

Access to Information

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Overview

- GAO's access authorities and access to information across government;
- Elevating access issues and successful strategies GAO has used for addressing and mitigating access issues; and
- Lessons learned from addressing access issues at two federal departments.

GAO's statutory access authorities and access to information across Government

- 31 U.S.C. 716(a) requires each agency to give GAO “information the Comptroller General requires about the duties, powers, activities, organization, and financial transactions of the agency.”
- Special legislation governs GAO's access to certain types of agency records and information (e.g. tax, social security, financial institution).
- Executive departments and agencies are generally cooperative in providing GAO access, but problems sometimes arise.
- GAO elevates access issues until they are resolved, either through obtaining information or working through an accommodation.
- GAO devotes a high level of attention to monitoring and aggressively pursuing access issues.

Elevating access issues and successful strategies for addressing and mitigating issues

Types of access challenges GAO has faced include:

1. Engagement Specific – challenges in obtaining a specific document or documents on a single engagement, and
2. Systemic Access Issues – challenges that span across an entire area, agency or department, such as agency protocols or procedures for working with GAO that limit our access.

Elevating access issues and successful strategies for addressing and mitigating issues

Successful strategies for both engagement specific and systematic access issues include:

- Senior leadership involvement (not just attorneys) – imperative!
- Talk about access often and widely in your organization at all levels.
- Build productive working relationships with senior agency leadership.
- Know the audited agencies' protocols for working with your agency.
- Establish internal guidance for elevating issues and continually train staff.
- Consider accommodations, as appropriate.
- Use other tools - “comfort” letters, pre-cleared lists, etc...
- Keep Congress informed.

Elevating access issues and successful strategies for addressing and mitigating issues



Strategies at the engagement team level

- Make informed requests.
 - Negotiate specific due dates and maintain a log of outstanding requests.
 - Follow-up on requests and answer questions.
 - Keep lines of communication open on the status of requests – learn source of any problem.
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- In case of a denial, get as much information as possible regarding the basis.
 - Elevate issues quickly.
 - Think through accommodations, as appropriate.
 - Discuss policies and procedures for protecting sensitive information.
 - If needed, prioritize requests.
 - Obtain information in batches, as it becomes available.

Elevating access issues and successful strategies for addressing and mitigating issues



Strategies for systemic access issues across a particular area, agency or department

- Study the agency's internal access protocols and related processes to determine what is problematic.
 - Start the process of trying to have the protocols or process changed or get the issue resolved.
 - Demonstrate there is a problem, such as through data.
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- Have concrete suggestions for changing the procedures/process to something that would facilitate your access.
 - May involve a long negotiation process – keep the pressure on! Can offer to pilot changes.
 - Suggest training at the audited agency, with your agency's involvement.
 - Use other tools, such as audited entity memo or benchmarking agency's protocols.

Case studies – lessons learned from addressing access issues at two departments



Department of
Homeland
Security

- Situation
- What we did
- Result



Department of
Justice

- Situation
- What we did
- Result

Case studies – lessons learned from addressing access issues at two departments



**Department of
Homeland
Security**

GAO used the following strategies for addressing and mitigating access issues:

- Worked to have senior leadership attention and focus on the problem.
- Established quarterly coordination meetings with senior officials to build relationships, trust, and forum to discuss any issues.
- Convinced DHS of the need for changes to their protocols by showing its impact on GAO, and negotiated changes.
- Worked with Congress to put their focus on the problem.
- Suggested DHS establish senior accountable officials for each component and office to be GAO's key contact and escalation official.

Case studies – lessons learned from addressing access issues at two departments



Department of Justice

GAO used the following strategies for addressing and mitigating access issues:

- Established quarterly coordination meetings with senior officials to build relationships, trust, and forum to discuss any issues.
- Convinced DOJ *through data* that there was an access problem.
- Suggested specific changes to protocols be piloted for a 6 month period, and tracked data and communicated during the pilot.
- Senior DOJ leadership rolled out the revised protocols and held a training/roll out session that GAO participated in.
- Suggested DOJ establish senior accountable officials for components and offices.
- After revised protocols were finalized, we found certain provisions needed reinforcement. Suggested that DOJ issue a memo to the department reinforcing these provisions.

Conclusion

Questions?