

Freedom of Information Act (FOIA) Service Center Proactive Disclosure Policy

The FOIA Service Center is posting this proactive disclosure policy to reflect a commitment to provide publicly available information on the operations and activities of the government. In accordance with Department of Justice policy, electronic availability of information is accomplished through the use of EOIR's website, including through the use of EOIR's electronic Reading Rooms. In addition, EOIR maintains paper copies of subsection (a)(2) documents, which are available for inspection and copying at the EOIR library located at 5201 Leesburg Pike, Falls Church, VA 22041.

The FOIA E-FOIA amendments of 1996, the Presidential [FOIA Memorandum](#) of 2009, and the Attorney General [FOIA Guidelines](#) require consistent practices to obtain proactive disclosures. The Presidential Memorandum directs agencies to "take affirmative steps to make information public" without waiting for specific requests and to "use modern technology to inform citizens about what is known and done by their Government." In keeping with this emphasis of disclosing information proactively, EOIR has formalized a review process to ensure that appropriate material is proactively disclosed.

Proactive disclosures are records made publicly available by agencies without specific requests from the public. These disclosures are an integral part of government transparency and the FOIA. All federal agencies are required to affirmatively and continuously disclose records described by subsection (a)(2) of the FOIA, which applies to four categories of agency records that must routinely be made "available for public inspection and copying." These four categories of records include:

- (1) "final opinions [and] . . . orders" rendered in the adjudication of administrative cases;
- (2) specific agency policy statements;
- (3) certain administrative staff manuals; and,
- (4) since March 31, 1997, records disclosed in response to a FOIA request that "the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records."

To enhance EOIR's commitment to systemically post information on-line, EOIR's FOIA Service Center will on a continuing basis and no less than quarterly determine whether to proactively disclose information on EOIR's website. The FOIA Service Center's review will include making a determination regarding the suitability of on-line posting. Proposed postings will focus on documents containing statements of policy and interpretations adopted by the agency that reflect an agency's current policy, manuals or instructions to staff that affect the public, and FOIA processed documents that are "likely to be of interest to the public."