

THE WHITE HOUSE

Washington

March 16, 2010

MEMORANDUM FOR AGENCY AND DEPARTMENT HEADS

FROM: RAHM EMANUEL  
CHIEF OF STAFF

BOB BAUER  
COUNSEL TO THE PRESIDENT

SUBJECT: FREEDOM OF INFORMATION ACT

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On his first full day in office, the President wrote that “A democracy requires accountability, and accountability requires transparency.” In little over a year, much successful work has been done to make the government more open and accountable to the American people. For the first time in history, the White House has made its visitor records available to the public and online. The President issued executive orders to reduce over-classification, speed declassification, and increase access to presidential records. Additional measures include Recovery.gov and USAspending.gov, designed to bring sunlight to government expenditures, and the issuance of the Open Government Directive that requires government operations to be more transparent and open to public participation.

Also, on his first full day in office, the President directed you to administer the Freedom of Information Act (FOIA) with a “presumption in favor of disclosure” and to respond to FOIA requests “promptly and in a spirit of cooperation.” Accordingly, we write to request that your agency take several specific steps to improve implementation of the President’s Memorandum on the Freedom of Information Act.

We appreciate your efforts to implement the Memorandum on FOIA, and we are confident that the Chief FOIA Officer Reports you filed will show progress. But more work remains to be done, and such work requires persistent effort.

To that end, we request that you take action as follows to ensure full implementation of the President’s Memorandum on FOIA. First, you should update all FOIA guidance and training materials to include the principles articulated in the President’s Memorandum. Second, you should assess whether you are devoting adequate resources to responding to FOIA requests promptly and cooperatively, consistent with the requirements for addressing this Presidential priority.

Many of you may already be taking these steps in the course of drafting your agency's Open Government Plans, and we ask that you consider these and other measures as part of developing and implementing the FOIA section of those plans.

Thank you for all of your hard work to make sure that the Administration can fulfill the President's commitment to create an unprecedented level of openness in government.