

Transparency to Become Apparent?

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In two memoranda (**Freedom of Information Act** and **Transparency and Open Government**) published this Wednesday on www.whitehouse.gov, **President Barack Obama** made it clear that his administration "is committed to creating an unprecedented level of openness in Government." In order to obtain this goal, Obama plans on maintaining a Government that is transparent, participatory, and collaborative.

Along these lines, "all agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government." He further clarifies this statement by explaining that agencies should take a proactive approach to disclosing information rather than waiting for specific requests. President Obama also requested that **the Attorney General** review and reform current FOIA guidelines as well as review outstanding FOIA reports. **The Director of the Office of Management and Budget** is tasked with creating an Open Government Directive, which would provide guidance for agencies in utilizing technology to improve the public release of information. The Chief Technology Officer, the Director of the OMB, and **the General Services Agency Administrator** are directed to coordinate recommendations for the initiative by May 21, 2009.

The FOIA, or Freedom of Information Act (Title 5 of the United States Code, § 552), gives any person the right to request federal agency records and information. Agencies are required to disclose requested information except where protected by one of nine exemptions or by one of three special law enforcement exclusions.

Government contractors should expect an increase in transparency to affect them in two specific ways. On one hand, companies will be able to obtain government market information more efficiently. On the other hand, companies will need to increase their own efficiency in order to comply with the new FOIA regulations.

If this all sounds a bit familiar, you might recall President Bush's "**Improving Agency Disclosure of Information**", Executive Order 13392. Issued on December 14, 2005, the order was built around the statement that "democracy depends upon the participation in public life of a citizenry that is well informed." The order established FOIA Public Liaisons to serve as the public's primary point of contact for information. The order also required agencies to develop FOIA Improvement Plans to ensure that FOIA offices were "citizen-centered" and required the Attorney General to monitor progress of the plans over a 3-year span.

Now that the challenge of government transparency has officially crossed party lines, it will be interesting to see if President Obama is able to make further headway. With over 3,000 active FOIA requests, GovWin will welcome any increase to efficiency. Of course, in true FOIA fashion, I will require 20 business days to process my initial opinion.