



Office of the Attorney General
Washington, D. C. 20530

May 16, 1996

MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES
FROM: THE ATTORNEY GENERAL
SUBJECT: THE FREEDOM OF INFORMATION ACT

As you know, in October 1993 President Clinton called upon federal agencies and departments to renew their commitment to the Freedom of Information Act by, among other measures, establishing new litigation guidance for the release of information, encouraging "discretionary disclosure" of information, and reducing backlogs of Freedom of Information requests. The President asked the Department of Justice to coordinate agency implementation of this initiative. Since October 1993, our Office of Information and Privacy has worked with many of your agencies in this cooperative effort.

In furtherance of our continuing efforts and to fulfill the President's request, I would like now to enlist your assistance in compiling data on our progress in implementing our initiatives under the Freedom of Information Act. To that end, I would appreciate the following information:

1. What has been your agency's experience in applying the "foreseeable harm" standard in analyzing whether to withhold information? What types of records have been the subject of "discretionary disclosures" that would have been withheld under the 1981 guidelines?
2. What progress has been made in reducing FOIA backlogs (include backlog status for 12/31/93, 12/31/94 and 12/31/95) and what plans are in place to improve backlog reduction?
3. What other measures has your agency instituted to implement the President's commitment to the Freedom of Information Act?
4. What goals has your agency established for further improvements in its administration of the Freedom of Information Act in 1996?

Please provide your response to the Department's Office of Information and Privacy, Suite 570, Flag Building, Washington, D.C. 20530, by June 4, 1996.

I thank you for your continuing efforts to implement the Administration's commitment to reenergize FOIA. If you have any questions, your staff should feel free to contact Richard Huff or Daniel Metcalfe, co-directors of the Department's Office of Information and Privacy.