



Written by [Warren Mass](#) on March 19, 2015

Obama Administration Sets New Record for Poor Handling of FOIA Requests

New figures posted online on March 17 by the Department of Justice at the Freedom of Information Act website ([FOIA.gov](#)) indicate that the Obama administration set a new record for Fiscal Year 2014 when it came to its frequency of censoring government files or denying requests for access to them under the Freedom of Information Act (FOIA).

The Associated Press analyzed the data posted on FOIA.gov and found that citizens, journalists, businesses, and other sources made 714,231 requests for information under the FOIA during fiscal year 2014, which set a new high. While the federal government spent a record \$434 million in order to keep up with the demand, the AP reported that it also spent about \$28 million on lawyers' fees to keep records secret.

The AP's researchers found that the government responded to 647,142 requests in FY 2014, representing a four-percent decrease compared with the previous year. It also set a new record for censoring materials it turned over or completely denying access to them, and did so in 250,581 cases — 39 percent of all requests.

During the daily press briefing at the White House conducted by Press Secretary Josh Earnest on March 17, a reporter asked Earnest about a decision made by the White House to exclude the White House Office of Administration from the Freedom of Information Act. The reporter, noting that the White House Office of Administration has been subject to FOIA by previous administrations, asked if this made the Obama administration the least transparent administration considering that it is closing that one office that has been open to FOIA requests in the past.

In his answer, Earnest shifted the responsibility from the White House to a court decision:

The administrative change that was announced this week has no impact on our compliance with the Freedom of Information Act....

... This change in the regulations is merely an effort to comply with a court ruling that was issued almost six years ago. So this was actually a court decision that indicated that the Office of Administration was not subject to the Freedom of Information Act request. And the regulations were merely updated to reflect that court's decision.

So this is a matter of just cleaning up the records that are on the books. It has no impact at all on the policy that we have maintained from the beginning to comply with the Freedom of Information





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Act when it's appropriate. It also has no bearing on the Office of Administration and the role that they do play in ensuring that the administration is the most transparent administration in history.

When the reporter asked Earnest if the Office of White House administration will continue to review FOIA requests, and be responsive according to the spirit of the act, Earnest again cast the blame on the court:

The Freedom of Information Act request does not apply to the Office of Administration. That is not a decision that was made by the administration; that was a decision that was made by a judge.... They don't have any bearing on the way that the administration responds to Freedom of Information Act requests.

When the reporter asked if the public can still get information from the Office of Administration, Earnest, after pointing out that the office is not subject to FOIA, said it "will continue to be a source of information for reporters and for the public who are seeking to obtain information about the White House and about the federal government."

The reporter then reminded Earnest that in 2009, Attorney General Eric Holder sent a memo to federal agencies instructing them to abide by "at least the spirit of the Freedom of Information Act," even if the administration is not legally bound to do so and asked how those instructions apply to the present policy.

Earnest punted on that question and moved on to defend the administration's record, claiming, "We actually do have a lot to brag about when it comes to our responsiveness to Freedom of Information Act requests."

Earnest's defense of the record cited the same DOJ data that the AP just examined and reported on:

And just today, the Department of Justice did release records, or metrics related to Fiscal Year 2014. The administration, in Fiscal Year 2014 alone, processed 647,142 FOIA requests, and over 91 percent of those requests resulted in the release of either some or all of the requested records. That is the sixth year in a row in which more than — at least or more than 91 percent of Freedom of Information Act requests were complied with in a way that included response of either part or all of the requested records.

What Earnest failed to mention, however, was the AP's findings that the administration's track record of censoring or completely denying access to 250,581 case files represented 39 percent of all FOIA requests.

The AP noted in its report of its findings:

The White House touted its success under its own analysis. It routinely excludes from its assessment instances when it couldn't find records, a person refused to pay for copies or the request was determined to be improper under the law, and said under this calculation it released all or parts of records in 91 percent of requests — still a record low since President Barack Obama took office using the White House's own math.

The debate, in the end, comes down to whom the public trusts more to tell the truth about the workings of our federal government — the Obama administration or the Associated Press. For many, this should be an easy decision.

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