

The National Security Archive

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March 8, 2007

Via Facsimile

Ed Jurith
Chief FOIA Officer
Office of National Drug Control Policy
750 17th Street, NW
Washington, D.C. 20503

Dear Mr. Jurith:

We are writing to give you advance notice of our findings about the Office of National Drug Control Policy's FOIA performance. We have just completed the National Security Archive's fifth government-wide audit, "The Knight Open Government Survey."

As part of our ongoing efforts to ensure agency compliance with the FOIA, the Archive recently audited nearly 150 government agency and component Web sites to assess whether they had implemented the 1996 E-FOIA Amendments. The audit included the FOIA Web sites of all 91 agencies subject to FOIA and 58 agency components that received more than 500 FOIA requests in fiscal year 2005. The Web site reviews were completed at the end of February 2007.

Our reviewers followed a standardized methodology to assess each site. They examined whether the sites included required records in their electronic reading rooms and whether the sites provided mandatory guidance materials and other essential information for FOIA requesters. Our report, including our specific findings for each agency, will be released March 11, 2007, and will be available on our Web site at www.nsarchive.org.

Our audit identified the Office of National Drug Control Policy as one of the worst agencies with regard to E-FOIA compliance. We found several areas where your FOIA Web site fails to fulfill both the letter and the spirit of the 1996 E-FOIA Amendments. Specifically:

- The ONDCP FOIA page provides extremely limited guidance for a potential FOIA requester. The site provides no information on fees, FOIA exemptions, how to follow up on the status of a request, the appeals process, or how to file for a fee waiver or seek expedited processing. Presently, the site merely provides an address, fax number, and phone number for making a request. This clearly does not fulfill the statutory requirement of providing a "guide for requesting records" from ONDCP under 5 U.S.C. §552(g).
- FOIA requires that each agency make available to the public certain types of documents such as agency rules, opinions, orders, records, and proceedings. Currently, the only required documents available on the ONDCP site are its FOIA annual reports.

An Independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. Publication royalties and tax deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's Budget.

We hope that you will take this opportunity to review your agency's FOIA Web site and make improvements that will bring your agency in line with Congress's vision when it passed the E-FOIA amendments ten years ago. Please do not hesitate to contact us to discuss your FOIA Web site or any questions you may have regarding our audit.

Sincerely,

Thomas S. Blanton
Executive Director

Meredith Fuchs
General Counsel