

The National Security Archive

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March 8, 2007

Via Facsimile

Mr. Robert A. Shapiro
Chief FOIA Officer
U.S. Department of Labor
Office of the Solicitor
Room N-2700
200 Constitution Avenue, NW
Washington, DC 20210

Dear Mr. Shapiro:

We are writing to give you advance notice of our findings about the Department Labor'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 Department of Labor as one of the worst with regard to E-FOIA compliance. We found several areas where the DOL and its components fail to fulfill both the letter and the spirit of the 1996 E-FOIA Amendments. In addition to poorly presented FOIA-related guidance and records, the reviewers found the following specific problems with the DOL main and component FOIA sites:

- The main DOL FOIA Web site contains no *central* electronic reading room with required documents. Instead, there are only links to *component* reading rooms. Given the number of FOIA requests received annually at DOL, it seems likely that there are frequently requested records, policy statements, manuals and the like that should be posted in a main DOL electronic reading room.
- Some DOL components do not maintain FOIA Web sites. These include EBSA and ETA. DOL should ensure that all of its components maintain a FOIA Web site that provides FOIA requesters

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with online guidance on how to file a FOIA request as well as access to the required documents under the FOIA.

- Several of the documents required under FOIA are not available on the FOIA Web site. It is possible that these required records are available elsewhere on the DOL Web site, but this is not clear from the FOIA page.
- There are no static links to FOIA-related information so that users can easily navigate the FOIA pages. The requester must constantly return to the main FOIA page to find links to other FOIA-related information.

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

cc:
FOIA Coordinator, Employee Benefits Security Administration
FOIA Coordinator, Employment & Training Administration