

FOIA Fees Subcommittee Update  
April 21, 2015

- The subcommittee met on February 24, 2015.
- Discussion included
  - Defining the problem
  - Surveys
  - Potential subcommittee end product
- The subcommittee members agreed that data is needed in order to define what the “fee problems” may be in the agencies and with requesters.
- The members discussed the range of possible survey questions to agency FOIA Public Liaisons.
  - Following the meeting, we created a draft set of survey questions with the Accountability and Oversight Subcommittee, and submitted them to the Designated Federal Officer for review by NARA officials. These questions will be sent to agency FOIA Public Liaisons.
- Additionally, it was the consensus of the subcommittee was that it might be necessary, in order to define and identify the fee problems, to conduct a survey with FOIA requesters. However, due to restrictions on agencies collecting data from the public, such a survey is not feasible for this subcommittee.
- Discussion also focused on hypothetical results should FOIA fees be eliminated (except for commercial requesters). Some possible positive and negative consequences were discussed, including:
  - Positive – agencies no longer spending resources adjudicating fee issues (computing charges, making fee category determinations, deciding on fee waivers).
  - Negative – increase in large, complex FOIA requests, thereby increasing agency backlogs
- In addition to the elimination of fees, the subcommittee also discussed the use of flat fees, or high fee thresholds for FOIA requests.
- A draft of a potential legislative proposal to revise FOIA fees was circulated among the members. This proposal created a good starting point for discussion as members this issue.