THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY UNITED STATES OF AMERICA

ARTICLE 13 UNCAC

ACCESS TO INFORMATION

UNITED STATES OF AMERICA (SEVENTH MEETING)

In relation to ensuring that the public has effective access to information (article 13 (1) (b)):

- Legislation, regulations, policies and procedures regarding public access to information through ICT, such as online platforms, including details regarding:
- Means by which requests may be submitted (in writing, via Internet, by telephone);
- The types of bodies required to publish information;
- The scope of the information published;
- Any information that must be submitted by the requester as part of the request for information;
- Costs charged to submit a request
- Applicable time limits within which the Government must respond to the request;
- Grounds on which a request by a member of the public for information may be denied;
- Description of staff or entity responsible for administering access to information requests;
- Description of steps taken to ensure that existing laws, regulations, policies and procedures regarding access to information are widely known and accessible to the public;
- Description of the means by which the public is informed of how to access information.

The Freedom of Information Act (FOIA) provides the public – regardless of citizenship - the right to request access to records from any federal agency. Federal agencies are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement. The FOIA also requires agencies to proactively post online certain categories of information, including frequently requested records.

FOIA requests must be in writing and reasonably describe the records an individual seeks. Most federal agencies now accept FOIA requests electronically, including by web form, e-mail or fax. There is no initial fee required to submit a FOIA request, but the FOIA does provide for the charging of certain types of fees in some instances (although the Requester can ask for this fee to be waived). The time it takes to respond to a request will vary depending on the complexity of the request and the backlog of requests already pending at the agency. Instructions on how to submit a FOIA request can be found at http://www.foia.gov/faq.

FOIA.gov serves as the government's comprehensive FOIA website for all information on the FOIA. Among many other features, FOIA.gov provides a central resource for the public

to understand the FOIA, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. FOIA.gov also promotes agency accountability for the administration of the FOIA by publishing agencies' quarterly reports and graphically displaying the detailed statistics contained in Annual FOIA Reports so that they can be compared by agency and over time.

The U.S. Department of Justice, through its Office of Information Policy (OIP) is responsible for encouraging agency compliance with the FOIA and for ensuring that the President's FOIA Memorandum and the Attorney General's FOIA Guidelines are fully implemented across the government. In addition to its policy functions, OIP oversees agency compliance with the FOIA. All agencies are required by law to report to the Department of Justice on their FOIA compliance through submission of Annual and Quarterly FOIA Reports and Chief FOIA Officer Reports. These reports, which are posted online, inform the public about agency compliance with the FOIA, President Obama's FOIA Memorandum, and former Attorney General Holder's FOIA Guidelines, and they serve as yearly benchmarks for agencies as they continually refine their administration of the FOIA. OIP develops guidelines for those reports, issues guidance and provides training to agencies to help them complete the reports, and reviews and compiles summaries of both agency Annual FOIA Reports and Chief FOIA Officer Reports.

The Department of Justice has also started rolling out a "FOIA tag," which uses metadata to tag information that could help the public more easily find FOIA documents in Internet searches. This "FOIA tag" enables the public to readily locate all agency documents that contain the FOIA tag, allowing the public to quickly and efficiently identify records on specific topics of interest to them that are located in FOIA Libraries.

To increase transparency in campaign financing, the Federal Election Commission hosts a Campaign Finance Disclosure portal that provides a single point of entry to campaign finance data. It includes easy-to-navigate maps and charts that display campaign finance in a way that meets the reviewer's interest. It includes many search tools that help individuals use the FEC data sources. Many of the data sets can be downloaded so that individuals can perform their own analyses.[1]

The U.S. Office of Government Ethics (OGE), which is responsible for providing overall leadership and oversight of the executive branch ethics program, uses information and communication technology to ensure the public has access to information.

A primary source of information comes from OGE's website. In the past few years, OGE has implemented a new strategy for communicating with the public through Director's Notes posted on the homepage of OGE's website, www.oge.gov. The Director's Notes provide a public-friendly explanation of OGE's role in the executive branch ethics program. In addition, OGE created a space on its homepage, called OGE Highlights, to provide current news and information about OGE and the executive branch ethics program in an easy to understand manner.

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[1] http://www.fec.gov/pindex.shtml

In addition, the following high-value information is currently available for download (generally in TXT, HTML, and PDF formats) on OGE's website:

- OGE Advisories: OGE posts all written guidance to executive branch ethics officials and employees, including legal, education, and program advisories.[2]
- Ethics Program Review Reports: OGE conducts reviews of agency ethics programs and issues recommendations to improve the ethics program if deficiencies are found. OGE posts all program review and follow-up reports to its website.[3]
- Ethics Pledge Report and Related Waivers: On January 21, 2009, President Obama signed Executive Order 13490, which created new commitments for political appointees entering government service. This Executive Order requires every full-time, political appointee appointed on or after January 20, 2009, to sign an Ethics Pledge. The Executive Order also requires OGE to publish an annual report on the administration of the pledge.[4] In addition to posting this annual report, all waivers are made publicly available on either OGE's website[5] or the White House website[6] when issued.
- Annual Agency Questionnaire Responses: This Questionnaire asks agency ethics offices for information about ethics officials and the administration of agency ethics programs, as well as core elements of the ethics program that assist in the identification and resolution of potential conflicts of interest. The compiled data provides valuable insights about the executive branch ethics program. In 2015, OGE began posting to its website each agency's response in full,[7] in addition to providing an online summary of the combined data from the agency questionnaire responses in a visual format.[8]
- Travel Reports: Agencies are required to submit to OGE semiannual reports of payments for travel, subsistence, and related expenses received from non-federal sources in connection with the attendance of employees at certain meetings or similar functions.[9]

OGE also uses social media to broaden its reach to key external stakeholders and make the information posted more useful to these stakeholders. Specifically, OGE uses its Twitter account[10] to direct the public to detailed information on its website and to provide an additional way to access OGE's latest publications. OGE also uses its Twitter account to provide information regarding changes in executive branch ethics laws, regulations, and programs. In addition, OGE has expanded its use of social media by creating Google+ and YouTube pages.[11] OGE uses these accounts to live stream ethics education offerings to ethics officials and to live-stream events such as OGE's National Government Ethics Summit.

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[2] https://www.oge.gov/web/oge.nsf/OGE+Advisories/
[3] https://www.oge.gov/web/oge.nsf/Program%20Review%20Reports
[4] https://www.oge.gov/web/oge.nsf/Annual+Report+on+Executive%20Order%2013490%20(Ethics%20Pledge)
[5] https://www.oge.gov/Web/OGE.nsf/Executive+Branch+Agency+Ethics+Pledge+Waivers
[6] https://www.whitehouse.gov/briefing-room/disclosures/ethics-pledge-waivers
[7] https://extapps2.oge.gov/annualquestionnaire/aq2014.nsf
[8] https://www2.oge.gov/web/oge.nsf/8c1c7c4b3ca9da3485257ea6006d9aff/$FILE/Executive%20Branch%20Ethics%20Program%20Roles%20and%20Responsibilities.pdf
[9] https://www2.oge.gov/web/oge.nsf/Travel%20Reports?openview
[10] https://twitter.com/OfficeGovEthics
[11] https://www.youtube.com/user/OGEInstitute

Further, all public financial disclosure reports for presidentially appointed, senate-confirmed positions have been publically available, upon request, since 1979. A subset of the reports for certain presidentially appointed, senate-confirmed positions are available by email, once an individual completes

an easy-to-use online form on OGE's website.[12]

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[12] https://extapps2.oge.gov/201/Presiden.nsf

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY THE UNITED STATES OF AMERICA

ARTICLE 13 UNCAC

ACCESS TO INFORMATION

UNITED STATES OF AMERICA (THIRD MEETING)

Freedom of Information Act

o RELEVANT UNCAC PROVISIONS

☐ Article 13, Para 1. (b) – ensuring the public has effective access to information

o ABOUT

☐ The Freedom of Information Act (5 U.S.C. § 552) ("FOIA") generally provides that any person has a right, enforceable in court, to obtain access to federal agency records. FOIA is administered through a decentralized system so that each federal agency is responsible for implementing the Act's requirements.

☐ On January 21, 2009 President Obama issued a FOIA Memorandum that called for federal executive departments and agencies to administer the FOIA with a presumption of openness in order to achieve an unprecedented level of transparency in the work of the Executive Branch.
(http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/). In accordance with the President's Memorandum, on March 19, 2009, Attorney General Holder issued new FOIA Guidelines that reaffirm the commitment to accountability and transparency (http://www.justice.gov/ag/foia-memo-march2009.pdf).

o AWARENESS RAISING

☐ Agency FOIA websites provide extensive information, such as instructions on how to make FOIA requests, agency FOIA contacts, FOIA Libraries that contain frequently requested documents as well as operational documents that describe agency policies and procedures, documents that agencies proactively make available to the public, and FOIA compliance reports. For some examples of agency FOIA pages visit http://www.state.gov/m/a/ips/, http://energy.gov/management/office-management/operational-management/freedom-information-act,

☐ The Office of Government Information Services (OGIS) (https://ogis.archives.gov/) is a FOIA resource for the public and the government. OGIS is a place where anyone can ask for FOIA assistance. In other words OGIS, also serves as the FOIA ombudsman -- answering questions, tracking suggestions and providing information. OGIS:

• Provides general information about FOIA and the FOIA process;

• Offers best practices for working with Federal agencies;

• Hosts roundtables and events with the public to discuss FOIA issues; and

• Points to agency contacts such as FOIA Public Liaisons.

Dot Gov Websites

o RELEVANT UNCAC PROVISIONS
☐ Article 13, Para 1. (b) – ensuring the public has effective access to information

o ABOUT
☐ The executive branch has created a variety of centralized online platforms that aggregate data from across agencies. These websites make unprecedented amounts of information available and easily accessible to the public, often in searchable and downloadable formats.

o AWARENESS RAISING

☐ www.usa.gov – A centralized place to find information from U.S. local, state, and federal government agency websites, USA.gov offers a powerful search engine and an index of web-accessible government information and services to help users find what they need.

☐ www.data.gov - The purpose of Data.gov is to increase public access to high value, machine readable datasets generated by the Executive Branch of the Federal Government.

☐ www.performance.gov - This site gives users a view of the progress underway in cutting waste, streamlining government, and improving performance. Specifically, Performance.gov provides information on the following areas of focus: Acquisition, Financial Management, Human Resources, Technology, Performance Improvement, Open Government, Sustainability, Customer Service

☐ www.usaspending.gov – This site provides the public with information about how their tax dollars are spent on the various types of contracts, grants, loans, and other types of government spending. It includes for each Federal award: the name of the entity receiving the award; the amount of the award; information on the award including transaction type, funding agency, etc; the location of the entity receiving the award; and a unique identifier of the entity receiving the award.

☐ www.itdashboard.gov - Through the IT Dashboard, users can view details of Federal information technology (IT) investments online and to track their progress over time. The IT Dashboard includes general information on over 7,000 Federal IT investments and detailed data for over 700 of those investments that agencies classify as "major."

www.foreignassistance.gov - This website provides a visual presentation of and access to key foreign assistance budget and appropriation data for the Department of State and USAID. The Foreign Assistance Dashboard was created in response to the principles of the Paris Declaration on Aid Effectiveness and President Obama's Open Government Initiative. The goal of the Foreign Assistance Dashboard is to give a wide variety of stakeholders, including U.S. citizens, civil society organizations, the Congress, U.S. Government agencies, donors, and partner country governments the ability to examine, research and track U.S. Government foreign assistance investments in an accessible and easy-to-understand format.

 www.foia.gov – see above under "Freedom of Information Act"

 www.regulations.gov – see above under "Regulations.gov"

 www.recovery.gov – see above under "Recovery Accountability and Transparency Board"