Deloitte.

FOIA services
Knowledgeable, experienced, and security-focused
services across the FOIA request life cycle

Time for a refresh

In the 50 years since the Freedom of Information Act (FOIA) was passed, attitudes toward openness and transparency have changed. The FOIA is now one of the most heavily relied upon methods for the citizenry to receive information about their government.

As a result, the FOIA environment has grown from typically small, simple, direct requests for single or small batches of records to large, complex, comprehensive requests that require the production or query of entire databases. In the past five years alone, the number of FOIA requests has increased by more than 200,000.

The number of requests isn't the only challenge, however. Government technology modernization initiatives have seen an explosion in the volume of records and data stored and the rate at which they are created. For agencies responding to FOIA requests, this means significant expansion in both the number of responsive records and the complexity of records searches and reviews.

Not all FOIA requests are alike, either. Some are uniform in nature and, therefore, should require minimal effort after the first instance. Others, such as those submitted by the media, corporations, and watchdog groups, are broader in nature and more complicated. These may require more sophisticated collection, search, and review capabilities.

The surge in requests and the volume of responsive collected material overwhelms traditional FOIA processing methods. This has led to major FOIA backlogs and a steady increase FOIA processing costs. Departments and agencies are faced with shifting valuable resources from core mission-related projects to meeting the growing demands of FOIA and pressure to comply with open government mandates.

To answer the demand and mitigate risk to the core mission, a new approach is needed. Previous FOIA response methods need to be replaced with a new model based on workflow innovation, technology, and analytics.

Deloitte can help.

Our solution

Deloitte offers more than 20 years of experience assisting federal clients with responses to document requests in a variety of contexts, including FOIA, pursuant to regulatory requirements, in response to Congressional inquiry, and in response to litigation requests. We help federal agencies design and implement effective FOIA response approaches that are consistent with the president's Open Government (OpenGov) Directive's emphasis on transparency, participation, and collaboration.

Three elements form the foundation of an effective FOIA program:

To help your organization lay that foundation and build a next-generation FOIA program that meets the demands of your constituents, Deloitte offers a range of services, including:

Technology and analytics that enable a department or agency to accurately review FOIA requests and manage the related workflow. This includes efficient collection, culling, review, and categorization of information necessary for each response. The FOIA platform should have strong analytics capabilities or accept analytics-based information from other technology, and it should be adaptable to new approaches as the nature and volume of requests change.

A flexible approach to staffing and workflow based on the circumstances of each review. Such an approach should include a linear workflow model to handle steady-state operations, as well as an "assembly-line" capability, augmented by analytics and staffed with domain specialists, to respond to surges caused by unusual or catastrophic events.

Strike teams with subject-matter experience that can be deployed within review teams to address certain types of FOIA requests or content

Process improvement.

We can help you establish and improve your FOIA workflow approach, including document collection and review components. Process innovation capabilities include:

- Evaluating your current FOIA workflow and mapping against repeatable requests and data sources
  Devising a method of categorizing and making available commonly requested information to reduce repetitious activities that churn FOIA staff time
- Breaking down workflow into logical components to address scalability requirements and development of subject-matter specialization
- Evaluating and streamlining your data/document collection process, for example if there are currently multiple components providing similar information
- Assessing collection techniques to minimize over-collection, as well as potential application of de-duplication and culling technologies
- Removing or redacting protected information, where applicable, prior to request response

Collection.

Data collection is the largest component of successful FOIA responses. We can assist with the various aspects of collection, including document chain of custody issues to address defensibility in case of litigation and the forensic capture of electronically stored information (ESI). We also facilitate cross-functional use of data captured at the enterprise level. Collection innovation capabilities include:

- Evaluating your data sources and providing recommendations for streamlined capture and information sharing
- Identifying, where applicable, information sources for automated withholding and protection of information for disclosure pursuant to OpenGov
- Collecting information in a forensically sound manner for applicable data sources.
- Establishing document chain of custody for defensible use of information in litigation
- Identifying and collaborating with document custodians in support of broad-based collection

Technology innovation.

We offer recommendations on a range of FOIA-related products, including the application of analytics technologies and methodologies. Technology innovation capabilities include:

- Analyzing your current technology platform's performance around specific capabilities, such as serving as a centralized platform that is easily accessed within and across agencies, as well as integration with analytics and predictive technologies
- Evaluating the application of culling and de-duplication approaches
- Applying concept-based analytics to pre-identify categories of information for specialized subject-matter specialist review
- Establishing predictive review and redaction workflows, including sampling analysis and defensibility

Surge staffing.

As a long-time federal contractor, we can provide just-in-time staffing – experienced professionals who specialize in various aspects of FOIA requests including exemptions – whether your agency faces a surge in requests resulting from a crisis or is simply dealing with a growing backlog of requests.

Our experience

With Deloitte, you can be confident of receiving services that span the FOIA life cycle. We use secure, Web-based platforms for searching, organizing, and producing needed documents and data. We also offer:

Knowledge

- Extensive knowledge in the application of technology to solve FOIA challenges
- Project management and effective practices to help meet deadlines and deliverables within budget
- The ability to make large or complex data sets manageable and informative
- In-depth understanding and application of FOIA exemptions
- Federal experience
- Serving federal agencies since 1994
- Multiple long-term contract awards earned by partnering with clients
- On-point performance across multiple agencies covering the breadth of FOIA services

Security

- Compartmentalization and need-to-know standards
- Cleared personnel and facilities
- FedRAMP-compliant and authority to operate (ATO) systems

A few examples of our work with federal agencies include:

High volume and high data sensitivity. A federal agency faced a backlog of tens of thousands of FOIA requests. Due to the high-profile, sensitive nature of the requests, the agency was under potential threat of Congressional investigation. The potentially responsive documents contained highly sensitive information, including personally identifiable information (PII) and information regarding law enforcement investigations, including terrorism and asylum investigations.

Sensitive, newsworthy issue. When faced with allegations of discrimination against veterans in the hiring process, potentially in violation of OPM policy, we assisted an agency in responding to multiple FOIA requests from media outlets. In addition to the sensitive nature of the potentially responsive data, the agency needed to be able to rapidly respond to media requests. We assisted the agency in identifying and collecting the potentially responsive information, most of which was contained in a substantial dataset of emails from more than 350 custodians. Our approaches to identifying and collecting responsive information included traditional and forensic collection methods, as well as human interviews – all aimed at culling extraneous information while ensuring a complete data set.

Disparate, large data collection. We developed and rolled out a new agency-wide solution that centralizes the search and collection of emails in response to FOIA requests. During a six-week phased rollout, we helped train over 100 agency employees in the new technology, workflow, and processes associated with submitting search and collection requests, and what to do with the results of the requests once received.

Contact
Chris Knox
Managing Director | Deloitte Advisory
Deloitte Discovery
Deloitte Transactions and Business Analytics LLP
+1 512 498 7411
csknox@deloitte.com

Deloitte assists government agencies with:

- FOIA responses and backlog elimination
- Document and records collection
- Document reviews for responsiveness, exemption, and privilege
- Data analysis to reduce the universe of data requiring manual review
- FOIA litigation support
- Vaughn Index preparation
- Project management for the life cycle of matters
- Outsourcing or insourcing of FOIA operations
- Data security