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The State of FOIA 2024

Perspectives from Open Records Officers on the Changing Technology Landscape

Insights from open records professionals and FOIA officers
on the current state of government transparency — and how
technology is critical to keeping pace

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The Inaugural State of FOIA Survey

Open government is at an inflection point.

Requests for public records are at an all-time high, growing both in volume and complexity. Meanwhile, government data is expanding rapidly. This combination—alongside funding and staffing shortages in public records offices—is straining the system. Today, the federal backlog of Freedom of Information Act (FOIA) requests exceeds a record 200,000 cases.[1]

Many policy experts and advocates have debated how to improve FOIA. But what do the FOIA professionals on the frontlines think?

Every day at OPEXUS, we work directly with public sector employees who aim to make government function better. Our software tools are designed to make their jobs more efficient, including our FOIAXpress tool used by more than 150 federal agencies. Our team regularly hosts a FOIA Officers Roundtable, bringing together dozens of officers to build community, share best practices and collectively impact the effectiveness of FOIA programs.

In that spirit, we launched our first-ever 'State of FOIA' survey engaging open records professionals across federal, state and local levels to understand their challenges and the opportunities for improvement.

Our findings reveal that while FOIA workers' top priority is keeping up with requests and reducing backlogs, many are dissatisfied with the current resources and processes available to them to make that happen.

As AI makes headway, the FOIA professionals we surveyed are optimistic about the potential machine learning and other technologies will have on FOIA efficiency. Three-quarters of respondents believe updated software would improve collaboration among stakeholders, and nearly all—93%—see a clear role for AI in reviewing and sorting requests.

While investment in technology is crucial, workers also emphasize the need for better support, with a spotlight on training. It's not enough to simply introduce AI; officers want to thoroughly understand the best ways to use it.

Furthermore, to truly improve FOIA program effectiveness, leaders need to step up. Managing team members and cases won't be enough. The best FOIA leaders understand the full range of challenges facing their programs and take bold steps—leveraging data, best practices, and investing in training and modern tools that are tailored to FOIA professionals' workflows. We hope this report provides valuable insights into the challenges and opportunities facing public records management workers and offers a path to meaningful improvements.

Howard Langsam CEO of OPEXUS

[1] Government Accountability Office, "FOIA Backlogs Hinder Government Transparency and Accountability," March 14, 2024
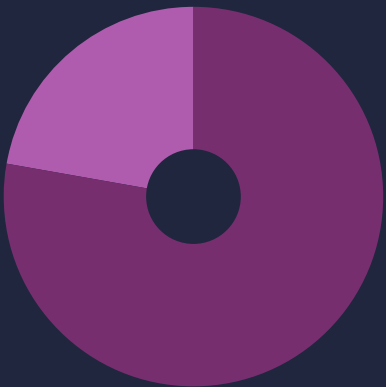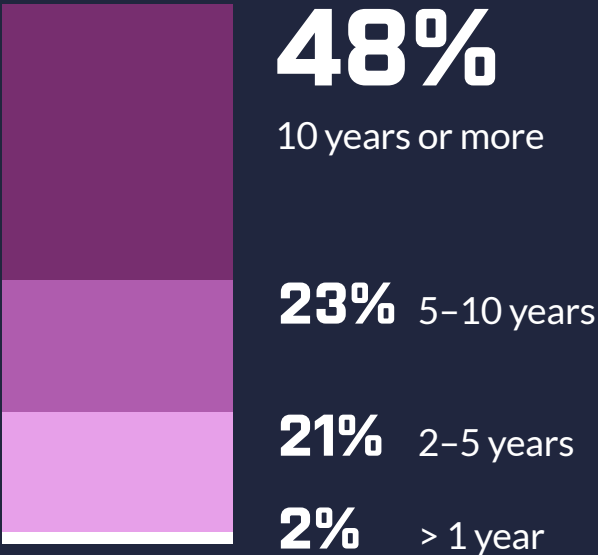
Who took our survey

This survey gathered responses from open records professionals across federal, state and local agencies nationwide.

NOTE: The majority of the report is dedicated to opinions from federal workers on the federal FOIA program. A separate section features insights from state and local FOIA professionals on pages 15–16.
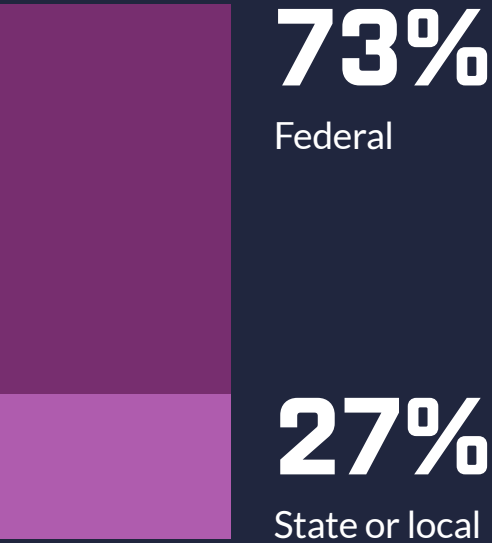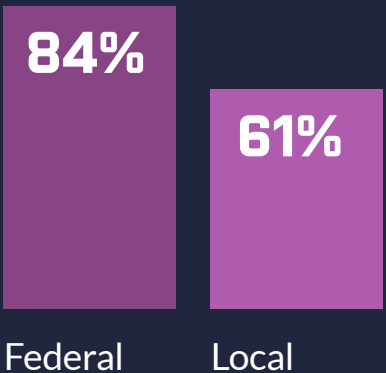
Time spent on FOIA duties

78%

On average, respondents spend 78% of their job time on FOIA-related tasks.

84% Federal

61% Local

Federal workers spend slightly more time (84%) on FOIA compared to their state and local counterparts (61%) who are more likely to have other duties as well.

Type of government

73%
Federal

27%
State or local

Years of experience

48%
10 years or more

23% 5–10 years

21% 2–5 years

2% > 1 year

Nearly half of all respondents are highly experienced in FOIA, with over a decade of experience in the field.

Data Highlights

Request complexity is the #1 challenge

Nearly

80%

of respondents say **backlog reduction** is their top priority in the next 12 months.

Only

38%

of respondents are satisfied with the resources and processes available to manage workloads.

Nearly

75%

of respondents believe software can help facilitate collaboration to improve efficiency.
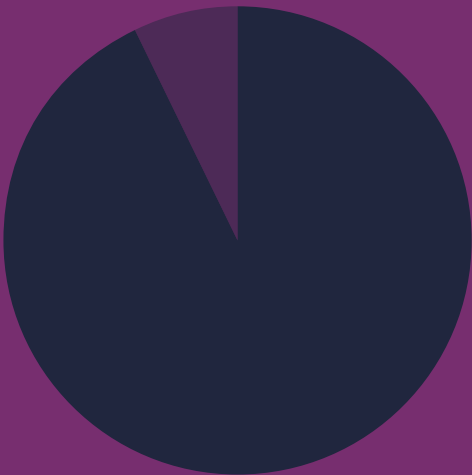
The top two solutions for solving FOIA challenges:

#1
Increased **staffing**

#2
Greater investment in **technology training**

93%
of respondents said they believe AI can help with reviewing and sorting both requests and data.

20 working days.

That's how long federal FOIA officers have to respond to a public records request. And the reality is, most of the time, 20 days is nowhere near enough time.

FOIA officers are facing a perfect storm. There's more data than ever to sort through, less funding and reduced staffing—all while the total number and complexity of records requests skyrocket.

Unable to keep up, backlogs across federal agencies have nearly tripled since 2012. This is occurring despite the fact that federal workers are closing more requests than ever: a record 1.1 million requests in 2023, 60% more than a decade ago.[2]

THE MONUMENTAL TASK OF REDUCING BACKLOGS

When asked what their priorities were over the next 12 months, roughly 80% of FOIA officers surveyed said their number one priority is to reduce their agency's backlogs.

But it won't be easy. To start, there are simply too many requests to process in a timely fashion under the status quo. A few factors have led to the increased volume. Online portals make it easier for anyone to submit requests. Vexatious requests—people and bots that overload an agency with often duplicative requests—also contribute to the onslaught.

Surveyed officers said their top challenge, however, is dealing with complex requests. A recent Government Accountability Office report found that about half of requests to federal offices are considered "complex" today.[3] Importantly, only 14% of those complex requests were processed within the 20-day timeframe—a steady decline from nearly 40% in 2013, when there were half as many complex requests.[4]

A MOUNTAIN OF REQUESTS
Challenges and priorities facing FOIA officers

Complex and vexatious requests are contributing to growing backlogs.

[2] "Agencies Processed Over One Million FOIA Requests in Fiscal Year 2023," Office of Information Policy, Department of Justice, March 4, 2024

[3] "Freedom of Information Act: Additional Guidance and Reliable Data Can Help Address Agency Backlogs," Government Accountability Office, March 2024, 14

FOIA officers are processing 100% more complex requests than a decade ago, responding to complex requests within the 20-day limit only 14% of the time.

WHAT'S CAUSING THE COMPLEXITY?

The scope and format of a request can make a request complex. The bigger the timespan and the broader the request, the more records to track down, often across departments and agencies that don't have standardized communication or documentation requirements.

Plus, records now span a huge variety of formats—from text messages to video files to Zoom calls. Reviewing and redacting these types of files is more difficult than with traditional paper or PDF documents, requiring significant time to carefully review and redact sensitive information.

What's your top challenge when responding to a records request?

#1
Complexity of data
32%

Volume of data
23%

Redaction
23%

Sourcing data from stakeholders | 13%

Time in supervisor review | 10%

What's your top challenge with public records overall?

#1
Meeting delivery deadlines
49%

Processing complex requests
32%

Lack of training | 10%

Coordinating with stakeholders | 6%

Providing justification of decisions | 3%

With FOIA officers facing so many challenges, something has to change if there's any hope of making a dent in the backlog. Workers need more tools, more training and more time to complete requests.

What are your top 3 priorities over the next 12 months?

80% reduce backlogs

53% make collaborations easier

43% automate manual processes

THE RISE OF BOT REQUESTORS

Already stressed agencies are facing a new and growing phenomenon: duplicative, vexatious requests submitted by bots. This issue is becoming a significant concern at all levels of government.

At a recent OPEXUS FOIA Officers Roundtable, almost all 20 FOIA officers were experiencing AI-driven bots submitting a "crippling" number of FOIA requests, making it difficult or nearly impossible for agency components to tackle their backlog of requests.

These onslaughts began during the 2020 election and are expected to increase this election year with the rise of generative AI. So, what can be done to stop them?

The answer is to fight technology with technology. AI can help immediately identify and consolidate duplicative requests and generate responses to requesters. For instance, the State Department uses algorithms that analyze language within FOIA requests to direct requesters to already published information or suggest how they might narrow scope for a faster response.

Strengths and weaknesses of FOIA leadership today

Insights into program direction and leadership

A good boss matters. No matter what your line of work, when stressed and buried under a heavy workload, having someone in your corner can make it all feel a bit more doable.

But a good FOIA leader needs to do more than just offer moral support. They need to have a deep understanding of the FOIA program and understand where, how and why key challenges arise. Based on this understanding, true progress requires leaders to go a step further by advocating for the resources needed to help their teams clear the hurdles before them.

REALISM LEADS TO OPTIMISM

Our survey shows that FOIA managers are doing their best to keep spirits high. Despite the demanding amount of work, federal FOIA professionals don't feel like they're facing it alone: two-thirds of our respondents believe their senior leaders genuinely care about the challenges they're up against.

These leaders get it. They know the mountain of requests isn't due to a lack of motivation or poor execution. They're realistic about the hurdles and are committed to fostering a transparent workplace culture while working to incorporate more drivers of success.

This positive approach keeps morale up, even in tough times. You can see the optimism in the data—nearly three-quarters of our respondents believe their FOIA program is moving in the right direction.
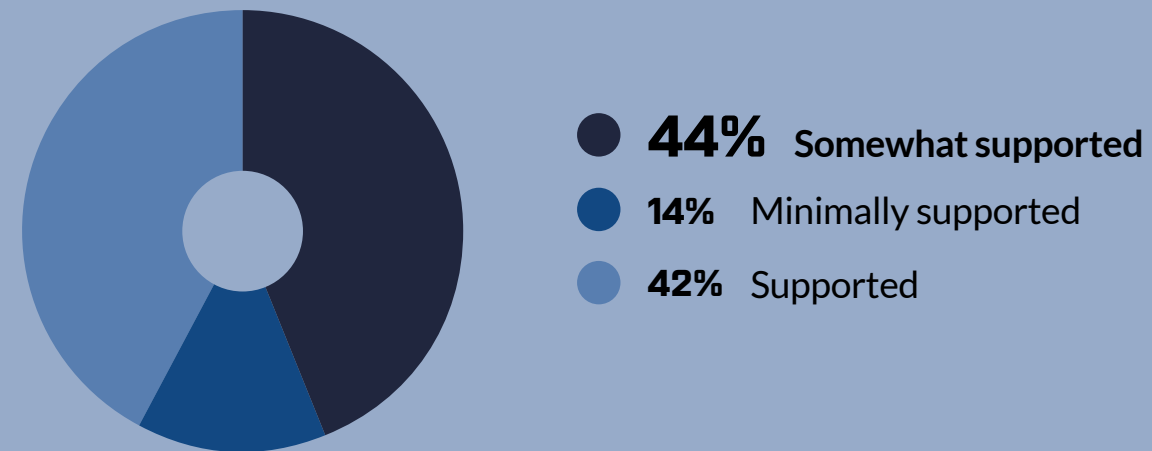
WORKERS AREN'T ALWAYS GETTING WHAT THEY NEED

According to the GAO, improving staff management is one of the top actions agencies take to address their backlogs.[5] Leaders are being proactive, whether by hiring more staff, realigning teams or providing specialized training.

But there's a catch.

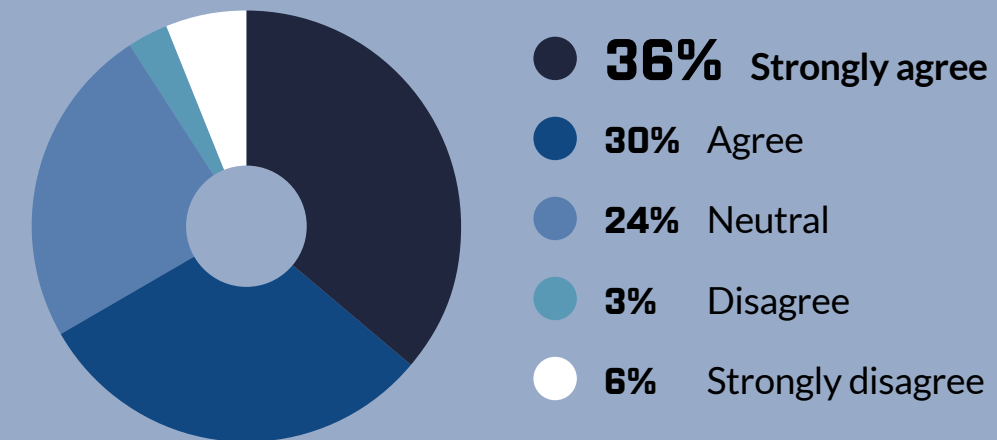Only 38% of federal workers affirm that their current setup effectively supports their workload.

How supported do you feel by your agency's senior leadership in your FOIA work?

- **44%** Somewhat supported
- **14%** Minimally supported
- **42%** Supported

Senior leaders care about public records and the problems you are facing

- **36%** Strongly agree
- **30%** Agree
- **24%** Neutral
- **3%** Disagree
- **6%** Strongly disagree

Despite having hope for the future and clearly seeing managers put in their best efforts, workers aren't necessarily finding the tools they need to get their work done today. More specifically, few federal workers are satisfied with the processes and resources they have for tackling their workloads, with only 38% of respondents affirming that their current setup effectively supports their workload.

Having leaders who understand and support their teams is a crucial first step to making FOIA requests manageable. But they also must empower their team members to solve big problems by providing proper training, support and modern tools.

I am satisfied with the current processes and resources available to me for managing my workload

- **16%** Strongly agree
- **22%** Agree
- **34%** Neutral
- **19%** Disagree
- **9%** Strongly disagree

Top challenges and priorities facing FOIA officers

Examining the need for improved cross-department communication

Changing a light bulb, famously, isn't rocket science. But imagine if more than half of the time you needed to change a light bulb, it went like this:

Your child tells you the hard-to-reach light bulb in their bedroom is out. Instead of being able to make a simple swap yourself, you first need to find someone to go to the store to pick up a light bulb for you. You also need to borrow a ladder, but your neighbor isn't answering their phone when you call to ask for theirs. Once you finally have the bulb and

the ladder, you can't actually make the change until your partner gets home because, despite the ladder, you still can't reach it. Meanwhile, your child keeps asking when the light will be fixed. All you can do is reassure them that you're doing as much as you can, as quickly as you can.

FOIA workers can relate.

Our survey found that, on average, more than half of requests—54%—require individuals to work with someone outside their own

department, or even their entire agency, to fulfill a request.

WHAT'S TAKING SO LONG?
For starters, many officers are not able (or not allowed) to search records themselves—only 10% of our respondents can conduct their own searches for electronic records, instead needing to loop in IT teams or individual custodians. This means 90% of FOIA professionals frequently find themselves stuck waiting on someone else's availability.

65% of respondents listed lack of responsiveness from stakeholders as a top three challenge in processing records requests.

Things get even trickier when requests involve multiple agencies. Data is often scattered across different servers, and each agency has its own (sometimes political) processes for opening up their files to FOIA teams.

And without a unified way to communicate across these agencies, tracking down responses from the necessary stakeholders can feel like chasing a moving target, which only drags out the amount of time it takes to answer requests.

WHERE THE SOLUTION COULD LIE

Wouldn't it be easier to change that light bulb if, for example, your neighbor called you back right away to say that they'd be over with their ladder and a spare bulb. Even though you're still facing a more complicated situation than you expected to change a light bulb, there's a quick response, a clear timeline and communication over a dedicated channel.

FOIA workers agree that the easiest way to make this a reality is with technology. Nearly 75% of our respondents believe that software facilitating communication, approvals and file sharing across teams would make a big impact on their ability to work efficiently.

REQUESTORS NEED ATTENTION, TOO

By communicating directly with requestors, FOIA workers can clarify scope and timeframes, speeding up response times. They can also set expectations about timelines and follow up on older requests to confirm if information is still needed. Effective communication about status, scope, cost, and timelines is crucial, with 87% of respondents having policies to engage requestors directly either before or during the fulfillment process.

INCREASING EMPHASIS ON READING ROOMS

Agencies including the Department of Labor, Health & Human Services and the Department of Education have maintained FOIA reading rooms for years, publishing open data and responses to some FOIA requests. According to the GAO, more agencies are increasing the amount they are proactively releasing to the public in the spirit of transparency and to, hopefully, cut down on the number of new requests.[6] Roughly 70% of our survey respondents agree that taking this approach is a good idea to cut down on incoming requests.
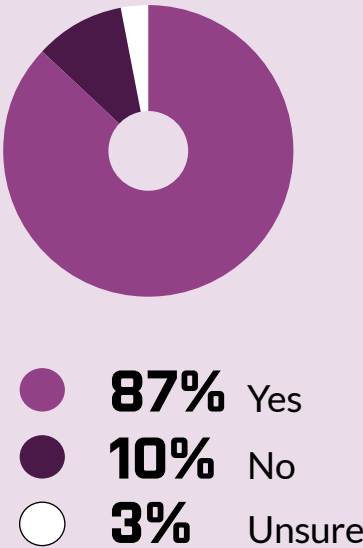
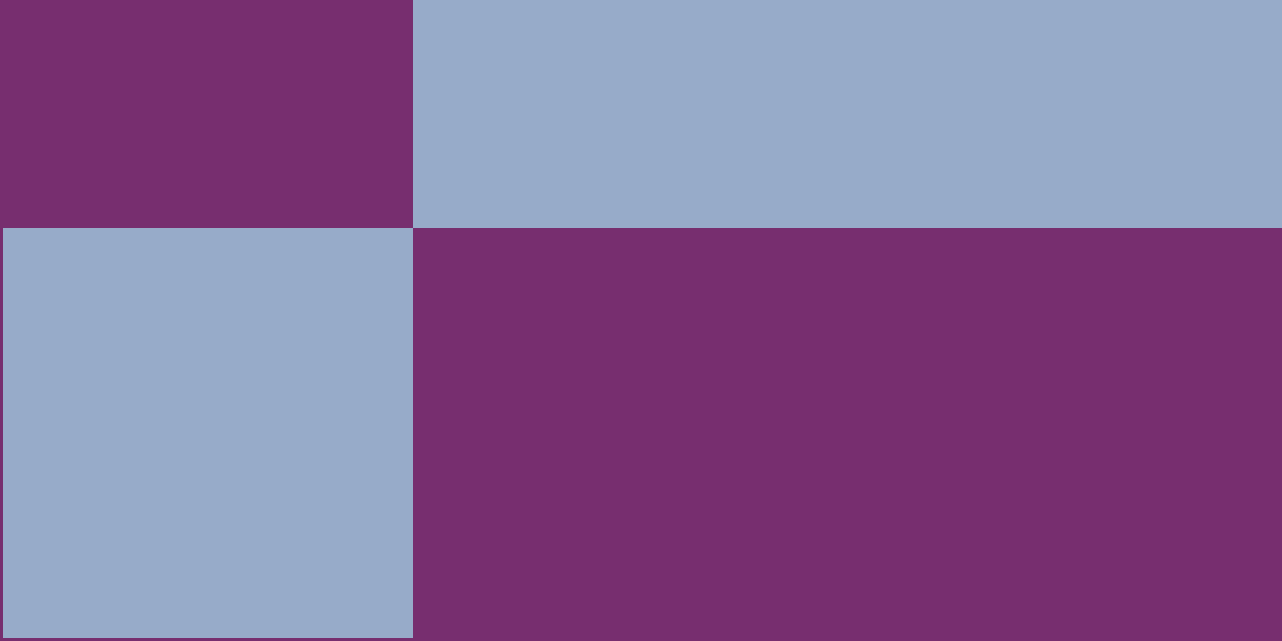### Are you able to conduct your own search for electronic records?

64% No **10%** Yes

26% I can conduct the search, but often ask for support

What percentage of your requests require involvement from individuals outside of your direct department/agency?

54%

Does your agency engage requestors during the request fulfillment process?

87% Yes
10% No
3% Unsure

be an influx of talent to help manage workloads.

EMPOWERING TODAY'S FOIA WORKERS

To keep up with growing records, data and requests, agencies should certainly hire more staff—but they should also ensure current FOIA workers have access to and understand modern technology tools.

Our findings show FOIA officers are hungry for tools that will help them be more efficient at their jobs. According to our survey, nearly three in four respondents would appreciate software that allows them to see FOIA requests through their entire lifecycle—a central place to communicate, get approvals, set deadlines, and share files across departments and teams.

MORE WORKERS NEED MORE SUPPORT
Building a modern FOIA workforce

How to set FOIA teams up for success

Staffing a FOIA office is no easy task.

After complexity and volume challenges, staffing is the next most-cited cause of backlogs over the last five years, according to GAO data. Whether it's from turnover, hiring limitations, or the time needed to train new

staff, more than half (52%) of agencies pointed to personnel as a key challenge they faced in 2023, as the government saw a 6% decrease in full-time FOIA workers.[7]

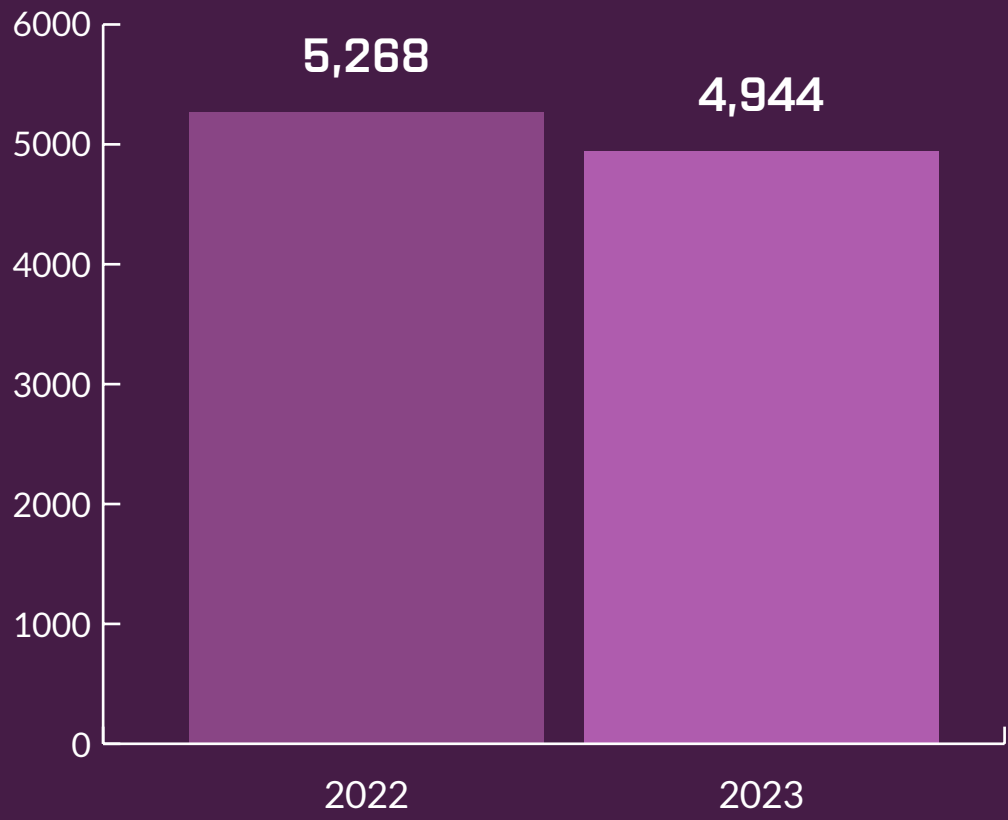As FOIA workers move into new positions or approach retirement, there will need to

The number of full-time equivalent FOIA personnel in 2023 decreased from 5,268 to 4,944 the year prior, a 6% decrease.[8]

Year	Personnel
2022	5,268
2023	4,944

Respondents also expressed a desire for technology that helps identify duplicate records, ensure compliance and provide better dashboard visibility into the status of requests.

Technology has been essential for providing FOIA professionals with:

- ☑ Digital record storage
- ☑ Electronic records searches
- ☑ Deduplication assistance
- ☑ Automatic redacting

Today, everyone is a tech worker. Government software purchases tend to focus on keeping costs down rather than on finding user-friendly solutions that actually support workers with their key job responsibilities.

And too often, workers aren't comfortable using the tools they do have on hand. After increased staffing (47%), our respondents said that more investment in technology training (27%) would be the most helpful for their teams.

Essentially, workers are saying: Yes, we need more people. But we also need better tools and training to do our job efficiently.

One thing that could help?

Regular, high-quality opportunities for professional adult learning. Offering CPE (continuing professional education) credits for FOIA teams or regular recertifications is one way to provide workers with standardized training. Several agencies have embedded this ongoing training into their offices. For example, one federal agency holds weekly "coffee and cases" virtual meetings to coach team members through the best process for managing—and ultimately closing—tough FOIA cases. Other agencies have built in-depth training curriculums, with mandatory in-person attendance for new hires, or regular refresher training to ensure team members are maximizing the tools available to them.

By prioritizing both recruitment and training, agencies can ensure that their FOIA programs are well-equipped to meet the demands of the future.

Which change would have the biggest impact on your agency's FOIA program?

#1 Increased staffing (47%)

#2 Increased investment in technology training (27%)

#3 Increased interest from senior leadership (13%)

#4 Increased accountability to deadlines of other agency staff (10%)

#5 Increased penalties for non-compliance (3%)

What technology tools would have the biggest impact on your agency's FOIA program?

73% Software that allows me to communicate, get approvals, set deadlines, and share files across departments & teams

73% Improved deduplication capabilities

67% Software that ensures compliance with regulatory requirements and reporting needs

60% Improved dashboard visibility of request progress and status

60% Improved text/video/audio redaction capabilities

Where AI can unstick FOIA program efficiency

FOIA officers are ready to embrace AI's transformative abilities

AI is everywhere.

That's what it feels like, anyway, as more businesses race to integrate AI into their offerings and show off their capabilities.

AI can already help workers summarize meetings, create designs and generate text, but the potential applications for FOIA are game-changing. The only way for the federal FOIA program to function in the future is for government agencies to embrace AI.

SCALE AND SCOPE

There's more data now than could have ever been imagined when the federal FOIA request program started more than 50 years ago. The scale is so massive that the way forward is simply unsolvable without AI. Machine learning programs (with humans double-checking the work) are the most efficient, accurate way to process hundreds of millions of records.

FOIA officers recognize these facts and are very optimistic about AI's potential. An overwhelming

Algorithms are already at work in the National Archives to consolidate classified presidential records into the National Declassification Center—improving searches of 300 million documents.[9]

[9] Cara Moore Lebonick, "Sunshine Week Panel Addresses Impact of AI on Open Government," National Archives, March 24, 2024

93% of our respondents think AI has a key role to play in helping to review, sort and deduplicate requests.

They also see AI as being helpful for improving redactions and automating communications—for example, by sending standardized email responses to requestors to help them narrow requests, keeping them updated on progress or suggesting where they may find their requested information already published online.

The results? Reducing the overall amount (and improving the quality) of requests, more manageable backlogs, less time spent sorting and redacting files, and faster response times—putting the 20-day deadline back within reach.

I believe AI can be helpful for...

93% Document review, sorting, and deduplication

70% Redacting complex file types

60% Automating communications

40% Identifying vexatious requests

Checking all the boxes

AI can help with almost every key challenge facing federal FOIA workers. It can:

- ☑ Simplify and expand the information that's publicly available to requestors
- ☑ Route requests to the proper departments to more efficiently find responses
- ☑ Quickly scan, sort and apply suggested redactions to millions of records
- ☑ Eliminate duplicative requests and flag potentially bad-faith requests
- ☑ Tackle unique challenges of audio and video formats

AI at the State Department

The State Department launched a pilot project that used human-trained algorithms to work on declassification. Thanks to how quickly AI can scan huge amounts of data, reviewing and redacting the records went much faster.

The algorithms learned how to identify sensitive data from human redactors and sorted records into three groups: records that could be declassified, records that should remain classified and records that a human worker should review and decide.

The results? The machines achieved 97-99% accuracy while also slashing staff hours on the project by 60%.[10]

The growing challenge of audio and video files

Today, FOIA officers are dealing with more record formats like body camera footage and surveillance video. Here are key ways technology supports FOIA officers with audio and video files:

- **AUTOMATIC TRANSCRIPTION** turns files into easily searchable text, which also helps identify information that needs redaction.
- **FACIAL OR VOCAL RECOGNITION SOFTWARE** can detect voices and faces, making it easier to identify individuals who need to be anonymized.
- **MORE PRECISE REDACTION TOOLS** that can alter specific parts of files to remove certain segments, keeping the rest of the information accessible and intact.
- **ADVANCED TIME-STAMPING CAPABILITIES** locate specific moments or conversations in long recordings, greatly reducing how long a worker would need to manually review content.

Insights from Non-Federal Records Officers

Challenges and opportunities for open records requests at the state and local levels.

Plenty of challenges, fewer resources.

That's the reality for many workers tasked with state and local open records requests, as the public continues to demand transparency from the government at all levels.

Our survey found:

State agencies are more likely to have **smaller teams,** with the majority having fewer than 10 people on their staff.

Local agencies also have **more responsibilities** outside open records requests. As a result, working on requests takes up less daily time compared to federal workers.

Backlogs are less of an issue—the biggest priority workers have is help **automating manual tasks.**

The biggest obstacles to implementing more technology include **budget restraints** and **uncertainty about compatibility** with existing programs.

While exact challenges and priorities differ, it's clear that increased resources for open records professionals are needed at all levels of government.

What barriers are preventing you from adopting FOIA software solutions?
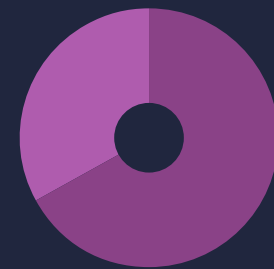
67% Budget constraints

67% Concerns about integration with existing systems
33% Worried team won't adopt a new tool
17% Limited time to vet providers
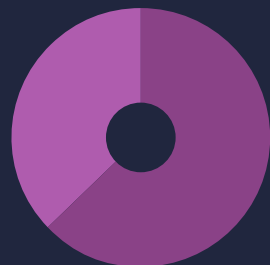**17%** Concerns about data security

What challenges do you hope to solve in the next 12 months?

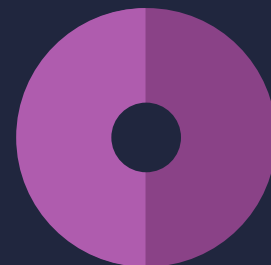**#1** Automate more manual processes (63%)

#2 Reduce delivery time (50%)
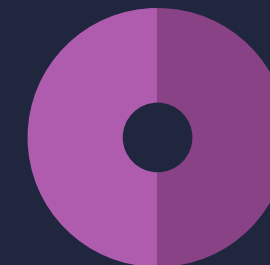
#3 Reduce backlogs (37%)

What software would be the most helpful?

63%
Accelerating discovery

50%
Redaction

50%
Flagging frequently requested data

About OPEXUS

Our team of passionate government insiders design, develop, and deliver government process management software to get the professionals who run democracies unstuck. This way the operators and changemakers who keep government running can worry less about their systems, and more about making a positive impact on society and leaving a legacy.

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