

THE EFFECT OF AGENCY BACKLOGS ON THE NUMBER OF FREEDOM OF  
INFORMATION ACT REQUESTS THAT ARE GRANTED

A Thesis  
submitted to the Faculty of the  
Graduate School of Arts and Sciences  
of Georgetown University  
in partial fulfillment of the requirements for the  
degree of  
Master of Public Policy  
in Public Policy

By

Karl T. Grindal, B.A.

Washington, DC  
April 15, 2011

Copyright 2011 by Karl T. Grindal  
All Rights Reserved

# THE EFFECT OF AGENCY BACKLOGS ON THE NUMBER OF FREEDOM OF INFORMATION ACT REQUESTS THAT ARE GRANTED

Karl T. Grindal, B.A.

Thesis Advisor: John T. Christian, Ph.D.

## ABSTRACT

The United States Freedom of Information Act (FOIA) receives over half a million requests each year. Inundated with these requests, agencies often leave a backlog to be addressed the following year. At its height in 2006, this backlog reached over 250,000 pending requests. This research examined the 24 cabinet and large government agencies that receive over 80% of all FOIA requests. In addition, 304 of the divisions underneath the 24 agencies were analyzed separately. The percentage of backlogged requests out of the total requests received was measured using the 2008 and 2009 agency level FOIA Summary Reports.

Using a fixed effect regression model, significant results were identified that highly correlate agencies' backlog with the number of FOIA requests that are granted. Further, the more granular data from the 304 divisions produced statistically significant correlations for the number of FOIA employees per request, the number of FOIA dollars spent per request, and the percentage of denials based on reasons other than exemptions. These results provide the foundation for an argument that greater agency transparency rests on the reduction of the FOIA backlog.

The research and writing of this thesis  
is dedicated to my many editors,  
including my thesis advisor, family, and loved ones.

Many thanks,  
Karl T. Grindal

## Table of Contents

List of Tables .....	vii
List of Figures .....	viii
Introduction.....	1
The FOIA Process.....	2
Policy Relevance.....	5
Literature Review.....	6
Transparency.....	6
DOJ Annual FOIA Litigation and Compliance Report .....	7
Chief FOIA Officer Reports .....	8
FOIA Post: Summary of Annual FOIA Reports for the Fiscal Year .....	10
Government Accountability Office.....	10
The Role of FOIA Policies on Granting FOIA Requests .....	11
The Role of Employees in Granting FOIA Requests.....	12
The Role of Contractors in Granting FOIA Requests.....	14
The Role of International Organizations in Granting FOIA Requests .....	15
The Role of Technology in Granting FOIA Requests .....	15
Comparative Legislation.....	16
Conceptual Model.....	17
Dependent Variable .....	17
Independent Variables .....	18
Fixed Effects Model.....	18
Research Design: Data and Method.....	19
Data Sets .....	19
Scope of Selected Agencies .....	20
Scope of Data Years.....	21
Plan of Analysis .....	21
Findings .....	25
Regression Model 1 Results: Agency FOIA Constraints .....	25
Regression Results: Agency Transparency Constraints .....	26
Regression Model 3 Results: Sub-Agency FOIA Constraints.....	28
Regression Model 4 Results: Sub-Agency Effect of the Granted Score on Backlog .....	30

Conclusions.....	31
Appendix.....	33
Works Cited .....	36

### **List of Tables**

Table 1: Summary Description of Exemptions.....	3
Table 2: Relevant Exemptions to Processed FOIA Requests .....	4
Table 3: Full Denials Based on Reasons Other than Exemptions .....	4
Table 4: Content of Chief FOIA Officer Reports .....	9
Table 5: Excluded Agency Divisions .....	21
Table 6: First Agency Fixed Effects Regression of Backlogs on Granted Score .....	26
Table 7: Second Agency Fixed Effects Regression of Backlogs on Granted Score.....	27
Table 8: Sub-agency Fixed Effects Regression of Backlogs on Granted Score .....	29
Table 9: Sub-agency Fixed Effects Regression of the Granted Score on Backlogs .....	31
Table 10: Agency Summary FOIA Requests Pending, Received, and Processed.....	33
Table 11: Agency Summary Number of FOIA Requests .....	33
Table 12: Agency Summary Granted FOIA Requests.....	34
Table 13: Agency Summary Personnel and Costs.....	34
Table 14: Changes in Agency Summary Employment Statistics .....	35
Table 15: Agency Summary Expenditures by Type.....	35

**List of Figures**

Figure 1: Number of FOIA Post Publications by Year..... 8  
Figure 2: Common Reasons Given By Chief FOIA Officers for Backlog..... 14

## **Introduction**

President Lyndon B. Johnson signed the Freedom of Information Act (FOIA) into United States (US) law in 1966. Since then, Freedom of Information (FOI) laws have become a global norm, with dozens of countries implementing similar legislation. At the same time, the rapid rise of the Internet has dramatically lowered the price of making information public. The Internet has led to a renaissance of targeted disclosure and the beginning of a collaborative form of transparency (Fung, Graham, & Weil, 2007). Yet, despite FOI's international adoption and new innovations in transparency, there has been very little quantitative academic research into how to improve FOIA.

As the US receives over half a million requests each year, one of the greatest difficulties in implementing FOIA legislation is its success. Inundated with these requests, agencies often are unable to respond to them all and leave a backlog into the next year. A 2006 GAO Report looked at agency FOIA improvement plans and only 1 of 22 agencies established a deadline by which to eliminate their FOIA backlog (GAO, 2006). To address this problem, the Department of Justice (2010), which oversees FOIA compliance, has identified a litany of reasons FOIA officers cite for agency backlogs: increased complexity of requests, budget cuts, understaffing, and old technology.

In recent years efforts have been made in the US through legislation, executive memorandums, and the appointment of a FOIA ombudsman to address the problem of backlogs. While progress to reduce backlogs has been made, it is unclear if there is a point where the cost of decreasing the

backlog exceeds the benefits of timely responses. FOI places the onus on the government to disclose any requested document unless the government can cite a reason to withhold the information. Understanding the reasons the government gives for withholding information in addition to understanding the FOIA critiques by the government, civic sector, and academics will aid in refining the FOIA process. Thus, this analysis presents a review of the FOIA process and its critics and an examination of how agency FOIA backlogs affect the likelihood that FOIA requests are granted using fixed effects regression models. The results of regression analysis provide some evidence to suggest that agency backlog reductions should continue. This thesis emphasizes the practical importance of timely reporting to maintain transparency and provides models of regression analysis to help inform future quantitative research on FOIA

### **The FOIA Process**

The practical implications of FOIA legislation in the US is to empower FOIA professionals to receive requests from the public and either grant them in full or in part, or deny them based on legal exceptions or for specified other reasons. Once a FOIA request has been received, it is said to be *pending* – the state of being processed before it receives final consideration. While being processed, a request may be defined as a *perfected* request if it “reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed” (HHS, 2009, p. 7). Pending perfected requests are classified into one of three tracks -- labeled *expedited*, *simple*, or *complex* -- which determine how quickly a request is processed. Complex requests are in a slower track than simple requests, which are in a slower track than expedited requests. While the designation of simple or complex is left to a FOIA

professional, statutes and agency policy dictate which requests are eligible for expedited processing. Federal statute and agency policy also dictate whether requestors must pay a fee for their request. In principal, requesters must pay the cost of accessing FOIA documents. In practice this fee is often waved or fails to cover the whole cost.

In the event that a request is denied, a requester may file for an administrative appeal. This opens up a case file for an agency attorney to review the decision. If a requester is still not satisfied, agencies can be taken to court and a federal judge will independently review the agencies' action. The threat of legal appeal is an important motivator to FOIA professionals.

The US FOIA legislation permits nine different exemptions to presumed disclosure.

<b>Table 1: Summary Description of Exemptions</b>	
Exemption 1	classified national defense and foreign relations information
Exemption 2	internal agency rules and practices
Exemption 3	information that is prohibited from disclosure by another federal law
Exemption 4	trade secrets and other confidential business information
Exemption 5	inter-agency or intra-agency communications that are protected by legal privileges
Exemption 6	information involving matters of personal privacy
Exemption 7	records or information compiled for law enforcement purposes, to the extent that the production of those records [...]*
Exemption 8	information relating to the supervision of financial institutions
Exemption 9	geological information on wells
* Exemption 7 includes 6 sub-categories that are classified in the reports as 7(a), 7(b), etc. Source: 2009 Health and Human Service's FOIA Report, Section 3.3	

One or more of these exceptions must be cited by a FOIA professional in any partial grant or denial by exemptions. Table 2 displays the frequency of these exemptions.

**Table 2: Relevant Exemptions to Processed FOIA Requests**

	1	2	3	4	5	6	7	8	9
2009	2582	78414	13577	9445	70991	110317	184433	313	25
2009	0.55%	16.68%	2.89%	2.01%	15.10%	23.47%	39.23%	0.07%	0.01%
2008	3552	50907	11883	10115	47904	76518	114829	243	14
2008	1.13%	16.14%	3.77%	3.21%	15.19%	24.26%	36.41%	0.08%	0.00%

Source: 2009 and 2008 Annual FOIA Reports from 25 Selected Agencies

Exemptions are not the only reason a request will not be fulfilled. As seen in Table 3, these *other reasons* are explicitly divorced from the content of the request.

<b>Table 3: Full Denials Based on Reasons Other than Exemptions</b>
No Records
All Records Referred to another Component or Agency
Request Withdrawn
Fee-Related Reason
Records not Reasonably Described
Improper FOIA Request for Other Reason
Not Agency Record
Duplicate Request
Other "Explain in chart below"*
*this refers to the denial of a request that doesn't fit the above categories, and requires a written explanation in the report.
Source: 2009 HHS FOIA Report

Over FOIA's history, the stringency of request exemptions has varied, though the same cannot be as easily said of these other reasons for denial. There appears to be two distinct categories in other reasons for denial: the knowable and the unknowable. While not always the case, knowledge of how to file a request, who to file it with, how much the expense might be, should mitigate the risk of having a request denied. Sometimes this knowledge is not accessible, and for instances where, for example, one is searching for a document with limited information, it just

might not be possible to know which agency has the information -- or if it even exists. While imperfect, these other reasons for denial are an indicator of the quality of the request submitted. The complexity, quality, and sensitivity of requests can thus be derived from the information recorded by each agency.

### **Policy Relevance**

Transparency as provided by FOI serves as a tool to achieve public goals, rather as an end in and of itself. Proactive transparency serves a wide range of purposes. Consumers use nutritional labeling to watch their health, while advocacy groups use home mortgage disclosure to fight discrimination by lenders (Fung, Graham, & Weil, 2007, p. 52). Fiorini (2007) and other scholars highlighted the significance of FOI in stemming corruption. Surprisingly, businesses file the bulk of FOIA requests. Their rationale for filing may be due to the monetary value of government information or to acquire government documents on a competitor (CJOG, 2006). Any expansion in FOIA transparency might help stem corruption and build private services with government data, thereby improving the lives of Americans.

The relationship between FOIA legislation, funding, and employment, and the likelihood that FOIA requests will be granted remains to be identified. A strong statistical relationship would provide evidence that greater investment in FOIA legislation improves the public's access to government documents. However, the strict rules placed on FOIA analysts would seemingly limit their ability to approve more requests even if given the necessary resources. It seems obvious that the FOIA professionals are certainly in a position to process requests faster or

slower, hence the creation of agency backlogs. However, this research identifies what correlation exists between backlogs and the likelihood that a request will be granted.

## **Literature Review**

### **Transparency**

Fung, et al. (2007) describe three generations of transparency policy: (1) FOI which was developed in the 1960s and 70s, (2) targeted transparency continues up through today, and (3) collaborative transparency which began with the increased use of social media. Contemporary research into transparency has focused largely on these latter two policies. With the large number of nations that have implemented FOI legislation, much of the contemporary research on FOI has been comparative. This research has even informed changes to the US FOIA. For example, the 2007 Open Government Act created a FOIA Ombudsman, a position previously developed by FOI legislation in Romania and Bulgaria (Fiorini, 2007, p. 132). When narrowing in on US domestic FOIA policy, as this thesis does, Robert's (2006) analysis of domestic security, and Piotrowski's (2007) research into FOIA's administrative culture are more useful than the comparative analysis. These two approaches, address national transparency issues and agency level FOIA culture.

Since the 1996 Electronic Freedom of Information Act (E-FOIA), transparency advocates and the US government have attempted to improve FOIA by reviewing annually published, agency level reports. In addition to these reports, this thesis referenced annual reports produced by advocacy groups and academic literature on FOI, which included surveys, textual analysis, legal

scholarship, and structured interviews. While Annual FOIA Reports have been publicly accessible online since 1996, only recently have agencies published machine-readable datasets. This allows the data to be more efficiently copied and transferred. This increased accessibility made regression analysis possible, while the qualitative literature informs the structure of the regression model.

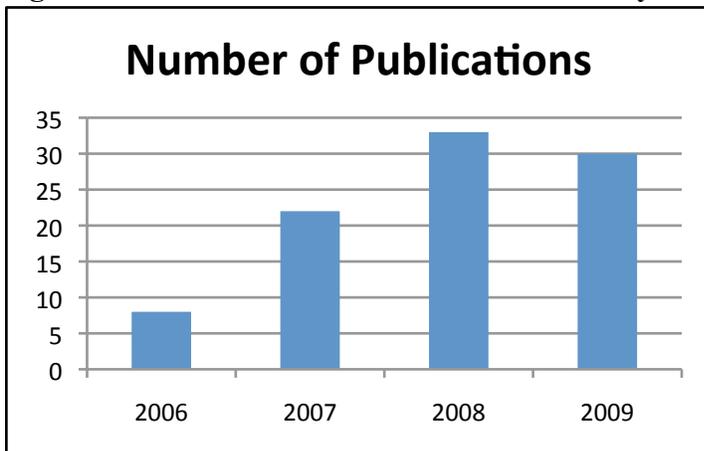
### **DOJ Annual FOIA Litigation and Compliance Report**

Rather than submit all agency FOIA reports to Congress, the Attorney General, as head of the DOJ, is required under E-FOIA to produce a report on FOIA compliance. In particular, the Attorney General's report is concerned with the results of legal challenges to FOIA requests. However, the Attorney General's report also addresses means by which the DOJ assists FOIA professionals and informs them of policy changes. The DOJ supports FOIA professionals by publishing the FOIA Post (described below), providing training, and coordinated agency and interagency activity (Office of Information Policy, 2010).

The Attorney General's report to Congress often references a departmental publication called the FOIA Post, an electronic document as part of the 1993 E-FOIA legislation replaced the FOIA Update, a paper newsletter. FOIA Posts serve as the principal method of communication between the DOJ and FOIA Professional (Piotrowski, 2007). A poll of FOIA analysts found that 53.9 percent reported reading the FOIA Post on a regular basis with another 34.8 percent reading it occasionally. These reports include legal decisions to FOIA challenges, summaries of agency level reports, changes in administrative policy, and information about training for FOIA

professionals. In 2010, the first year the number of Posts was quantified, the Attorney General’s report to Congress identified an increased number of Post publications, which it related to increased communication between agencies and President Obama’s commitment to improve transparency (Figure 1). The Attorney General’s report also addressed changes to training and departmental structure.

**Figure 1: Number of FOIA Post Publications by Year**



Source: 2010 DOJ Annual FOIA Litigation and Compliance Report

### **Chief FOIA Officer Reports**

On January 21, 2009, his second day in office, President Obama signed the "Presidential Memorandum for the Heads of Executive Departments and Agencies on the Freedom of Information Act." This memorandum addressed a public concern that the Bush administration encouraged an environment of secrecy (Roberts, 2006). The executive memorandum directed the Attorney General to develop new FOIA guidelines (Obama, 2009). On May 19, 2009, the Attorney General issued these guidelines and established with them a “presumption of openness.” The Attorney General further ordered that a Chief FOIA Officer publish an annual

review for the DOJ on how improvements were made to agency transparency (Holder, 2009).

The Department of Justice summarized these reports as followed:

<b>Table 4: Content of Chief FOIA Officer Reports</b>	
1.)	Steps taken to apply the presumption of openness
2.)	Steps taken to ensure that your agency has an effective system for responding to requests
3.)	Steps taken to increase proactive disclosures
4.)	Steps taken to greater utilize technology
5.)	Steps taken to reduce backlogs and improve timeliness in responding to requests
Source: Department of Justice, Education PowerPoint Presentation on Chief FOIA Officer Reports	

While these reports contain valuable information, the information is mainly qualitative, only describing agency level changes. The variables highlighted include management changes, training, and technology. These factors are partially incorporated into the variable of cost. Training and technology in particular require investments that may be revealed by looking at sub-agency level expenditures. Thus, though these reports identify a number of crucial variables that affect the quality of FOIA transparency, without structured, quantitative data, they could not be integrated into the model this thesis uses for regression.

Still, a valuable lesson from these Chief FOIA Officer Reports is that agencies themselves have acknowledged an ability to increase the number of fully and partially granted requests (Office of Information Policy, 2010). The Chief FOIA Officer Reports attribute this increased transparency to Holder's executive memorandum which developed the presumption of openness. The choice to not use Annual FOIA Reports from before 2009 was intentionally made, in part, to avoid the issue of a change in administration and disclosure policies.

## **FOIA Post: Summary of Annual FOIA Reports for the Fiscal Year**

While the majority of FOIA Post publications concern recent FOIA rulings or information about upcoming training sessions, the Summary of Annual FOIA Reports aggregates all of the data from agencies' FOIA reports and provides summary statistics. Increases or decreases in the number of requests received, processed, the size of the backlog, and the number of exemptions given are examples of just some of the statistics reviewed. Much of the activist and academic community's reporting on agency performance has been based on the FOIA Posts' Summary of Annual FOIA Reports.

## **Government Accountability Office**

The Government Accountability Office (GAO) has been asked by Congress on a number of occasions to investigate and report back on the state of FOIA. The legislative branch (which is exempt from FOIA) has utilized FOI requests as a mechanism to check the abuses of the executive branch. For this reason, Congress has heavily relied on the GAO to develop independent reports on federal agency transparency.

Between 2001 and 2005, the GAO produced four reports on the implementation of the 1996 FOIA update, the E-FOIA Act (GAO 2008, p. 18). Each GAO report summarized the actions of the 25 large agencies over a two to three year period, utilizing the new agency level FOIA reports. The 24 selected were based on those covered by the 1990 CFO Act, with the addition of

the Central Intelligence Agency. This thesis follows GAO's model to look at the 24 CFO agencies over a two year period.

In addition to the focus on the implementation of E-FOIA, the GAO reports have addressed agency backlogs, agency reduction plans, and the effect of administrative policy changes. The GAO has continued to refer to these 24 agencies, wherever possible, when producing reports on FOIA. For example, the GAO sampled 21 of the 24 CFO agencies between 2002 and 2006 in a report on FOIA backlogs. Three CFO agencies and the CIA were excluded on the basis that their reports were inaccurate or incomplete. As the reporting accuracy of agency reports could not be independently established, and only data from 2008 and 2009 are included, this thesis includes all 24 CFO agencies.

### **The Role of FOIA Policies on Granting FOIA Requests**

FOIA has been amended five times since its passage. Additionally, it has been interpreted through a number of executive branch memorandums, which have either expanded or contracted the degree of openness created by the original legislation. Three FOIA-focused memos that have received the most attention from recent research are those by Attorney General's Janet Reno, John Ashcroft, and Eric Holder. Reno created a policy by which the government would defend agencies disclosure of information as long as it did not need to be "withheld in order to prevent foreseeable harm" (Reno, 1993, para. 10). In contrast, Ashcroft's memo gave executive protection to agencies to withhold information unless they lack a "sound legal basis" (Ashcroft, 2001, p. 1). A 2002 GAO report on the effect of the 2002 Ashcroft memo found that FOIA

analysts found processing changes to be relatively minor, while “the requestor community, however, expressed general concern about information dissemination” (McDermott, 2008, p. 73). Holder reversed Ashcroft’s memo using very similar language to Reno, creating a presumption of disclosure unless an agency “reasonably foresees that disclosure would harm” a protected interest or break the law (Holder, 2009, p. 2).

While the capacity of executive orders to affect FOIA requests is in question, it is indisputable that at least some of the legislation mentioned above had a dramatic effect on how FOIA requests were processed. In particular, the 2007 Openness Promotes Effectiveness in our National Government Act (OPEN Government Act) separated the reporting requirements for requests for personal information from FOIA, creating a dramatic decrease in FOIA requests for agencies like the Social Security Administration and Veterans Affairs that year (GAO, 2006).

### **The Role of Employees in Granting FOIA Requests**

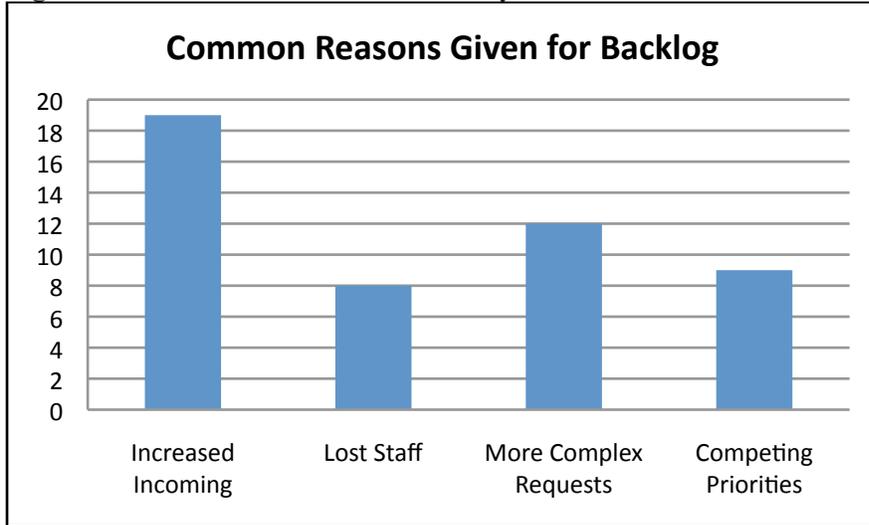
While the legislation and executive memorandum described above had varying effects on the implementation of FOIA, it would be an oversimplification to assume that legislative action was sufficient for sustainable change to the system and to ignore the actual people who respond to each request.

The performance of FOIA analysts determines the speed at which FOI requests are fulfilled as well as their quality. During her 2007 polling of FOIA employees, Piotrowski highlighted interesting demographic and professional data about the analysts. On average, FOIA analysts

were employed at the GS12 level, which Piotrowski surmised as indicative of a the department level of education and professionalism (Piotrowski, 2007). Additionally, Piotrowski noted that over a third of FOIA analysts had been actively employed in their field for over 15 years (Piotrowski, 2007). This fact further implies a strong degree of professionalism, but also of bureaucratic standardization. More relevant to the research of this thesis are her interviews with e-government and archival experts. These interviews identified that the number of employees, years of experience, and the amount of worker satisfaction affect FOIA performance (Piotrowski, 2007).

The only variable that could be employed from the Annual FOIA Reports relevant to these conclusions is the number of FOIA analysts. The Summary of Agency Chief FOIA Officer Reports also highlighted this variable (Office of Information Policy, 2010). The report polled the Chief FOIA Officers in one section, highlighting four specific causes for agency FOIA backlogs: (1) increased incoming requests, (2) loss of staff, (3) more complex requests, and (4) competing priorities. (See results in Figure 2). In order of influence, the two most common reasons identified for increasing backlogs were an increase in incoming requests and increased complexity of request. These two variables attribute the problem to external factors, rather than to internal problems like insufficient resources or staff.

**Figure 2: Common Reasons Given By Chief FOIA Officers for Backlog**



Source: 2010 DOJ Chief FOIA Officer Report

### **The Role of Contractors in Granting FOIA Requests**

While government contractors have been a part of the American bureaucracy for most of the 20<sup>th</sup> century, since the 1993 National Performance Review their use has increased and become standard across a number of agencies. Contractors, as private businesses, do not need to respond to public inquiries (Roberts, 2006). Further, much of the information the government possesses about contractor's activities qualifies under Exemption 4, which protects "trade secrets and other confidential business information" (HHS FOIA Report, 2009, p. 7). As federal agencies increasingly outsource services to contractors, less government information will be legally available to requesters. If requesters continue to submit FOIA requests for the same information, it is possible that fewer of these requests will be granted (Roberts, 2006). Yet, the fact that businesses request more documents that either the public or the media may have a different impact on the system. A number of these companies applying for FOI documents are US contractors hoping to acquire information on competitors. Given their high volume FOIA

requests and their use of experienced third party requesters, it is thus also possible that contracting with business could actually increase the likelihood that an agency will grant a request.

### **The Role of International Organizations in Granting FOIA Requests**

During the 1990s and 2000s, many transparency activists realized that a larger and larger amount of public decision-making was being made within international organizations (Roberts, 2006).

This shift, however, was not accompanied with the same degree of transparency and accountability expected of national agencies. The US FOIA does not apply to international organizations. Though activists have pushed for greater transparency from international organizations like the WTO and the IMF over the years with some success, international organizations remain exempt from US FOIA. Since international activity could play a role in undermining the FOIA process, it was important for this analysis to find a variable to approximate this impact. There is not an obvious variable which would measure how much corresponding agencies are involved in international decision-making. However, to approximate this variable, this research chose to approximate international decision-making by examining the percentage of agency employees that are employed abroad.

### **The Role of Technology in Granting FOIA Requests**

Advances in technology allow for the affordable storage of millions of electronic documents, each accessible at a user's finger-tips thanks to nearly instantaneous search engine systems.

Yet despite these archival benefits, increased digitization of information also means that electronic documents may be easily lost or deleted. Even something as innocuous as updating a website can result in the overwriting of important online material. When these losses occur, information becomes unavailable to FOIA analysts and thus decreases public accessibility. Agencies have sought to address the threat of information loss by investing in technology for digital backups, systems that duplicate and store the duplicates of federal employee's electronic documents.

Contractors have been very involved in developing these and other systems for FOIA employees since the passage of the E-FOIA legislation (Golden, 2000). This software can simplify an analyst's work by providing software that tracks FOIA requests throughout their processing (Piotrowski, 2007). Despite the 1998 passage of the E-FOIA legislation, the actual implementation of these FOIA tools was delayed until at least the year 2000 (Golden, 2000). While many agencies have now implemented various FOIA software tools, the effect of archival technology and online tools for tracking FOIA requests remain indeterminate and so these factors are excluded from the study.

### **Comparative Legislation**

As mentioned previously, some of the most interesting research into FOI legislation has compared US legislation to various international standards. For example, only in this past decade have Britain, China, and India adopted FOI legislation. Fiorini (2007) tracked this global expansion of FOI and identified those elements that define their differences. The role of

corruption, NGOs, the international community, and ethnic tension all provide different lenses through which to view how and why a variety of foreign nations have adopted FOI legislation, and how effective it has been. The degree of influence these variables have is highly contextual. In the context of the US, corruption, non-profit organizations, and ethnic tension serve a minor role in policy, though it is possible that international organizations could serve a greater role. Therefore an international variable, the percent of agency employees employed abroad was included in the analysis.

## **Conceptual Model**

### **Dependent Variable**

The preceding review identified a variety of potential variables to evaluate what leads some government agencies to grant more FOIA requests than others. The dependent variable represented a unique challenge in defining the value of a granted request. This value was complicated by the fact that agencies have the option of granting FOIA requests either in full or in part. Rather than claim that partial grants are equivalent to a full grant or, alternatively, that they are insignificant, the dependent variable measured an agencies' granted score. Two points were assigned to each fully granted FOIA request and one point was assigned to each partially granted FOIA request. For each organization, the points were summed and divided by the total number of processed requests. Each organization has a granted score, ranging between 0 and 2 and these granted scores may be compared.

## **Independent Variables**

The responsiveness of an agency was measured by calculating its granted score as a function of the percent of requests pending (requests pending over total requests received) and depends upon several variables.

Conceptually, this model appears as follows:

$$\text{granted score} = f(\text{percent of requests pending, control variables, residual errors})$$

The critical independent variable, percent of requests pending, reflected the comparative size of the backlog. This independent variable was created by dividing the number of backlogged requests by the total number of requests received from both the backlog and new incoming requests. A second independent variable examined the number of backlogged requests divided solely by the number of requests received from the present year.

## **Fixed Effects Model**

This research utilized a fixed effects (FE) multiple regression model. Because of the quality of the data and changes to FOIA legislation, only two years of data could be included in the panel data set. A two year panel data set (T=2) was the statistical equivalent to a first difference model (FD). When T=2 the estimates as well as the test statistic for FE and FD models are identical (Wooldridge 2009, pg. 487). A FE model was utilized instead of a FD model to allow the dataset to be expanded over time. When T>2, a fixed effects model was needed.

By controlling for differences across agencies and year, the fixed effects structure mitigates extraneous heterogeneity. Individual government agencies serve very different purposes. As a

result, their ability to respond to FOIA requests should, in fact, vary. However, with the fixed effects model an agency was compared to itself and omitted variable biases of this type were controlled. While a fixed effects model often risked increasing sampling variability, this model was non-random and did not use sampling.

## **Research Design: Data and Method**

### **Data Sets**

Three datasets were used for this analysis. These datasets were the Annual FOIA Summary Reports (Office of Information Policy, 2010), USASpending.gov Summary Statistics (Office of Management and Budgets, 2010), and the Fedscope Database (Office of Personnel Management, 2010).

The Annual FOIA Reports are submitted by every federal agency to the DOJ by February 1<sup>st</sup> of every year, in accordance with the FOIA. This thesis dataset was built from the quantitative data in these publically accessible reports published online by the DOJ. Annual FOIA Reports were required by law to adopt a unified format that has changed very little over the past ten years.

Further, quality assurance was derived from the DOJ's Office of Information and Privacy, which reviewed these reports before electronic posting. Variables that were derived from this dataset include: number of FOIA requests, number of granted FOIAs, FOIA employment and costs, and number of FOIA exemptions.

Two other variables included in the regression analysis were agency spending and the number of employees. This data was derived from summary statistics received on December 1, 2010 from

the Office of Management and Budget's USASpending.gov database and the Office of Personnel Management's Fedscope database.

### **Scope of Selected Agencies**

While all agencies must by law complete an Annual FOIA Report, this thesis only examined a subset of 24 agencies, those included in the Chief Financial Officers Act of 1990, based on a 2007 GAO report on FOIA Backlogs. In 2009, these 24 agencies received 87% of FOIA requests and processed 89% of them; in 2008 they received 89% of FOIA requests and processed 88% of them. Consequently, this agency sample included by far the majority of FOIA requests; however the findings were not representative of all agencies. The 304 divisions also were derived from the Annual FOIA Report. Some of these divisions had to be excluded because they only appeared in one of the two years. These excluded divisions are included in Table 5.

**Table 5: Excluded Agency Divisions**

Agency	Division
Dept. of Defense	AFRICOM DGB
Dept. of Education	IES-NGB
Dept. of Interior	OCIO
Dept. of Veterans Affairs	A&MM S&LE DM&EEO OAL OASHRA ODI
Source: 2008 and 2009 Annual FOIA Reports	

### **Scope of Data Years**

While 14 years of Annual FOIA Reports were available, only the years 2008 and 2009 were chosen. By removing the FOIA reporting requirement for Privacy Act requests, the 2007 Open Government Act changed the rules for agency reporting. Consequently, after the rule change several agencies such as the Veterans Administration (VA) and the Social Security Administration (SSA) had dramatic reductions in FOIA requests. Accounting for this rule change and previous changes would redirect the focus of the study away from agency backlogs and thus required a time restraint.

### **Plan of Analysis**

The first set of ordinary least squares (OLS) fixed effect regressions estimated the relationship between FOIA backlogs and the granted score at the agency level. A range of control variables were used, such as the money spent per request, the number of employees per request, the

percent of requests denied for other reasons and the percent of simple pending perfect requests. These variables were accompanied by indicator variables for agency and year; which allowed agencies to be compared against themselves in addition to other agencies. The simplest model appears as such:

$$grantedscore = \beta_0 + \beta_1PercReqPend_{it} + \beta_2PercTotCost_{it} + \gamma_{agency_i} + \gamma_{year_i} + u_{it} \quad (1.1)$$

Model 1.1 was expanded by adding the previously mentioned controls to create model 1.2 (which controlled for FOIA employees per request), model 1.3 (which controlled for the number of requests denied for other reasons), model 1.4 (which just controlled for the number of requests denied for other reasons), and model 1.5 (which controlled for the number of simple pending perfect requests).

$$grantedscore = \beta_0 + \beta_1PercReqPend_{it} + \beta_2PercTotCost_{it} + \beta_3PercTotEmp_{it} + \gamma_{agency_i} + \gamma_{year_i} + u_{it} \quad (1.2)$$

$$grantedscore = \beta_0 + \beta_1PercReqPend_{it} + \beta_2PercTotCost_{it} + \beta_3PercTotEmp_{it} + \beta_4PercDenyOther_{it} + \gamma_{agency_i} + \gamma_{year_i} + u_{it} \quad (1.3)$$

$$grantedscore = \beta_0 + \beta_1PercReqPend_{it} + \beta_2PercTotCost_{it} + \beta_4PercDenyOther_{it} + \gamma_{agency_i} + \gamma_{year_i} + u_{it} \quad (1.4)$$

$$grantedscore = \beta_0 + \beta_1PercReqPend_{it} + \beta_2PercTotCost_{it} + \beta_4PercSimPendNum_{it} + \gamma_{agency_i} + \gamma_{year_i} + u_{it} \quad (1.5)$$

Models 1.2-1.4 were used again in the third set of regressions with data from the 304 agency divisions, rather than the 24 CFO federal agencies.

While these “internal” factors help define the relationship between FOIA backlogs and the granted score, most of the research on transparency focused on external variables. External, in

this context, meant agency attributes (role of national security, number of contracts, and international work), rather than internal attributes that affect agencies' FOIA offices (number of FOIA requests, number of staff, etc.)

Specifically, the percentage of money an agency spent on contractors (model 2.1), and the percent of Exemption 1 denials (national security) (model 2.2) were addressed.

$$\text{grantedscore} = \beta_0 + \beta_1 \text{PercReqPend}_{it} + \beta_2 \text{PercSpentContract}_{it} + \gamma \text{agency}_i + \gamma \text{year}_i + u_{it} \quad (2.1)$$

$$\text{grantedscore} = \beta_0 + \beta_1 \text{PercReqPend}_{it} + \beta_2 \text{PercSpentContract}_{it} + \beta_3 \text{PercExemp1}_{it} + \gamma \text{agency}_i + \gamma \text{year}_i + u_{it} \quad (2.2)$$

In addition to these two control variables, the control variable, dollars per request, was used from the first set of regressions. The percent of other denials was used to approximate the quality of incoming FOIA requests. The percentage of simple pending perfect requests of the total pending perfect, was used to identify the complexity of the requests received.

$$\text{grantedscore} = \beta_0 + \beta_1 \text{PercReqPend}_{it} + \beta_2 \text{PercSpentContract}_{it} + \beta_3 \text{PercExemp1}_{it} + \beta_4 \text{PercSimPendNum}_{it} + \beta_5 \text{PercTotCost}_{it} + \gamma \text{agency}_i + \gamma \text{year}_i + u_{it} \quad (2.3)$$

$$\text{grantedscore} = \beta_0 + \beta_1 \text{PercReqPend}_{it} + \beta_2 \text{PercSpentContract}_{it} + \beta_3 \text{PercExemp1}_{it} + \beta_4 \text{PercTotCost}_{it} + \gamma \text{agency}_i + \gamma \text{year}_i + u_{it} \quad (2.4)$$

The third set of statistical models was very similar to the first set. However, the dataset was changed to examine the bureaus within agencies. This new dataset increased the number of observations over the two years from 48 to 604, an increased number of observations that provided greater statistical power by orders of magnitude. The percent of simple pending perfect requests was excluded from this set, because the divisions within agencies often did not record this variable.

$$\text{grantedscore} = \beta_0 + \beta_1 \text{PercReqPend}_{it} + \beta_2 \text{PercTotCost}_{it} + \gamma \text{agency}_i + \gamma \text{year}_i + u_{it} \quad (3.1)$$

$$\text{grantedscore} = \beta_0 + \beta_1 \text{PercReqPend}_{it} + \beta_2 \text{PercTotCost}_{it} + \beta_3 \text{PercTotEmp}_{it} + \gamma \text{agency}_i + \gamma \text{year}_i + u_{it} \quad (3.2)$$

$$\text{grantedscore} = \beta_0 + \beta_1 \text{PercReqPend}_{it} + \beta_2 \text{PercTotCost}_{it} + \beta_3 \text{PercTotEmp}_{it} + \beta_4 \text{PercDenyOther}_{it} + \gamma \text{agency}_i + \gamma \text{year}_i + u_{it} \quad (3.3)$$

$$\text{grantedscore} = \beta_0 + \beta_1 \text{PercReqPend}_{it} + \beta_2 \text{PercTotCost}_{it} + \beta_4 \text{PercDenyOther}_{it} + \gamma \text{agency}_i + \gamma \text{year}_i + u_{it} \quad (3.4)$$

While the bureau level dataset increases statistical power, the datasets that were used for agency budgets and employment did not provide bureau level data that could be matched with the Annual FOIA Reports. For this reason, only the internal factors effecting FOIA were explored.

One final set of regressions models was necessary to consider. To understand the effect of an agency's backlog on the granted score, it seemed important to understand what variables might contribute to an agency backlog. If the internal variables (agency FOIA expenditures, agency FOIA employment, the denial of other requests) were highly correlated with the backlog, this would cause multicollinearity. The inter-correlations chart of the internal variable is displayed in Table 9. While these variables did not appear to be correlated, the regression would identify how powerful the internal variables were.

$$\text{PercReqPend} = \beta_0 + \beta_1 \text{GrantedScore}_{it} + \beta_2 \text{PercTotCost}_{it} + \gamma \text{agency}_i + \gamma \text{year}_i + u_{it} \quad (4.1)$$

$$\text{PercReqPend} = \beta_0 + \beta_1 \text{GrantedScore}_{it} + \beta_2 \text{PercTotCost}_{it} + \beta_3 \text{PercTotEmp}_{it} + \gamma \text{agency}_i + \gamma \text{year}_i + u_{it} \quad (4.2)$$

$$\text{PercReqPend} = \beta_0 + \beta_1 \text{GrantedScore}_{it} + \beta_2 \text{PercTotCost}_{it} + \beta_3 \text{PercTotEmp}_{it} + \beta_4 \text{PercDenyOther}_{it} + \gamma \text{agency}_i + \gamma \text{year}_i + u_{it} \quad (4.3)$$

## **Findings**

Four different sets of regressions models were tested. The first two model sets use the agency level summary statistics database, while the third and fourth model sets use the bureau level dataset. The fourth regression model looks at the potential for multicollinearity by reversing the dependent and independent variables.

### **Regression Model 1 Results: Agency FOIA Constraints**

The first sets of regressions, models 1.1 – 1.5, apply constraints to the statistical model that reflect internal FOIA variables: the amount of money spent per request, the number of employees per request, and the percent of denials based on other reasoning. The latter variable attempts to define the quality of the requests received. With the exception of the variable dollars spent per request, and the constant in regression 1.3 and 1.4, the results are not statistically significant. Further, the results also have a very small R-squared and thus the explanatory power of the variables is particularly small.

Two findings are drawn from these results. First, the positive coefficient on the Dollars per Request variable means that there is a positive correlation for the amount of money one spends on FOIA requests and the size of the FOIA request granted score. While the coefficient for the amount of money spent looks small, the average amount of money spent per request is in the thousands of dollars. Second, a two year fixed effects model examining 24 agencies potentially lacks the statistical power needed to identify statistical trends.

**Table 6: First Agency Fixed Effects Regression of Backlogs on Granted Score**

<i>Specification:</i>	1.1	1.2	1.3	1.4	1.5
Percent of Pending Requests	0.68 (0.50)	0.685 (0.50)	0.681 (0.51)	0.68 (0.52)	1.344 (0.56)
Dollars per Request	<b>0.000431***</b> (5.62)	<b>0.000431***</b> (5.52)	<b>0.000315**</b> (2.9)	<b>0.000312**</b> (2.99)	<b>0.000535**</b> (4.29)
Employees per Request	--	-5.299 (-0.54)	-1.711 (-0.17)	--	41.62 (1.74)
Percent of Denials for Other Reasons	--	--	-0.463 (-1.49)	-0.476 (-1.62)	--
Percent of Simple Pending Perfect Requests	--	--	--	--	0.0426 -0.08
Constant	0.389 (1.50)	0.462 (1.56)	<b>0.907*</b> (2.19)	<b>0.897*</b> (2.23)	-0.5 (-0.57)
<b>N</b>	<b>48</b>	<b>48</b>	<b>48</b>	<b>48</b>	<b>37</b>
R-squared (within)	0.6027	0.6081	0.6472	0.6466	0.7244
R-squared (between)	0.0197	0.0127	0.0008	0.0015	0.1096
<b>R-squared (total)</b>	<b>0.0001</b>	<b>0.0021</b>	<b>0.0221</b>	<b>0.0186</b>	0.0078
t statistics in parentheses, * p<0.05, ** p<0.01, *** p<0.001					

**Regression Results: Agency Transparency Constraints**

The second set of regressions, models 2.1-2.4, focuses on external factors relating to the overall degree of transparency in an agency. Consequently, the model includes variables derived from the literature on government transparency, the percent of agency money spent on contracting, the

percent of exemptions for national security reasons, and the percent of agency employees employed abroad.

**Table 7: Second Agency Fixed Effects Regression of Backlogs on Granted Score**

<i>Specification:</i>	2.1	2.2	2.3	2.4
Percent of Pending Requests	-1.8 (-0.97)	-1.963 (-1.02)	-2.343 (-1.16)	-2.25 (-1.06)
Percent Spent on Contractors	-0.913 (-1.86)	-0.939 (-1.87)	-0.93 (-1.83)	-- --
Percent of Exemptions for National Security	--	0.377 (0.51)	0.788 (0.84)	0.678 (0.68)
Percent of Agency Employees Employed Abroad	--	--	-46.03 (-0.71)	-49.06 (-0.72)
Constant	<b>1.709***</b> (4.36)	<b>1.713***</b> (4.29)	2.562 (2.04)	2.152 (1.65)
<b>N</b>	<b>48</b>	<b>48</b>	<b>48</b>	<b>48</b>
R-squared (within)	0.1644	0.1746	0.1951	0.0606
R-squared (between)	0.043	0.0353	0.0216	0.0223
<b>R-squared (total)</b>	<b>0.0482</b>	<b>0.0424</b>	<b>0.0186</b>	<b>0.0181</b>
t statistics in parentheses, * p<0.05, ** p<0.01, *** p<0.001				

None of the models presented a statistically significant backlog variable with a 95% confidence interval. Further, only in model 2.1 and 2.2 was there any statistically significant variable and it was the constant. All four regressions demonstrated a low R-squared, explaining 1-4% of all statistical variation. As with the previous set of regressions, a two year fixed effects regression on 24 agencies lacks the power to identify statistical trends. However, it is possible that with a

larger dataset and different variables, these trends might still have a significant effect on FOIA transparency.

### **Regression Model 3 Results: Sub-Agency FOIA Constraints**

The third set of regressions, models 3.1-3.4, present the greatest number of significant results. In all four regression models the Percent of Pending Requests variable shows a statistical significance of  $p < .001$ . Further with the exception of one variable in regression 3.1, all variables are statistically significant with a 95% confidence interval.

**Table 8: Sub-agency Fixed Effects Regression of Backlogs on Granted Score**

<i>Specification:</i>	3.1	3.2	3.3	3.4
Percent of Pending Requests	<b>-0.561***</b> (-5.23)	<b>-0.57***</b> (-5.38)	<b>-0.54***</b> (-5.58)	<b>-0.537***</b> (-5.51)
Amount of Money Spent per Request	-0.00000253 (-1.41)	<b>-0.0000171**</b> (-3.12)	<b>-0.0000141**</b> (-2.99)	<b>-0.00000370*</b> (-2.46)
Number of Employees per Request	--	<b>1.808**</b> (2.81)	<b>1.295*</b> (2.32)	--
Percentage of Denials for Other Reasons	--	--	<b>-0.325***</b> (-3.34)	<b>-0.333***</b> (-3.41)
Constant	<b>0.983***</b> (51.5)	<b>0.973***</b> (50.64)	<b>1.234***</b> (14.17)	<b>1.250***</b> (14.27)
N	589	589	570	570
R-squared	0.0709	0.0589	0.0721	0.0813
T statistics in parentheses, * p<0.05, ** p<0.01, *** p<0.001				

While the R-squared values remain small -- just 7.2% and 8.1% -- the statistical significance of the variables across both models is promising. One of the potential problems with models 3.3 and 3.4 are their N values, the models removed and did not analyze 38 bureaus. These bureaus account for approximately 5% of the total, and while they appear to be random, it is possible that they are not random drops and could cause selection bias.

The negative coefficients for the Percent of Pending Requests (backlog) variable support the hypothesis that larger agency backlogs decrease agency transparency by leading to fewer FOIA requests being granted. Based on these models, if an agency sees the percent of backlogged requests increase by 10%, there would be a -0.05 change in the granted score. As the granted score is some number between 0 and 2, this number can be interpreted as a 2.5% decrease from

the optimal score. While this seems small, the difference between an agency with a backlog of 10% and an agency with 50% of pending requests would represent a meaningful difference in the number of FOIA requests granted and the agency's degree of transparency.

#### **Regression Model 4 Results: Sub-Agency Effect of the Granted Score on Backlog**

To identify the potential risk of multicollinearity, and to attempt to identify what variables result in an agency backlog, the dependent and independent variables were reversed in regression 4.1 – 4.3. The results are beneficial in that the granted score was the only variable statistically correlated with backlog thus reducing the risk of multicollinearity. However, this finding also means that there is, as of yet, no identifiable variables for what causes an agency backlog to increase. The strong correlation between the granted score and the backlog does not prove causation.

**Table 9: Sub-agency Fixed Effects Regression of the Granted Score on Backlogs**

<i>Specification:</i>	4.1	4.2	4.3
Granted Score	<b>-0.154***</b> (-5.23)	<b>-0.160***</b> (-5.38)	<b>-0.190***</b> (-5.58)
Dollars per Request	0.000000102 (-0.11)	0.00000380 (-1.29)	0.00000304 (-1.07)
Employees per Request	--	0.457 (1.33)	0.307 (0.92)
Percentage of Denials for Other Reasons	--	--	-0.0717 (-1.23)
Constant	<b>0.290***</b> (10.80)	<b>0.293***</b> (10.87)	<b>0.379***</b> (5.93)
<b>N</b>	<b>589</b>	<b>589</b>	<b>570</b>
R-squared (within)	0.0865	0.0921	0.1027
R-squared (between)	0.0541	0.0441	0.0529
<b>R-squared (total)</b>	<b>0.0657</b>	<b>0.0606</b>	<b>0.0671</b>
t statistics in parentheses, * p<0.05, ** p<0.01, *** p<0.001			

### Conclusions

One of the more critical results of this analysis is that larger datasets will be needed before clear conclusions can be drawn about the effects of external factors on granting FOIA requests. The sub-agency level data was statistically powerful and identified several meaningful variables. In particular, a strong statistical correlation is found between the relative size of an agency's backlog and how transparent it is. The policy implications of this seem to be that FOIA

professionals and the federal government should take backlogs seriously. By addressing backlog issues, improvements in government transparency might be won as well.

The fixed effects model provided strong statistical correlations, but limited explanatory power.

The next steps to build on this research should involve expanding the existing dataset with additional years, developing variables from the Chief FOIA Officer Reports like training or agency plans, and finding effective ways to apply broader issues in transparency to the model.

With expanded explanatory power, statistical models could explain how FOIA actually works, and how this fundamental democratic institution can be improved.

## Appendix

**Table 10: Agency Summary FOIA Requests Pending, Received, and Processed**

Year	Number of Requests Pending as of Start of FY 2009	Number of Requests Received in FY 2009	Number of Requests Processed in FY 2009	Number of Requests Pending as of End of FY 2009
2009	147144	486206	542793	90539
2008	159670	539872	551409	148102

Source: 2009 and 2008 Annual FOIA Reports from 25 Selected Agencies

**Table 11: Agency Summary Number of FOIA Requests**

Year	Number of Requests Received from FY 2009 and Backlogs	Number of Requests Pending as of Start of FY 2009	Number of Requests Received in FY 2009
2009	633350	23.23%	76.77%
2008	699542	22.82%	77.18%

Source: 2009 and 2008 Annual FOIA Reports from 25 Selected Agencies

**Table 12: Agency Summary Granted FOIA Requests**

		Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions
2009	Total	180674	203387	80085	171497
	Percent	28.42%	32.00%	12.60%	26.98%
2008	Total	228232	155800	81161	456248
	Percent	24.77%	16.91%	8.81%	49.51%

Source: 2009 and 2008 Annual FOIA Reports from 25 Selected Agencies

**Table 13: Agency Summary Personnel and Costs**

Avg.	Personnel		Costs			
	Number of Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation Related Costs	Total Costs
2009	80.17	70.82	152.12	\$13,186,932	\$1,053,820	\$14,254,016
2008	72.98	66.01	138.98	\$11,893,768	\$637,243	\$12,543,536

Source: 2009 and 2008 Annual FOIA Reports from 25 Selected Agencies

**Table 14: Changes in Agency Summary Employment Statistics**

		Female	Male	United States	Territories	Foreign	White Collar	Blue Collar	Total Pop.
2009	Total	879763	1114087	1944188	14413	34298	1788709	204666	1993854
	Percent	44.12%	55.88%	97.51%	0.72%	1.72%	89.71%	10.26%	
2008	Total	839087	1058124	1848267	14244	33926	1693073	203784	1897231
	Percent	44.23%	55.77%	97.42%	0.75%	1.79%	89.24%	10.74%	

Source: OPM Fedscope, Employment Statistics by Agency

**Table 15: Agency Summary Expenditures by Type**

		Contract s	Grants	Loans and Guarantees	Direct Payments	Insurance	Others	Total Dollars
2009	Total	539,308	662,734	598	1,266,213	444,057	1,986	2,914,898
	Avg	21,572	26,509	23	50,648	17,762	79	116,596
	Percent	18.50%	22.74%	0.02%	43.44%	15.23%	0.07%	
2008	Total	540,881	418,128	363	1,108,613	6,303	6,891	2,081,180
	Avg	21,635	16,725	15	44,345	252	275	83,247
	Percent	25.99%	20.09%	0.02%	53.27%	0.30%	0.33%	

Totals and averages are in millions -- Source: USA Spending.gov

## Works Cited

- 110th Cong. (2007, December 21). *Open Government Act of 2007*. Retrieved April 10, 2011, from Government Printing Office: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_bills&docid=f:s2488enr.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:s2488enr.txt.pdf)
- 94th Cong. (1975). *Freedom of Information Act: Source Book*. Washington, DC: US Government Printing Office.
- Ashcroft, J. (2001, October 21). *Memorandum for Heads of All Federal Departments and Agencies*. Retrieved April 10, 2011, from National Security Archive: <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB84/Ashcroft%20Memorandum.pdf>
- Brandeis, L. D. (1914). *Other People's Money, and How Bankers Use It*. New York: Federal A. Stokes Publishing.
- Bush, G. W. (2005, December 19). *Government Printing Office*. Retrieved April 10, 2011, from Executive Order 13392: Improving Agency Disclosure of Information: <http://edocket.access.gpo.gov/2005/pdf/05-24255.pdf>
- CJOG. (2006, July 3). *Frequent Filers: Business Makes FOIA their Business*. Retrieved April 10, 2011, from Coalition of Journalists for Open Government: [http://www.cjog.net/documents/Who\\_Uses\\_FOIA.pdf](http://www.cjog.net/documents/Who_Uses_FOIA.pdf)
- FedScope*. (n.d.). Retrieved December 5, 2010, from September 2009 and September 2008: <http://www.fedscope.opm.gov/employment.asp>
- Fiorini, A. (Ed.). (2007). *The Right to Know: Transparency for an Open World*. New York, NY: Columbia University Press.
- Fung, A., Graham, M., & Weil, D. (2007). *Full Disclosure: The Perils and Promise of Transparency*. New York, NY: Cambridge University Press.
- GAO. (2006, July 26). *Freedom of Information Act: Preliminary Analysis of Processing Trends Shows Importance of Improvement Plans*. Retrieved April 10, 2011, from Government Accountability Office: <http://www.gao.gov/new.items/d061022t.pdf>
- GAO. (2005, May 11). *Information Management: Implementation of the Freedom of Information Act*. Retrieved April 10, 2011, from Government Accountability Office: <http://www.gao.gov/new.items/d05648t.pdf>
- General Accounting Office. (2001, March). *Information Management: Progress in Implementing the 1996 Electronic Freedom of Information Act Amendments*. Retrieved April 2011, from General Accounting Office: <http://www.gao.gov/new.items/d01378.pdf>
- General Accounting Office. (2004, February). *Information Management: Update on Freedom of*

- Information Act Implementation Status*. Retrieved April 10, 2011, from General Accounting Office: <http://www.gao.gov/new.items/d04257.pdf>
- Golden, C. (2000, July 5). *Drumroll, please...* Retrieved April 10, 2011, from Government Computer News: [http://gcn.com/articles/2000/07/25/drumroll-please.aspx?sc\\_lang=en](http://gcn.com/articles/2000/07/25/drumroll-please.aspx?sc_lang=en)
- HHS. (2009). *HHS Fiscal Year 2009 Freedom of Information Annual Report*. Retrieved April 10, 2011, from U.S. Department of Health and Human Services: [http://www.hhs.gov/foia/reports/09anlrpt\\_main.html](http://www.hhs.gov/foia/reports/09anlrpt_main.html)
- Holder, E. (2009, March 19). *Memorandum for Heads of Executive Departments and Agencies*. Retrieved April 10, 2011, from Department of Justice: <http://www.justice.gov/ag/foia-memo-march2009.pdf>
- McDermott, P. (2008). *Who Needs to Know?: The State of Public Access to Federal Government Information*. Lanham, MD: Bernan Press.
- Obama, B. (2009, January 21). *Subject: Freedom of Information Act*. Retrieved April 10, 2011, from The Whitehouse: [http://www.whitehouse.gov/the\\_press\\_office/Freedom\\_of\\_Information\\_Act/](http://www.whitehouse.gov/the_press_office/Freedom_of_Information_Act/)
- O'Brian, D. M. (1981). *The Public's Right to Know: The Supreme Court and the First Amendment*. New York, NY: Praeger Publishers.
- Office of Information Policy. (2010). *FOIA Post: Summary of Agency Chief FOIA Officer Reports with Findings and OIP Guidance for Improvement*. Retrieved April 10, 2011, from Department of Justice: <http://www.justice.gov/oip/foiapost/2010foiapost23.htm>
- Piotrowski, S. J. (2007). *Governmental Transparency in the Path of Administrative Reform*. Albany, NY: State University of New York Press.
- Reno, J. (1993, October 4). *Attorney General Reno's FOIA Memorandum*. Retrieved April 10, 2011, from Department of Justice: [http://www.justice.gov/oip/foia\\_updates/Vol\\_XIV\\_3/page3.htm](http://www.justice.gov/oip/foia_updates/Vol_XIV_3/page3.htm)
- Roberts, A. (2006). *Blacked Out: Government Secrecy in the Information Age*. New York, NY: Cambridge University Press.
- Summary Statistics 2008 and 2009*. (n.d.). Retrieved December 5, 2010, from USASpending.gov: <http://www.usaspending.gov/explore?carryfilters=on>
- Wooldridge, J. (2009). *Introductory Econometrics: A Modern Approach* (Vol. 4e). Mason, OH: South-Western.

