Reviewer’s report

Title: Systematic Overview of Freedom of Information Act Requests to the Department of Health and Human Services from 2008 to 2017

Version: 0 Date: 26 Aug 2019

Reviewer: Lars Jorgensen

Reviewer's report:

1. Overall: This excellent and relevant short paper describes in a clear and engaging manner the FOIA requests made in the US from 2008 to 2017 to HHS agencies. The paper is an important contribution to the contemporary debate on data access. The paper might be strengthened by 1) combining the Discussion more with the Introduction and 2) appealing more internationally with exploration into parallel agency practices (e.g., EMA’s). After a minor revision, I recommend the paper for publication. My specific comments - that primarily are of minor importance - are below:

2. (Title: Maybe indicate what type of study the paper describes e.g. systematic overview and write “from 2008 to 2017”)

3. Abstract: clear and to the point (obs. 69.6% + 18.9% + 11.6% =100.1% - maybe leave out percentage decimals). Maybe hint in abstract why request costs increased 3.5 times.

4. Introduction: logical structure and good relevant content
   a. (Maybe consider writing "non-disclosed" throughout instead of "unreleased")
   b. (obs underline under New York Times)
   c. Maybe include a parallel to the FOI handling of other institutions (e.g. EMA)

5. Methods: solid methodology outline

6. Results:
   a. I assume that "No responsive records or withdrawn requests" are the primary "reasons other than exemptions" for denial?
   b. If possible, maybe provide a qualitative example of request differences between CMS and FDA to give a possible insight to the differences in response time

7. Discussion
a. "most commonly because agencies could not locate responsive records" - this seems rather strange; if possible, please provide the exact number of missing records

b. "Requests to FDA were generally more complex than those to other HHS agencies" - please indicate if the agencies use the same criteria to evaluate complexity

c. Maybe provide a reference after this sentence: "suggesting that efforts and policies implemented during the Obama administration to reduce backlogs have been effective"

d. "Costs to HHS per FOIA request more than tripled during the 10-year span" - if possible, maybe provide possible explanations for this

e. ("include for the FDA," - maybe use colon instead of comma)

f. "Requests to FDA were generally more complex, took longer," - suggest "took longer time to process,"

8. References: focused and up-to-date

9. Box: might be better to combine with Table 3

10. Table 1: It appears that there was an increase in fully granted requests from 2009 to 2010 that the authors contribute to the Obama administration - it might be of interest to some readers to know what the exact change in regulation was. (obs parenthesis "(60.6%)")

11. Table 2: I wonder why so many would redraw data requests from the FDA - if possible, please provide some explanation for this (e.g., difficult application processes?)

12. Table 3:

   a. It might give a better overview if the exemptions are provided as footnotes (then you could probably leave out the Box).

   b. As indicated in the Introduction there were issues with conflicts of interests in data request access - if possible, maybe provide some insight into the COI laws for staff in the HHS in relation to the relative high number of exemptions based on Ex. 4 and Ex. 6.

13. Figure 1: Easy to follow

14. Figure 2: Maybe indicate in the text whether the Obama administration's regulation change was the primary reason for cost increase
15. Supplemental eTable: No comments

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An article of importance in its field

Quality of written English
Please indicate the quality of language in the manuscript:

Acceptable

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