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Freedom of Information Act: Additional Guidance and Reliable Data Can Help Address Agency Backlogs

GAO-24-106535

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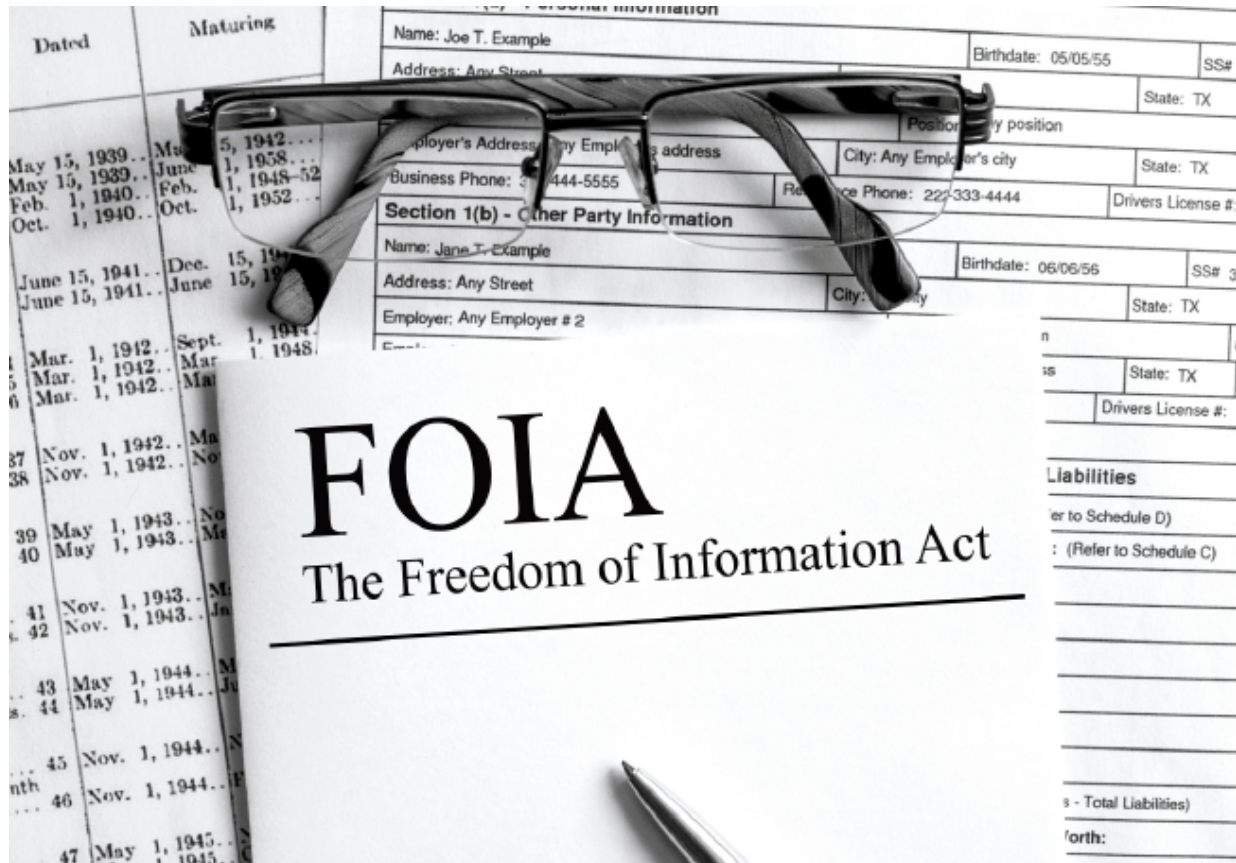
Fast Facts

The Freedom of Information Act requires federal agencies to provide public access to government information. Agencies generally must process FOIA requests within 20 working days, but the government-wide backlog of requests grew over the last decade.

Agency FOIA officers cited factors such as staffing challenges and complex requests as contributing to backlogs. The Justice Department, which helps agencies administer FOIA, could improve its backlog guidance. For example, it

should specify what agencies include in backlog reduction plans—including goals, milestones, and metrics to track progress.

Our [recommendations](#) address FOIA backlogs.



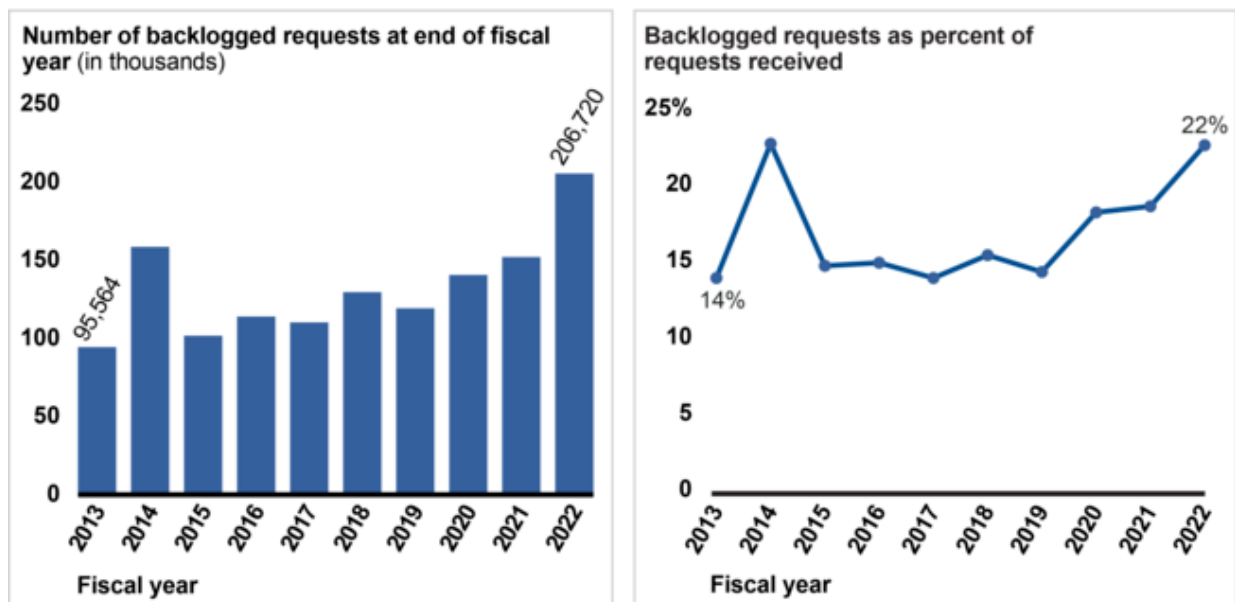
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Highlights

What GAO Found

Federal agencies are generally required to process Freedom of Information Act (FOIA) requests within 20 working days. However, the government-wide request backlog has risen over the last decade (see figure), demonstrating that agencies face persistent challenges processing requests within required time frames.

Year-End FOIA Request Backlogs Government-wide, Fiscal Years 2013–2022



Source: GAO analysis of agency-reported Freedom of Information Act (FOIA) data on FOIA.gov. | GAO-24-106535

In annual reports, agency Chief FOIA Officers have cited key factors contributing to increases in their backlogs. Factors include the increasing complexity of FOIA requests, staffing challenges, and increasing litigation. Agencies also reported on actions taken to address their backlogs. For example, agencies reported using data to actively monitor the status of requests and inform actions to close them.

The Department of Justice's (DOJ) Office of Information Policy (OIP) helps agencies administer FOIA, but additional guidance and other resources could better support agency efforts to address backlogs.

- OIP directs agencies with significant backlogs to create backlog reduction plans. However, OIP does not specify what agencies should include in these plans so most have not included key elements. Of the 14 agencies directed to develop 2023 plans, two included goals and none included timelines for implementing actions. By providing such guidance, OIP could ensure agencies specify goals, milestones, and metrics to track progress.
- OIP instructs agencies to calculate the average time it takes the agency overall to process requests. However, since 2013, many agencies have reported inaccurate times in one or more years. Improvements to OIP's data checks and training could help improve the accuracy of these data.

In focus groups with GAO, agency officials and nongovernmental stakeholders suggested various changes to FOIA, such as expanding the records agencies must release without a request, to help agencies address backlogs. However, there was generally little consensus on specific changes they would recommend.

Why GAO Did This Study

FOIA requires federal agencies to provide the public with access to government information. FOIA request backlogs hinder government transparency and prevent individuals' timely access to information.

GAO was asked to review government-wide issues related to agency FOIA request backlogs. This report (1) describes factors federal agencies identified as causes of backlog increases, (2) describes methods agencies reported using to address backlogs, (3) assesses relevant government-wide guidance and resources, and (4) describes the perspectives of agency officials and nongovernmental stakeholders on proposed FOIA changes to help agencies address backlogs.

To address these objectives, GAO analyzed Chief FOIA Officer reports published between 2019 and 2023 by all agencies receiving 50 or more FOIA requests each year. GAO also conducted four focus groups with FOIA officials from major federal agencies and one with nongovernmental stakeholders from academia, media, and the FOIA requester community. GAO analyzed data from FOIA.gov, reviewed government-wide FOIA guidance and resources, and interviewed agency officials.

Recommendations

GAO is making four recommendations to DOJ, including specifying the elements agencies should include in their backlog reduction plans, and taking steps to help agencies improve the reliability of data on request processing times. DOJ concurred with the recommendations.

Recommendations for Executive Action

Agency Affected	Recommendation	Status
Department of Justice	The Attorney General should direct the Director of the Office of Information Policy to issue guidance advising	 Closed – Implemented 

Agency Affected	Recommendation	Status
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	agencies to include elements of effective action plans in their backlog reduction plans. Such elements include identifying and analyzing root causes of their backlog; identifying actions the agency will take to address those root causes; and establishing specific backlog reduction goals, performance measures, and milestones for tracking progress. (Recommendation 1)	The Department of Justice Office of Information Policy (OIP) agreed with and has taken action to address this recommendation. In August 2025, OIP issued guidance outlining considerations for agencies as they develop backlog reduction plans, as well as elements they should include in their plans. For example, the guidance states that agencies should assess their programs to identify the primary causes of their backlogs. After identifying the causes of backlogs, the guidance directs agencies to develop comprehensive next steps, including both short-term and long-term actions, to address the backlog. Additionally, the guidance states that agencies should include clear goals and mechanisms... View More
Department of Justice	The Attorney General should direct the Director of the Office of Information Policy to issue guidance advising agencies to identify actions in their backlog reduction plans to help ensure staff with the necessary skills are available to support reduction efforts. (Recommendation 2)	 Closed – Implemented  The Department of Justice Office of Information Policy (OIP) agreed with and has taken action to address this recommendation. In August 2025, OIP issued guidance outlining considerations for agencies as they develop backlog reduction plans, as well as elements they should include in their plans. To help ensure agencies identify actions that may be necessary to ensure sufficient staff are available to

Agency Affected	Recommendation	Status
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support backlog reduction efforts, the guidance first directs agencies to consider whether staffing is adequate and if an increased request volume necessitates additional personnel. If additional personnel are needed, it directs agencies to consider if a temporary surge is sufficient to...

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Department of Justice

The Attorney General should direct the Director of the Office of Information Policy (OIP) to develop a process for OIP to more closely examine the data agencies report on component-level FOIA requests and average request processing times to help agencies ensure they report accurate average processing times. (Recommendation 3)


Closed – Implemented



The Department of Justice Office of Information Policy (OIP) has taken action to address this recommendation. In November 2024, OIP provided documentation showing that it had added an additional step to its process for reviewing agencies' annual FOIA report submissions. As part of this process, OIP compliance officials recalculate the overall average processing times that agencies with decentralized FOIA programs submit to determine whether the agencies have calculated these times correctly. If OIP officials find that an agency's overall average processing time is not calculated correctly, they are required to follow up with the agency and ask that the data be corrected. As a result, OIP...

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Agency Affected	Recommendation	Status
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Department of Justice

The Attorney General should direct the Director of the Office of Information Policy (OIP) to update the materials for OIP's training on annual FOIA reporting to highlight that agencies are required to report weighted average processing times for FOIA requests, and include instructions on how agencies should calculate their weighted average processing times. (Recommendation 4)


Closed – Implemented


The Department of Justice Office of Information Policy (OIP) has taken actions to address this recommendation. In October 2024, OIP provided documentation of updates to its training materials for agencies to use in preparing their annual FOIA reports. First, OIP updated the Department of Justice Handbook for Agency Annual Freedom of Information Act Reports to provide additional explanation to agencies on how to calculate their overall average processing time, including how to calculate weighted processing times using data from multiple components within the agency. Additionally, OIP officials updated materials used in their annual trainings for agency staff on how to complete annual FOIA...
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Full Report

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