



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

JUL 20 2015

The Honorable Ron Johnson, Chairman  
Homeland Security and Governmental Affairs Committee  
United States Senate  
Washington, DC 20510

Dear Chairman Johnson:

Thank you for your letter requesting we review the Department of Homeland Security's (DHS) Freedom of Information Act (FOIA) practices. Specifically, you asked we assess the level of involvement by non-career officials with the FOIA process and determine whether the Department is taking the appropriate steps to fully respond to FOIA requests without unnecessary delay. Further, we understand you want our review to ensure the participation of non-career officials in the FOIA response process has not resulted in less information than otherwise would have been provided, or has otherwise compromised honest efforts by the Department to respond to FOIA requests.

We recognize the importance of our role in oversight of the Department's FOIA response practices. As a result, we have conducted prior work in this area. Our report, OIG-11-67, *The DHS Privacy Office Implementation of the Freedom of Information Act* (Enclosure 1), determined that while the DHS Privacy Office made important progress in ensuring openness, the Office of the Secretary had unprecedented involvement in the FOIA process beginning in 2009. For several hundred requests deemed significant, components were required to provide for headquarters review all the material they intended to release. The Department's review process created inefficiencies that hampered full implementation of the Act.

Additionally, the Government Accountability Office (GAO) has recently issued a report focusing on DHS' FOIA response practices. GAO Report GAO-15-82, *DHS Should Take Steps to Improve Cost Reporting and Eliminate Duplicate Processing* (Enclosure 2), found that certain immigration-related requests are processed twice by two different DHS components. The duplicate processing of such requests by the two components contributes to an increase in the time needed to respond to the requests. GAO recommended DHS improve the reporting of FOIA costs, eliminate duplicative processing, and direct components to implement recommended and required FOIA system capabilities. In



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written comments on a draft of the report, DHS agreed with the recommendations.

We will consider adding a new review to our fiscal year 2016 Annual Performance Plan specifically on the involvement of non-career personnel on the FOIA process from January 1, 2007 to the present, and whether non-career officials' involvement led to unnecessary delays. While we cannot immediately initiate an evaluation of Department FOIA practices in light of our current workload, we would be open to meeting with you to discuss your request and our prior work in more detail in the interim.

Should you have any questions, please contact me, or your staff may contact Erica Paulson or Elizabeth Kelleher, Congressional Liaisons, at (202) 254-4100.

Sincerely,

A handwritten signature in black ink that reads "John Roth".

John Roth  
Inspector General

cc: The Honorable Thomas R. Carper  
Senate Homeland Security and Governmental Affairs Committee

Enclosures: (1) OIG-11-67, The DHS Privacy Office Implementation of the Freedom of Information Act  
(2) GAO-15-82, DHS Should Take Steps to Improve Cost Reporting and Eliminate Duplicate Processing