

In recent weeks, some very important guidance on FOIA referrals and on CUI have been issued. Further, a Presidential Memorandum on Records Management was issued on November 28. All of this in the wake of Senator Akaka's introduced legislation for Privacy Act modernization. As an access professional, please make certain that you and your colleagues are aware of the following:

### **1. OIP Guidance on Referrals – December 5, 2011**

OIP has issued new guidance today setting forth the procedures to be followed by agencies when processing records that originated outside their agencies, or that contain the equities of another agency or entity. This updated guidance places an emphasis on the importance of customer service in this process so that FOIA requesters can readily account for all the documents that are responsive to their requests. These new procedures are also designed to increase efficiency and accountability for the overall benefit of FOIA administration. Please find the guidance at <http://www.justice.gov/oip/foiapost/2011foiapost42.html>.

### **2. Records Management Policies and Practices Reform – November 28, 2011**

On November 28, 2011, the President issued a memorandum to heads of Executive Departments and Agencies on managing government records. This memorandum marks the start of an executive branch-wide effort to reform records management policies and practices. The memorandum can be found at <http://www.whitehouse.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>.

Archivist of the United States David S. Ferriero said that he strongly supports this memorandum “which sends a very clear message to Federal agencies about the importance of managing electronic records. Records management must keep up with the technologies used to create records in the Federal government, and the President’s Memorandum underlines the critical nature of this responsibility. I am delighted that this is a priority of this Administration, and appreciate that the President reiterated what we have long noted: ‘good records management is the backbone of open government.’”

The NARA National Records Management Program Blog, *Records Express* (at <http://blogs.archives.gov/records-express/>) posted more information on the requirements laid out in the President’s Memorandum.

### **3. CUI Office and OIP Guidance on CUI and FOIA – November 22, 2011**

On November 22, 2011, the Director of the Controlled Unclassified Information (CUI) Office (NARA) and the Director of the Office of Information Policy (DOJ) issued guidance regarding CUI and the Freedom of Information Act. The joint issuance is posted to the CUI Office website at [www.archives.gov/cui](http://www.archives.gov/cui).

### **4. Privacy Act Modernization for the Information Age Act of 2011 – October 18, 2011**

Senator Akaka (D-HI) introduced this bill (S.1732) to modernize Federal privacy laws. Please click on <http://thomas.loc.gov/cgi-bin/thomas> for complete information.