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## Information a real.

to check rising government secrecy and create an institutional mechanism under the U.S. Freedom of Information Act (FOIA), **the National Security Archive** is a war counter-institution into the U.S. outpost of a global freedom of information. It combines a unique range of functions: investigative journalism center, international affairs library and archive of declassified U.S. documents ("the world's largest nongovernmental library" according to the *Los Angeles Times*), leading non-profit user of the U.S. Freedom of Information Act, interest law firm defending and expanding public access to government information, and indexer and publisher of former secrets.

Based at George Washington University's Gelman Library, the Archive relies for its budget on publication revenues and grants from foundations and individuals. *Time* Best Non-Fiction award,

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**THE TEN OLDEST PENDING FOIA REQUESTS:  
A Series of Three FOIA Audits**

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*Justice Delayed is Justice Denied* (November 17, 2003)

To measure the problem of delay in the federal FOIA system, the Archive filed FOIA requests with the **35 federal agencies**

**PSEUDO-SECRETS:**

**A Freedom of Information Audit of the U.S. Government's Policies on Sensitive Unclassified Information (March 14, 2006)**

Full report available at: <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB183/press.htm>

In the first-ever government-wide audit of federal agencies' practices of marking and protecting information that is sensitive but unclassified, the Archive sent Freedom of Information requests to more than **40 federal agencies** seeking copies of their policies and guidelines on "sensitive unclassified information." Reviewing a diverse range of agency policies among the agencies and components that together handle the vast majority of FOIA requests in the federal government, the Archive identified 28 distinct policies for protection of sensitive unclassified information and found that, unlike classified records or ordinary agency records subject to FOIA, there is no monitoring of or reporting on the use or impact of protective sensitive unclassified information markings. Nor is there a procedure for the public to challenge protective markings. Some policies conflate information safeguarding markings with FOIA exemptions and some include definitions for protected information ranging from very broad or vague to extremely focused or limited. In the current system, it is unlikely that Congress or the public will be able to assess whether these policies are being used effectively to safeguard the security of the American public, or abused for administrative convenience or for improper secrecy.

**FILE NOT FOUND:**

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### SELECTED PRESS COVERAGE

**Journalists Hear Grim News on Accessing Government Information**, by Robert B. Bluey, CNSNews.com (March 17, 2003).

"In addition to possessing greater power to monitor the public's activities, the government has been more selective in the information it gives out under the Freedom of Information Act, said Thomas S. Blanton, director of the National Security Archive. The archive, which collects declassified documents, conducted an assessment of 33 governmental agencies . . . to determine the effects of Justice Department and White House directives on the release of records. Most of the agencies surveyed indicated little change in their freedom of information practices, Blanton said. But he cautioned that some of the responses were unacceptable."



**Information requests to feds lag for years**, by Pete Yost (November 18, 2003).

"Despite a law that calls for prompt responses, some information requests to the federal government have been pending since the 1980s, according to a private group that canvassed 35 agencies for their oldest open cases. The FBI, CIA, and the Pentagon have some of the oldest requests, says the National Security Archive."



**Freedom-of-Information Requests: Still Waiting**, by Christopher Lee (March 16, 2006)

"One can grow old waiting for the federal government to cough up public information. Some people have waited nearly two decades for responses to their requests under the Freedom of Information Act, with no end in sight, according to a new study by the National Security Archive."



**Reports: 'Secret' label is overused**, by Rebecca Carr (March 20, 2006)

"Three reports released last week urge oversight of [the "For Official Use Only" designation] – and more than 60 other categories of concealed information. All found a lack of accountability and consistency in the way federal agencies use sensitive information stamps. 'No one really knows how many records are covered or for how long, and there are practically none of the limits that we do have in the security classification world,' said Thomas Blanton, director of the National Security Archive."



**Online access to federal records lags, study says** (March 12, 2007)

"Federal agencies have dragged their feet on implementing a 10-year-old law that requires them to use the Internet to make government documents easily available, a new study says. The result is that the public is blocked from easier access to information, the report says, and the cost of answering information requests is driven up."



**Government Sites Aren't FOIA-Friendly; Study Finds Most Agencies Fall Short of Transparency Mandate** (March 12, 2007)

"Federal agencies helped create the Internet, but most do not use it to inform the public about what they do, a study to be released today shows. . . . [T]he new study by the National Security Archive . . . finds that 10 years after Congress passed 'E-FOIA,' agency Web sites distinguish themselves more for cyber-foot-dragging than for streamlined access."

**Federal FOIA in slow motion** (editorial), *Post and Courier* (Charleston, SC) (July 9, 2007). "Under the federal Freedom of Information Act, agencies are given 20 business days to respond to requests for public records. Unfortunately, that isn't being accomplished in many instances, with extensive backlogs at numerous agencies. The National Security Archive . . . found that at least one respondent has been waiting an unbelievable 20 years for the State Department to respond to a request for documents related to the Church of Scientology. Is Rip Van Winkle in charge?"



Testimony of Meredith Fuchs before the House Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, “Over-classification and Pseudo-classification: The Impact on Information Sharing” (March 22, 2007).

Testimony of Meredith Fuchs, National Security Archive General Counsel, before the House of Representatives Permanent Select Committee on Intelligence, Subcommittee on Intelligence Community Management Statement, Hearing on “Classification of National Security Information and its Implications for the Intelligence Community” (July 12, 2007).

## **IMPACT ON GOVERNMENT POLICY**

**Executive Order 13,392 on “Improving Agency Disclosure of Information”**