

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY UNTIED STATES OF AMERICA

ARTICLE 13 UNCAC

PUBLICATION AND DISSEMINATION OF INFORMATION ON CORRUPTION

UNITED STATES OF AMERICA (SEVENTH MEETING)

In relation to respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption (article 13 (1) (d)):

- Outlines of the procedures or regulations that ensure the freedom of the public to seek and receive information concerning corruption, in particular using ICT. States parties and signatories may wish to include the following information, if applicable:
- The extent to which such information is proactively and systematically published by the Government online;
- The extent to which such information is available upon online request for access to information by a member of the public;
- Any restrictions applicable to exercise of the freedom to seek, receive, publish and disseminate such information, in particular using ICT, including:
- Restrictions necessary for respect of the rights or reputations of others (libel and defamation laws, etc.);
- Restrictions necessary for the protection of national security or *ordre public* or of public health or morals;
- Description of how such restrictions are applied in practice;
- Description of procedures that allow a member of the public to apply for review of, or appeal against, the application of such a restriction by the Government.

Information about corruption is proactively and systematically published by several U.S. government agencies. For example, through its website, the Federal Bureau of Investigation (FBI) provides public corruption stories, revealing various incidents of corruption within state agencies, elected officials, and individuals within civil society. Individuals are able to connect and subscribe to the agency's various social media outlets (Facebook, Twitter, YouTube, iTunes, and Email) to get updates. The U.S. Office of Government Ethics (OGE) also annually issues a survey of prosecutions involving the conflict of interest criminal statutes (18 U.S.C. §§ 202-209). These surveys are publicly available on the OGE website.¹

The General Services Administration also proactively publishes Entities suspended and/or debarred from receiving U.S. procurements. Suspensions and/or debarment actions are taken against Entities found to be involved in corrupt contracting practices. Any company or individual that is suspended or debarred is placed on www.SAM.gov as an excluded entity. Before any contract is awarded, contracting officers are required to check [SAM.gov](http://www.SAM.gov) twice.

As outlined above, the Freedom of Information Act (FOIA) also provides the public the right to request access to records from any federal agency. Typically, a FOIA request can be made

¹ <https://www.oge.gov/Web/OGE.nsf/Enforcement/CA7CA5DBD255B81F85257E9600636507?opendocument>

for any agency record, and a requestor can specify the format in which he or she wishes to receive the records (for example, printed or electronic form). However, not all records can be released under the FOIA. The U.S. Congress established certain categories of information that are not required to be released in response to a FOIA request because release would be harmful to a government or private interest. These categories are called "exemptions" from disclosures. Still, even if an exemption applies, agencies may use their discretion to release information when there is no foreseeable harm in doing so and disclosure is not otherwise prohibited by law. Additional information about what is exempted from disclosure is available on FOIA.gov.

Requestors may file an administrative appeal if they are not satisfied with an agency's initial response to a request. This is done by sending a letter or e-mail to the designated appeal authority of the agency stating that the individual is appealing the initial decision made on the request. There is no fee or cost involved. After an independent review, the appellate authority will send a response advising of its decision. Once the administrative appeal process is complete, a requestor also has the option to seek mediation services from the Office of Government Information Services at the National Archives and Records Administration.