc:** (b)(6)  
**Subject:** RE: FOIA Legislation Update

*POLITICO* [reports this morning](#) that the FOIA Improvement Act of 2016 “passed the House on Monday and will soon be headed for the White House, where the measure is expected to be signed into law by President Barack Obama”.

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**From:** Law, Ryan  
**Sent:** Monday, June 13, 2016 11:40 AM  
**To:** (b)(6)

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**Cc:** (b)(6)  
**Subject:** FOIA Legislation Update

*The Hill* [reports](#) that “the House on Monday evening is slated to take up the [Senate’s version of reform to the Freedom of Information Act \(FOIA\)](#), which the upper chamber passed in March”.

If S.337 passes the House today without amendments, it will go to the President for signature. If there are amendments, the bill will go back to the Senate for reconciliation.

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**From:** Law, Ryan  
**Sent:** Wed, 30 Aug 2017 17:32:10 +0000  
**To:** Sonfield, Brian  
**Cc:** (b)(6)  
**Subject:** FW: FOIA Regulations  
**Attachments:** DRAFT Treasury FOIA Regs 5.30.2017\_Law Comments 8.7.17.docx

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**From:** Law, Ryan  
**Sent:** Monday, August 07, 2017 12:08 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: FOIA Regulations

(b)(6) – first, let me sincerely apologize that it has taken so long to respond. I appreciate your and Brian’s work on this – it should not have taken me so long to review and respond.

Second, I’ve completed review of the draft regulations. I’ve made minimal changes and comments (b)(5)  
(b)(5) Let me know if you would like to touch base.

Third – next steps (b)(5)

(b)(5)

Ryan

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**From:** (b)(6)  
**Sent:** Tuesday, August 01, 2017 10:52 AM  
**To:** Law, Ryan <Ryan.Law@treasury.gov>  
**Cc:** (b)(6)@treasury.gov  
**Subject:** FOIA Regulations

Ryan,

Brian wanted me to inquire whether PTR had any thoughts/comments on the edits we made to the regulations.

Best regards,

(b)(6)

Attorney-Advisor  
(General Law, Ethics and Regulation)  
Department of the Treasury

(b)(6)

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**From:** Law, Ryan  
**Sent:** Mon, 3 Apr 2017 15:24:34 +0000  
**To:** Richardson, Deryl  
**Cc:** (b)(6)  
**Subject:** FW: FOIA Rundown, 3/4 - 4/3

Deryl – couple things:

1. Consider if anyone should attend the 6/13-6/14 FOIA for Access Professionals or the 6/28 FOIA Litigation Seminar at DOJ. Registration is open and these classes will fill quickly.
2. Because of this article, we should now call the “rule of three” for proactive posting the “Beetlejuice Provision”:

- Environment News Service: ‘Beetlejuice Provision’ invoked to save data

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**From:** Law, Ryan  
**Sent:** Monday, April 03, 2017 11:22 AM  
**To:** (b)(6)

(b)(6)

**Cc:** Richardson, Deryl  
**Subject:** FOIA Rundown, 3/4 - 4/3

Happy Monday! Here is your semi-regular update of all things FOIA and Transparency:

### Announcements

- Treasury has posted the FY2016 FOIA Annual Report and 2017 Chief FOIA Officer Report. Thank you to everyone that helped prepare this year’s submissions.
- OGIS released its Fiscal Year 2016 Annual Report. Treasury had 45 OGIS facilitated cases during FY16. OGIS also presented training at Treasury’s FOIA Summit.
- DOJ has posted government-wide FY2016 FOIA data on [www.foia.gov](http://www.foia.gov). More information here.
- The House Oversight and Government Reform committee held a hearing entitled “Legislative Proposals for Fostering Transparency” on March 23<sup>rd</sup>. Video of the hearing and witness statements can be accessed here.

### Training



- OGIS will host dispute resolution training on April 18<sup>th</sup>. More information and registration information [available here](#).
- Registration for the (1) June 13-14 FOIA for Attorneys and Access Professionals and the (2) June 28 FOIA Litigation Seminar is now open. Information [available here](#).

### **In the News and on the Web**

- Washington Post: [Behold the most terrifying images in these declassified nuclear test videos](#)
- Federal News Radio: [Agency FOIA offices to get self-help tool from DOJ](#)
- Columbia Journalism Review: [‘Always appeal,’ and more pro tips from a dozen FOIA experts](#)
- Niemanlab.org: [FOIA the dead used the New York Times’ obituaries to shine a light on FBI surveillance, for the living](#)
- POLITICO: [Princeton sues to block release of records on admissions probe](#)
- Columbia Journalism Review: [Who files the most FOIA requests? It’s not who you think](#)
- Courthouse News Service: [Judge Knocks FBI on Secrecy in Old FOIA Battle](#)
- DailyDot.com: [NASA blocks FOIA request for potential White House ‘media blackout’ orders](#)
- MuckRock: [How to get media requester status for your FOIA requests](#)
- Environment News Service: [‘Beetlejuice Provision’ invoked to save data](#)
- FedScoop: [OPEN Government Data Act to get another chance](#)

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