

M-98-09

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MEMORANDUM FOR THE HEADS OF EXECUTIVE AGENCIES

FROM: Franklin D. Raines /S/

SUBJECT: Updated Guidance on Developing a Handbook for Individuals Seeking
Access to Public Information

On October 2, 1996, the President signed into law the "Electronic Freedom of Information Act Amendments of 1996" (Pub. L. 104-231). On April 7, 1997, I issued guidance (OMB Memorandum M-97-10) on Section 11, which requires each agency to issue reference material or a guide for requesting records or information from the agency. The purpose of this memorandum is to rescind M-97-10 and reissue this guidance.

Section 11 amended the Freedom of Information Act (FOIA) by adding 5 U.S.C. 552(g), which states:

"The head of each agency shall prepare and make publicly available upon request, reference material or a guide for requesting records or information from the agency, including--

"(1) an index of all major information systems of the agency;

"(2) a description of major information and record locator systems maintained by the agency; and

"(3) a handbook for obtaining various types and categories of public information from the agency pursuant to chapter 35 of title 44, and under this section."

The purpose of this "reference material" or "guide" is to provide the public with reference tools on how to find and obtain public information. This provision is in effect as of March 31, 1997.

With respect to paragraphs (1) and (2), an agency must place its index and description of major information and record locator systems in its reference material or guide. We expect that this index and description would include an agency's Government Information Locator Service (GILS) presence as well as any other major information and record locator systems the agency has identified. The requirements of GILS are described in the attached OMB Bulletin 95-01, "Establishment of Government Information Locator Service."

With respect to paragraph (3), each agency should prepare a handbook that describes in one place the various ways by which a person can obtain public information from the agency, as well as the types and categories of information available. In preparing the handbook each agency should review the dissemination policies and practices set out in OMB Circular A-130, "Management of Federal Information Resources." The handbook should be in plain English and user-friendly. Where applicable, it should indicate that the public is encouraged to access information electronically via the agency's home page or to search in its reading room, and that the public may also submit a request to the agency under the Freedom of Information Act. "Types and categories" of available information will vary from agency to agency, and agencies should describe their information resources in whatever manner seems most appropriate.

Although the law does not require that the handbook be available on-line, OMB encourages agencies to do so as a matter of policy. The handbook should include the following elements:

- The location of reading rooms within the agency and within its major field offices, as well as a brief description of the types and categories of information available.
- The location of the agency's World Wide Web home page.
- A reference to the agency's FOIA regulations and how to get a copy.
- A reference to the agency's FOIA annual report and how to get a copy.
- The location of the agency's GILS page.
- A brief description of the types and categories of information generally available from the agency.

In addition, if there is an on-line version, it should have electronic links to these elements wherever they exist.

If an agency already has a document that addresses how the public can obtain agency information, such as a customer service handbook or a FOIA requester's handbook, the agency should review the document and revise it, if necessary, to reflect the new requirements.

Should your staff have any questions regarding this memorandum, they may contact Virginia Huth in the Office of Information and Regulatory Affairs at the Office of Management and Budget at (202) 395-3785.