

The National Security Archive

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March 8, 2007

Via Facsimile

Michael Donley
Chief FOIA Officer
Department of Defense
1950 Defense Pentagon
Washington, D.C. 20301-1950

Dear Mr. Donley:

We are writing to give you advance notice of our findings about the Department of Defense'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.

While we understand that DOD is developing a new FOIA Web site, our review of the current DOD FOIA site found several areas where your agency is failing to comply with both the letter and the spirit of the 1996 E-FOIA Amendments. We hope that as you continue to develop a new site, you will take into account these areas that are ripe for improvement. In particular:

- The FOIA Web site is poorly organized and difficult to navigate. Updates appear to be simply posted at the top of the page as they are made, which pushes crucial information such as reading room links and the electronic request form further down the page and into obscurity.
- The electronic reading room is merely a list of more than a thousand documents. While we applaud the breadth of available material, it is not organized in any discernable fashion, nor is it possible to search for documents posted in the reading room. In fact, our reviewers were unable to determine whether DOD has posted any of the specific categories of E-FOIA required documents. This diminishes the value of the posted information.

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