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In Search of Disappearing Information: Strategies for Preserving Access to Federal Documents on the Web

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In Search of Disappearing Information

Strategies for preserving access to federal documents on the Web

by Margaret Butler

Accessing government information is not always as easy as a quick trip to the Web site of the Environmental Protection Agency (EPA), Thomas, or the Government Printing Office (GPO). The Freedom of Information Act (FOIA) is a tool for researchers and librarians to access government information, such as federal agency materials that may no longer be available on the Web.
In their program, "Flashlights, FOIA and Advocacy," speakers Anne Klinefelter, director of the law library and associate professor of law at the University of North Carolina at Chapel Hill Law Library, and Susan Nevelow Mart, faculty services librarian and adjunct professor of law at the University of California Hastings College of the Law Library, warned an avid audience about disappearing information and provided strategies for preserving access to elusive information while advocating for information access.

Disappearing Information

National security is one reason federal agencies provide for removing or restricting electronic access to government documents. Mart and Klinefelter shared the microphones as they described examples, such as the EPA taking risk management plans (RMPs) submitted by industries handling dangerous chemicals from the Web and the Department of Transportation (DOT) limiting the National Pipeline Mapping System to prevent downloading of maps after April 2007.

Though access to such information is limited on the basis of national security, these restrictions make it difficult for environmentalists or neighborhood groups to be informed about chemicals or pipelines of cause for local concern. Without adequate information, local groups also have difficulty organizing a response to proposed corporate or government action.

Another hurdle arises for those accessing information from the Federal Energy Regulatory Commission (FERC). As Mart and Klinefelter explain, FERC requires that researchers seeking Critical Energy Infrastructure Information (CEI) sign nondisclosure agreements, thereby agreeing not to disclose the information received in a FOIA request. Critics assert that FERC has been overbroad in characterizing information as CEI and question whether national security is truly the reason for the nondisclosure requirements.

The presenters also highlighted the removal of information as political policy. Examples included the suppression of a report on global warming by the EPA, according to the Union of Concerned Scientists, and the removal of a Department of Labor (DOL) publication about sexual harassment from its Web site, according to the National Council for Research on Women.

Mart and Klinefelter also address recent restrictions on access to presidential papers and e-mail. After describing President Bush's executive order limiting access to former presidents' records indefinitely, the duo described the status of congressional actions to limit the effect of the executive order, as well as litigation regarding the order.

Strategies and Suggestions

The program was particularly noteworthy because it provided suggestions and strategies for both advocacy and accessing hidden government information; these strategies range from the very broad to the very specific.

Advocacy strategies include being an advocate and supporting organizations such as OMB Watch, which received the 2008 AALL Public Access to Government Information (PAGI) Award. Mart noted that the Electronic Freedom of Information Act (E-FOIA) requires agencies to provide documents in an online format and to create electronic reading rooms where researchers may access frequently requested documents. Consequently, making multiple FOIA requests for documents may lead agencies to increase electronic access to information.

Another advocacy strategy is to become a "watcher." The presenters explain that watchers use FOIA, lawsuits, and the media to draw attention to instances in which the government has eliminated access to information. Mart and Klinefelter used an example of a successful watcher organization: its actions led to the restoration of the U.S. Army and U.S. Marine Corp. libraries of unclassified documents on the Internet.

Klinefelter and Mart also suggest specific strategies for searching for missing electronic government information. One suggestion is to keep track of so-called "dead links" to government documents that libraries may have cataloged. In some cases, the URLs for the dead links will provide visitors with direct access to a site that is otherwise no longer available.

Finally, the presenters outline one more specific strategy. If an FOIA request is not required to sign a nondisclosure agreement, request electronic files and then host them on the Internet to promote access to information.

Unfortunately, the audio recording of the program may not fully capture the high quality of the program experience. Because the lapel microphones were not operating properly, the presenters were forced to share one microphone, which disrupted the flow of their presentation. Later, when the presenters welcomed questions and comments from the audience, the floor microphone was not working. Although the presenters generally repeated the questions for the record, the aforementioned problems may interfere with enjoyment of the recording.

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