

QUESTIONS FOR THE RECORD

Senator Amy Klobuchar

**“The Freedom of Information Act: Safeguarding Critical Infrastructure Information
and the Public's Right to Know”**

March 13, 2012

Questions for Miriam Nisbet

Do agencies vary significantly in terms of the process they use for analyzing FOIA requests with respect to critical infrastructure or generally? Would it be valuable for the statute to be more prescriptive with respect to the process for addressing these requests?

As you know, Federal agencies have distinct missions in fulfilling their statutory and regulatory responsibilities. Given the breadth of responsibilities of executive branch agencies, these missions involve varying levels of sensitivity and use of critical infrastructure information. For example, agencies with intelligence, law enforcement or foreign relations missions create and maintain sensitive records that are quite different than agencies that have oversight of financial institutions. It is in this context that Federal agencies analyze FOIA requests and consider agency-specific interests in determining whether information is appropriate for disclosure under FOIA. I look forward to working with you on whether a statutory change would, or would not, be helpful in this area, in light of the various missions and needs of agencies government-wide.