




OCT 2 2015

Washington, D.C. 20530

MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS

FROM: Lee J. Lofthus
Assistant Attorney General
for Administration 

SUBJECT: Ensuring Compliance with Freedom of Information Act and Open
Government Directive Requirements in Employee Performance Appraisal
Records and Work Plans

The purpose of this memorandum is to remind you of the importance of ensuring compliance with the requirements of the Freedom of Information Act (FOIA), and the Open Government Directive by incorporating appropriate performance standards in employee appraisal records and work plans. Components may evaluate compliance using an existing appraisal element such as "Accountability for Organizational Results" or "Accountability for Customer Service," or they may establish a new element for this purpose. The attached standards have been created as model performance standards for FOIA and Open Government responsibilities. Components that choose to establish a new appraisal element may use these model standards or develop their own standards suitable for their employees' particular responsibilities related to FOIA and Open Government. This will ensure flexibility for Components to adopt standards best suited to the work performed by their employees and for the overall mission of their Component. New appraisal elements and standards, if necessary, should be incorporated as soon as is practical.

President Barack Obama issued a [directive](#) to the heads of all Federal Executive Departments and Agencies on his first full day in Office, expressing a commitment to transparency and ensuring an open Government. The President further reminded agencies that they should act promptly and in a spirit of cooperation in responding to requests under the FOIA. In accordance with this directive, the Attorney General's 2009 [FOIA Guidelines](#), stressed the importance of accountability and transparency.

The Department's performance for responding promptly to FOIA requesters requires the efforts of not only FOIA personnel but also the efforts and cooperation of all non-FOIA personnel who receive, transmit, and review information for disclosure. Each year the Department receives an increasing number of requests, and employees are called upon to assist in searching for responsive records, providing input for disclosure determinations, and identifying records for proactive disclosure on the Department's website.

Memorandum for Heads of Department Components

Page 2

Subject: Ensuring Compliance with Freedom of Information Act and
Open Government Directive Requirements in Employee
Performance Appraisal Records and Work Plans

Should your staff have any questions on how to incorporate these requirements into performance work plans and evaluations, they may contact Mary Lamary, Assistant Director, HR Policy and Advisory Services, via email at mary.lamary@usdoj.gov or by phone at (202) 532-4865. Should your staff have any questions on the FOIA or the Open Government Directive, they may contact Carmen Mallon, Chief of Staff, OIP, via email at carmen.mallon@usdoj.gov or by phone at (202) 616-5474.

Attachments

cc: Executive Officers
Component HR Officers

Model

Department of Justice Open Government Directive Performance Standards

Performance Standard: This performance standard is recommended for Executive and Supervisory Positions that oversee positions that have responsibility for open government policies.

- Ensures compliance with Open Government policies and processes to advance the Department's efforts to increase openness through the three principles that cultivate Open Government -- transparency, participation, and collaboration -- which are critical to fulfilling the core missions of the Department in various programmatic areas.

Measure

- Fully Successful performance is demonstrated by providing senior level support and direction for activities aimed at promoting further transparency and encouraging collaboration and participation among components and with public and other organizational stakeholders. Additionally, the executive or supervisor directs resources to support these principles through efficient and effective partnerships.

Performance Standard: This performance standard is recommended for positions that have responsibility for open government policies.

- Complies with policies and processes to advance the Department's efforts to increase openness through the three principles that cultivate Open Government--transparency, participation, and collaboration, which are the principles that are critical to fulfilling the core missions of the Department in various programmatic areas.

Measure

- Fully Successful performance is demonstrated by consistently furthering transparency, participation, and collaboration by exercising sound judgment when identifying and working with stakeholders for the purpose of advancing Open Government initiatives. The employee also works with stakeholders in a manner designed to promote the maximum cooperation appropriate under given circumstances.

Model
Department Freedom of Information Act (FOIA) Performance Standards

Performance Standard: This performance standard is recommended for Executive and Supervisory Positions that oversee positions that have primary responsibility for FOIA implementation (e.g., Government Information Specialists).

- Ensures compliance with statutory provisions, regulatory provisions and Departmental policies and procedures for the timely completion and response to FOIA requests.

Measure:

- Fully Successful performance is demonstrated by tasking and overseeing staff assignments to ensure FOIA program activities are completed in an accurate, thorough, and appropriate manner, within established deadlines, and responses are released with a 95% accuracy rate.

Performance Standard: This performance standard is recommended for positions that have primary responsibility for FOIA implementation (e.g., Government Information Specialists).

- Consistently exercises sound judgment and adheres to the FOIA statutory, regulatory, and Departmental policies and procedures when processing requests, making disclosure determinations, and responding to requesters.

Measure:

- Fully Successful performance is demonstrated by realistic planning and required analysis to ensure tasks are completed in an accurate, thorough, and timely manner. Appropriate responses (interim/final) are provided in accordance with assigned timelines; including identification of and collaboration with necessary partners for input, and responses are released with a 95% accuracy rate.

Performance Standard: This performance standard is for professional positions that have responsibilities for certain aspects of the Department's compliance with disclosure obligations, which may include searching for and reviewing records for disclosure.

- Promptly and thoroughly reviews and analyzes FOIA requests and prepares proper responses within the required time frames consistent with all governing legal and regulatory provisions.

Measure:

- Fully Successful performance is demonstrated by realistic planning and required analysis to ensure tasks are completed in an accurate, thorough, and timely manner. Appropriate responses (interim/final) are provided in accordance with assigned timelines; including identification of and collaboration with necessary partners for input and responses are released with a 95% accuracy rate.

Performance Standard: This performance standard is recommended for Support Positions which provide administrative support to meet goals for timely responses to FOIA requests.

- Promptly reviews incoming requests and logs them into tracking systems or databases based on dates of receipt, and provides administrative support to staff related to processing and responding to requests.

Measure:

- Fully Successful performance is demonstrated when incoming requests are properly logged and tracked for timeliness, and outgoing FOIA correspondence is checked for quality to ensure that records are properly assembled, all responsive records are attached, and responses are released with a 95% accuracy rate.