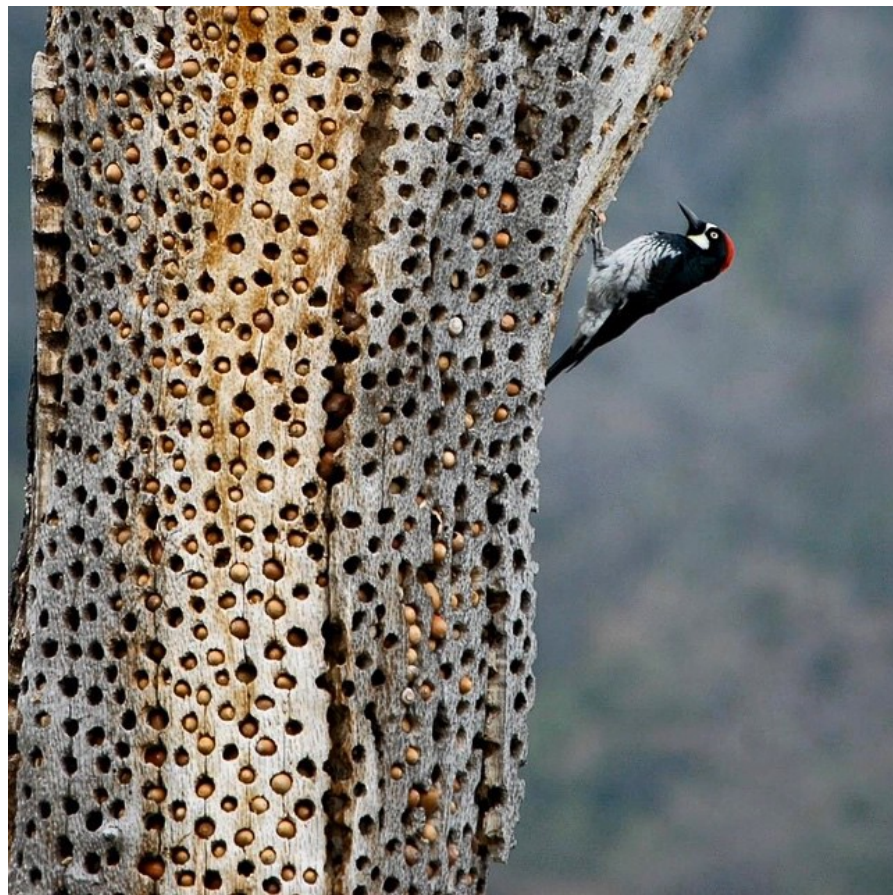




# 2015 CHIEF FOIA OFFICER REPORT



Acorn woodpeckers create in holes in trees (called granary trees) to store their harvest of acorns. Each granny trees may have up to 50,000 holes.

*Photo: usinterior, #Sequoia and Kings Canyon #National Park in #California*

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# The Department of the Interior 2015 Chief FOIA Officer Report<sup>1</sup>

## Section I: Steps Taken to Apply the Presumption of Openness

*The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.*

*FOIA Training:*

*1. Did your agency conduct FOIA training during the reporting period for FOIA professionals?*

Yes.

*2. If yes, please provide a brief description of the type of training conducted and the topics covered.*

- The Departmental FOIA Policy Staff continued to host monthly FOIA Officer meetings. The meetings are led by the Departmental FOIA Policy Staff on behalf of the Chief FOIA Officer and attended by the bureau FOIA Officers and members of the Office of the Solicitor (SOL). These meetings include training and briefings to make FOIA personnel aware of changes to the FOIA, the Administration's FOIA policies, Department of Justice (DOJ)/Office of Management and Budget requirements, the latest FOIA case law, related statutes, and the Department's policies/procedures. Inconsistencies, errors, and other problems noted in appeals/lawsuits are also addressed. These meetings were held twelve times this year.
- The Departmental FOIA Policy Staff, bureau FOIA Officers, and other Departmental FOIA personnel continued to provide briefings and training for bureau FOIA personnel as needed to reinforce Departmental policy and procedures and to make them aware of changes in FOIA case law, the Administration's policies, and DOJ requirements. For example:
  - This year the Departmental FOIA Policy Staff continued the (quarterly) FOIA open forums begun last year. Department employees who work with the FOIA intermittently as well as FOIA professionals are all invited to attend. At each meeting to date the phone lines available (around 45) have all been used. We have asked everyone who calls in to call in with groups of people

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<sup>1</sup> This report describes actions taken to ensure overall compliance with the FOIA and the Administration's FOIA guidelines taken by the Department's Chief FOIA Officer (Sylvia Burns, the Department's Chief Information Officer), the Departmental FOIA Policy Staff, and FOIA programs in the Department's 11 bureaus and offices that are responsible for receiving and responding to FOIA requests and for administering their own FOIA programs (hereafter referred to as bureaus). These individuals and bureaus have all provided input into this report.

from their geographic area wherever possible (often the groups include 4 or more individuals) and around 15 people attend the meetings in person. During the open forums, the Departmental FOIA Policy Staff and members of the SOL answer any FOIA-related questions that are raised by the participants, the participants can share best practices, and there is a particular focus on facilitating discussion on emerging and interesting FOIA issues. These forums were held four times this year.

- The SOL continued a FOIA Practice Group begun last year, with the assistance of the Departmental FOIA Policy Staff. Subjects ranged from the newest FOIA case law to new Departmental guidance and issues. Throughout the year, it met on a regular basis, for a total of eleven meetings. Between 15 and 40 attorneys and paralegals attended each meeting and over 75 attorneys and paralegals regularly receive FOIA updates in addition to detailed agendas and meeting notes.
- The SOL provided training sessions to SOL employees and FOIA professionals on subjects that ranged from general training on the FOIA as a whole to very specific training on Departmental procedures and certain exemptions. These training sessions spanned a time period ranging from one hour to one day. They were sometimes presented to over a dozen people, sometimes to a handful of people.
- The Departmental FOIA Policy Staff provided training sessions to FOIA professionals and new bureau FOIA Officers on subjects that ranged from general training on the FOIA as a whole to very specific training on Departmental procedures, certain exemptions, and the Department's Electronic FOIA Tracking System (EFTS). These training sessions spanned a time period ranging from one hour to one day. They were sometimes presented to over a dozen people, sometimes to a handful of people. The Departmental FOIA Policy Staff also provided many one-on-one training sessions over the year on a number of topics.
- A number of bureau FOIA Officers also provided training to their employees, both one-on-one and as a group.

*3. Did your FOIA professionals attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?*

Yes. The Departmental FOIA Policy Staff attended several training sessions provided by the Department of Justice, including all of the new best practices sessions (indeed, the Departmental FOIA Officer was a speaker at one of these sessions), OIP's year-end meeting in September, and a refresher training session going over the reporting requirements for Fiscal Year 2014 Annual FOIA Reports

and 2014 Chief FOIA Officer Reports. Department employees also attended FOIA training and conferences provided by other entities.

*4. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.*

FOIA professionals: 100%. Staff with FOIA responsibilities: at least 75%.

*5. In the [2014 Chief FOIA Officer Report Guidelines](#), OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.*

The Department planned to continue to make core, substantive FOIA training available to all its FOIA professionals at least once a year, and has done so. Additionally, the Department planned to continue to provide training on the FOIA to other Departmental employees who deal with FOIA less intensely, and has done so.

*Outreach:*

*6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA?*

Yes, in addition to the Department engaging in ongoing outreach and dialogue with the requester community during the request/appeal process, the Departmental FOIA Policy Staff has also engaged in outreach and dialogue by participating in efforts related to the second Open Government National Action Plan (including participating in and commenting on efforts toward developing a consolidated online FOIA experience, a core FOIA regulation, and FOIA training; and attending meetings of the FOIA Modernization Advisory Committee).

*7. If you did not conduct any outreach during the reporting period, please describe why?*

Not applicable.

*Discretionary Releases:*

*8. Does your agency have a distinct process or system in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have such a process or system in place?*

Yes. This year, as will be discussed further below, the Department issued a new [FOIA Handbook](#). Section 11.2 of this Handbook specifically addresses this issue for all of the Department's components. Additionally, the Attorney General's directions on this subject have been distributed, each bureau has been instructed to review all responsive records for discretionary release, and the Departmental FOIA Policy Staff provide training on such releases and review particular documents where discretionary releases may be appropriate, when requested. The Department's FOIA personnel consider making a discretionary release whenever the release would not foreseeably harm an interest protected by a FOIA exemption.

*9. During the reporting period, did your agency make any discretionary releases of information?*

Yes.

*10. What exemption(s) would have covered the material released as a matter of discretion?*

The bureaus that reported making discretionary releases did so primarily for material that would have been covered by Exemption 5 under the deliberative process privilege.

*11. Provide a narrative description, as well as some specific examples, of, the types of information that your agency released as a matter of discretion during the reporting year.*

The Department's discretionary releases most often included drafts and internal memoranda, and emails. For example:

- The BOEM released emails containing internal communications on the Deepwater Wind Project (Block Island, RI) and drafts, memorandums, and emails regarding Draft Environmental Impact Statement for the effects of oil and gas exploration in the Arctic Ocean.
- The NPS released portions of internal discussions relating to the processing of a special use permit application from Google for docking at barge at Golden Gate NRA and material relating to the development of a Memorandum of Agreement with Adventure Cycling Association and post agreement correspondence.
- The OS released drafts, memorandums, and emails regarding Point Reyes National Seashore and a draft Secretarial Order regarding potash.

*12. If your agency was not able to make any discretionary releases of information, please explain why.*

Not applicable.

*Other Initiatives:*

*13. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA? Efforts can include training for non-FOIA professionals, distributing memoranda on the FOIA, announcements on FOIA matters, etc.*

The Departmental FOIA Policy Staff engages in ongoing conversations with Departmental staff on FOIA matters. These conversations sometime include training, but more frequently serve to distribute new policy documents on the FOIA and to provide notice of FOIA matters and to reinforce the importance of providing responsive records in a timely manner.

*14. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. If any of these initiatives are online, please provide links in your description.*

In addition to our general efforts on FOIA libraries and releasing information through careful application of exemptions, the presumption of openness is a reoccurring issue in formal and informal training given by (and to) Department employees. The Department is taking concrete steps towards improving efficiency in these matters that we look forward to discussing in next year's report.

**Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

*As the Attorney General emphasized in his FOIA Guidelines, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.*

*Personnel:*

*1. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies about the status of converting all eligible FOIA professionals to the new Government Information Series. If your agency reported that its staff was eligible for conversion but had not yet converted all professionals to the new series, what is the current proportion of personnel that have been converted?*

Not applicable. Last year we reported all FOIA professionals had been converted to the new series.

*2. If your agency has not converted all of its eligible employees yet, what is your plan to ensure that all FOIA professionals' position descriptions are converted?*

Not applicable. All FOIA professionals have been converted to the new series.

*Processing Procedures:*

3. *For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing?*

7 days.

4. *If your agency's average number of days to adjudicate request for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.*

Not applicable.

5. *If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps.*

Yes. Bureaus took steps ranging from developing training and revising guidance (both internally and online) to inform staff and requesters of common mistakes and making sure to carbon copy requesters when requests needed to be rerouted so they could make more targeted requests going forward. Additionally, Section 5.3 of the Department's new [FOIA Handbook](#) specifically addresses what to do when receiving a request, including a misdirected request.

6. *If your agency is already handling the routing of misdirected requests in an efficient manner, please note that here and describe your process for these requests.*

Yes. Many of our smaller bureaus report they do not have an issue with routing, as there are few routing issues that occur. Larger bureaus with efficient routing work with leadership and public affairs offices to help ensure requests are rerouted efficiently. Additionally, the process for handling the routing of requests, including misdirected requests, is described in detail in the appendix to the Department's new [FOIA Handbook](#).

*Requester Services:*

7. *Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration?*

Yes. The Department's [FOIA regulations](#) (which went into effect on January 30, 2013) require a statement about the services offered by OGIS to be included in all decisions to grant, partially grant, or deny a request.



8. *When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication? See OIP Guidance, “[The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications](#).” (Nov. 22, 2013)*

Yes. The Department’s extensive new package of [sample language](#) for FOIA responses, discussed further below, provides examples of this type of breakdown for each type of FOIA requester (for example, commercial and other-use requesters).

9. *If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester?*

Individual bureau FOIA Officers indicate that these types of explanations are often done for requests where fees are especially or unexpectedly high.

10. *If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.*

- As discussed further below, this year the Department issued a new [FOIA Handbook](#) and extensive new package of [sample language](#) for FOIA responses.
- The Department employs the EFTS, a centralized, Web-based, electronic FOIA tracking system, to electronically assign request numbers and track request data.
  - The EFTS was designed to increase information-sharing, eliminate redundancy, provide greater accountability and consistency in responses, and accommodate enhancements to meet future requirements. The Departmental FOIA Policy Staff initiated a number of updates and improvements to the EFTS this year, including:
    - Enhancing the Department’s fee tracking system with new business logic for Advanced Payment, Processing Cost, Total Processing Cost, and Billing sections;
    - Adding automated email notification for fee payment tracking reminders to all bureaus; and
    - Eliminating redundancy in the Basic form/Requester block.
- The Departmental FOIA Policy Staff also continued efforts to add FOIA/Privacy Act appeals data to the EFTS.
- Bureaus also took steps to streamline operations and find greater efficiencies. For example, the FWS now informs requesters who send in requests by mail that requests and other information can be sent to the FWS by email, advising them of the appropriate email address, and letting them know this can help to limit delays.

### Section III: Steps Taken to Increase Proactive Disclosures

*Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.*

*Posting Material:*

*1. Does your agency have a distinct process or system in place to identify records for proactive disclosures? If so, describe your agency's process or system.*

Yes. A specific provision in the Department's [FOIA regulations](#) requires each bureau to review all responsive records for proactive disclosures, and the Departmental FOIA Policy Staff provide training on such disclosures and review particular documents where proactive disclosures may be appropriate, when requested. Additionally, proactive disclosures are an agenda item at each monthly FOIA Officers meeting.

*2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.*

Yes. The Departmental FOIA Policy Staff regularly collaborate with members of the Congressional and Legislative Affairs Office, the SOL, and the Office of the Executive Secretariat. The Departmental FOIA Policy Staff also collaborate with members of the Public Affairs Office, as needed. Bureaus also engage in this kind of collaboration. For example, the BOR consulted with their library staff in Denver by reviewing copies of records and providing input on what could be released and made available to the public.

*3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.*

A specific provision in the Department's [FOIA regulations](#) addresses frequently requested records. Additionally, sections 2.7 and 3.3 of the Department's new [FOIA Handbook](#) discuss this issue. This topic is frequently discussed by Departmental FOIA Policy Staff, bureau FOIA Officers, and other Departmental employees.

*4. Provide examples of material that your agency has proactively disclosed this past reporting year, including links to the posted material.*

The Department proactively disclosed many types of materials this past reporting year. For example:

- The BLM proactively disclosed a tentative Fall 2014/Winter 2015 Wild Horse and Burro Removal and Fertility Control Treatment Schedule at: [http://www.blm.gov/wo/st/en/prog/whbprogram/herd\\_management/tentative\\_gather\\_schedule.html](http://www.blm.gov/wo/st/en/prog/whbprogram/herd_management/tentative_gather_schedule.html).

- The BOR proactively disclosed information on the Nelson Dikes Safety of Dams Modification Project at: [www.usbr.gov/gp](http://www.usbr.gov/gp), Public Information Portal, Nelson Dikes Safety of Dams Modification Project page.
- The BSEE proactively disclosed information on the BSEE Oil Spill Response Research (OSRR) program's assessment of the *in-situ* burn efficiency of oil spills in icy conditions and explore oil spill burning on ice at: <http://www.bsee.gov/BSEE-Newsroom/BSEE-News-Briefs/2014/BSEE-Funded-Study-on-Burning-Oil-in-Ice-Cavities-Leads-to-New-Discovery/>.
- The OIG proactively disclosed a report on Bureau Of Indian Affairs Real Property Leases at: <http://www.doi.gov/oig/reports/upload/ER-IS-BIA-0011-2013Public.pdf> and a report on how The U.S. Virgin Islands Department of Human Services may not have Provided Head Start Services to the Neediest Children at: [http://www.doi.gov/oig/reports/upload/DOI-HHS\\_OIG\\_VIHeadStart\\_Public.pdf](http://www.doi.gov/oig/reports/upload/DOI-HHS_OIG_VIHeadStart_Public.pdf)
- The OSM created and maintained a website for the Four Corners Power Plant and Navajo Mine Energy Project to provide up-to-date information related to an Environmental Impact Statement at: <http://www.wrcc.osmre.gov/initiatives/fourCorners.shtm>

*Other Initiatives:*

5. *If there are any other steps taken your agency has taken to increase proactive disclosures, please describe them here.*

The Departmental FOIA Policy Staff worked with the Communications Office to coordinate proactive disclosures and with bureaus to increase their technical knowledge on making proactive disclosures. Additionally, the importance of proactive disclosures is a reoccurring theme in formal and informal training given by (and to) Department employees.

**Section IV: Steps Taken to Greater Utilize Technology**

*A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.*

*Online Tracking of FOIA Requests and Appeals:*

1. *Can a member of the public track the status of his or her request or appeal electronically?*

Yes.

2. *If yes, how is this tracking feature provided to the public? For example, is it being done through the regular posting of status, an online portal, or through another medium?*

Online portal found at: <https://foia.doi.gov/requeststatus/>.

3. *If your agency does provide online tracking, please describe the information that is provided to the requester through this feature. For example, some tracking features may tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review."*

FOIA requesters can retrieve personalized results, using their FOIA tracking number, in real time. The results include the request date, receipt date, processing track, request status, and fee category.

4. *If your agency does provide online tracking for requesters, does this feature also provide an estimated date of completion?*

Yes.

5. *If your agency does not provide online tracking of requests or appeals, is your agency taking steps to establish this capability? If not, please explain why?*

Not applicable.

*Use of Technology to Facilitate Processing of Requests:*

*Making Material Posted Online More Useful:*

6. *Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?*

Yes.

7. *If yes, provide examples of such improvements.*

The Department's main FOIA website (<http://www.doi.gov/foia>) is updated throughout the year with new information and contains links to all of the bureau FOIA websites and FOIA Libraries to make them easy for the public to find, and all of the links (along with contact information) were frequently checked and updated as needed.

- The Department's website contains a "Customer Comment Form" inviting feedback from visitors via email.
- The bureaus are also seeking to improve their websites. For example:

- The BOEM has made extensive enhancements its website. Many new pages and documents were added aimed at improving public engagement and public understanding of BOEM activities and operations. The BOEM now regularly posts announcements of upcoming meetings, then routinely updates its webpages with new developments. For example, the BOEM created new resources pages for Congress, past Director testimony, press releases, fact sheets, upcoming hearings, authorizing committees, Administration initiatives to enhance oil and gas regulations and guidance, regulatory reform actions and governing statutes at: <http://www.boem.gov/About-BOEM/Stakeholders/Congressional/Index.aspx>. The BOEM also worked on smaller scale, yet important information sharing, such as releasing curriculum resources for teachers in grade school for topics related to ocean energy and deep sea coral at: <http://www.boem.gov/BOEM-Education/Environmental-Studies-Program-Teacher-Resources.aspx>
- The FWS completely revamped their FOIA Home page at: <http://www.fws.gov/irm/bpim/foia.html>. The new FWS FOIA Officer also identified other FWS websites that referenced the FOIA and made sure that the content was up-to-date and accurate. The FWS also looked to improve their web presence generally. For example, the FWS released the Wetlands Inventory Mapper (Mapper) at: <http://www.fws.gov/wetlands/Data/Mapper.html>. The Mapper has digitally mapped and made publically available wetlands in the lower 48 states, Hawaii and dependent territories, as well as 35% of Alaska. It is a valuable aid to landowners, developers, government planners and permitting authorities, conservation organizations and academic institutions in their collective efforts to ensure wetland conservation and inform economic development.
- The NPS's NPMMap team and the Web Services division released a wizard-driven map building tool called the NPMMap builder, which allows parks to create and imbed custom maps into their <http://www.nps.gov/> websites. Additionally, the NPS's Web team issued guidance instructing content authors to utilize the Events section of the NPS website to post news items rather than uploading items as PDF files, as it is easier for people using mobile devices to access the information that way.

*8. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?*

Yes. The Departmental FOIA Policy Staff meets frequently with other agency staff who are experts in records management and website management to, among other matters, identify new and more effective ways to post agency information online.

*9. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts?*

Yes, the Department and its bureaus have social media presences and important updates to websites (including proactive disclosures) are often promoted on social media platforms (including YouTube, Instagram, Tumbler, Google+, Twitter, Facebook, and Flickr), links to which can be found at: <http://www.doi.gov/news/DOI-social-media.cfm>.

*10. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?*

Yes.

*11. If so, please briefly explain what those challenges are.*

Our proactive disclosures are impacted by concerns about complying with Section 508 of the Rehabilitation Act of 1973 (as amended). We fully support Section 508's goals of eliminating barriers in information technology and giving disabled employees and members of the public access to information that is comparable to access available to others. However, ensuring each document posted is in compliance with Section 508 can be extremely time consuming for our employees working with the FOIA and it takes time away from processing requests, which makes proactive disclosures much harder and more time consuming to accomplish. We continue to address a past challenge; some FOIA personnel (though their number is decreasing) have to go through an information technology (IT) intermediary in order to get documents posted, which can impact the timeliness of updates.

*Use of Technology to Facilitate Processing of Requests:*

*12. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, describe the technological improvements being made.*

- Yes. In 2012, the Department released an IT Transformation Strategic Plan. The strategic plan was a high-level roadmap to transform the Interior's IT operations. It identified an initial set of high priority IT services as part of the transformation process, including a single email system for the department, a Cloud-based electronic forms system, Cloud-based electronic records, telecommunications, account management, hosting services, workplace computing services, risk management, and an enterprise service desk (help desk). The implementation of the strategic plan is now underway and the Departmental FOIA Staff has been offering input and suggestions. Bureaus are using the new tools made available through this effort.
- Additionally, some bureaus reported using collaboration software and shared drives to facilitate the review process for documents requiring review by multiple offices or multiple individuals within the bureau. Some bureaus also use these

tools to post internal procedural guidance for the processing of documents in response to requests.

- Other bureaus are overhauling their websites and taking advantage of social media sites to proactively disseminate information. For example:
  - The BOEM has established a Facebook presence and created a Twitter account to announce significant bureau activities and events, including opportunities for the public to comment and/or attend planning meetings.
  - The BLM has expanded its social media efforts to include not only Facebook, but also Twitter, Tumbler, YouTube, and Instagram.
  - The BOR Area Office in Loveland, Colorado, created a Facebook account that is open to the public as an accessible means for the public to access information regarding the Big Thompson Canyon flood that occurred in September 2013.
  - The BSEE incorporated social media tools, a Twitter account and You Tube channel, into their communication portfolio to inform stakeholders about bureau activities and career opportunities.
  - The FWS headquarters FOIA Office now uses a mailing list to push out timely notifications and FOIA tips to the entire FWS FOIA community.

*13. Are there additional tools that could be utilized by your agency to create further efficiencies?*

More resources (technological and otherwise) would always be welcome. For example:

- We would very much like to have access to litigation software that would allow for advanced and accurate de-duplication of responsive records.
- We also would greatly appreciate tools that would allow for quicker and better conversion of documents to comply with Section 508.
- We also are looking forward to the multiple, electronic FOIA training programs that OIP informs us it plans to release early in 2015.

*Other Initiatives:*

*14. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013?*

Yes.

*15. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan is for ensuring that such reporting is successful in Fiscal Year 2015.*

Not applicable.

*16. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? If yes, what are the different types of electronic means are utilized by your agency to communicate with requesters?*

Yes. E-mail is used to communicate with requesters whenever feasible.

*17. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?*

Not applicable.

## **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

*The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.*

*Simple Track:*

*Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.*

*1. Does your agency utilize a separate track for simple requests?*

Yes.

*2. If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?*

Yes.

*3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.*

5%.

*4. If your agency does not track simple requests separately, was the average number of days to process non- expedited requests twenty working days or fewer?*

Not applicable.

*Backlogs:*



*Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.*

### BACKLOGGED REQUESTS

*5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with Fiscal Year 2013? If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:*

- *An increase in the number of incoming requests*
- *A loss of staff*
- *An increase in the complexity of the requests received*

The Department's backlog at the close of Fiscal Year 2014 did not decrease as compared with Fiscal Year 2013. The loss and shortage of personnel was the biggest factor in our backlog of requests this year. In addition to the usual amount of people moving on to new opportunities, the Department's FOIA community had an unusual number of retirements and serious illnesses this year (including among bureau FOIA Officers). Some of these positions could not be filled immediately, or at all. Some of the positions that were unexpectedly open resulted in successors or substitutes having to locate files and duplicate or redo existing work. For example, after a new FOIA Officer took over, a complete audit of the FWS Headquarters FOIA inbox was undertaken to ensure that all requests had been routed for processing and input into the EFTS. The inbox was completely reorganized by fiscal year and tracking number to ensure that FWS had thorough electronic case files.

*6. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2014.*

- *To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2014 Annual FOIA Report by the number of requests received in Fiscal Year 2014, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.*

10%.

### BACKLOGGED APPEALS

*7. If your agency had a backlog of administrative appeals in Fiscal Year 2014, did that backlog decrease as compared to Fiscal Year 2013?*

No.

*8 If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2014. If your agency did not receive any appeals in Fiscal Year 2014 and/or has no appeal backlog, please answer with "N/A."*

- To calculate your agency's percentage, you must divide the number of backlogged appeals reported in Section XII.A. of your Fiscal Year 2014 Annual FOIA Report by the number of appeals received in Fiscal Year 2014, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.*

162%.

*Backlog Reduction Plans:*

*9. In the 2014 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2013 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2014?*

Not applicable.

*10. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2014, what is your agency's plan to reduce this backlog during Fiscal Year 2015?*

Not applicable.

*Status of Ten Oldest Requests, Appeals, and Consultations*

*TEN OLDEST REQUESTS*

*11. In Fiscal Year 2014, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2013?*

Yes. All of the ten oldest requests that were pending as of the end of Fiscal Year 2013 were closed in Fiscal Year 2014.

*12. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2012 Annual FOIA Report. If you had less than "ten" total "oldest requests to close, please indicate that.*

Not applicable.

*13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?*

One request was closed because it was withdrawn by the requester. No interim responses were provided prior to the withdrawal.

#### TEN OLDEST APPEALS

*14. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?*

No. Not all of the ten oldest appeals that were pending as of the end of Fiscal Year 2013 were closed in Fiscal Year 2014.

*15. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2013 Annual FOIA Report.*

Seven of these appeals were closed by the end of the fiscal year.

#### TEN OLDEST CONSULTATIONS

*16. In Fiscal Year 2014, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2013?*

The Department only had one consultation pending as of the end of Fiscal Year 2013. That single consultation was closed in Fiscal Year 2014.

*17. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2012 Annual FOIA Report.*

Not applicable.

#### *Additional Information on Ten Oldest Requests, Appeals, and Consultations and Plans*

*18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.*

The Department's FOIA and Privacy Act Appeals Office suffered from the loss of and shortage of personnel. Each of the three oldest appeals that were not closed this year involve complicated, technical issues and over 10,000 pages of withheld documents that require review.

19. *If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.*

Not applicable.

20. *If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2015.*

The Department’s FOIA and Privacy Act Appeals Office will dedicate time each week to continue to review each of the withheld pages in each of the appeals to evaluate the applicability of the exemption(s) invoked and assess whether there is any non-exempt information that the Department can release to the Appellants.

*Interim Responses:*

21. *Does your agency have a system in place to provide interim responses to requesters when appropriate?*

Yes.

22. *If your agency had a backlog in Fiscal Year 2014, please provide an estimate of the number of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.*

The Department estimates that it provided a substantive, interim response for 4% of the requests that ended up on its Fiscal Year 2014 backlog.

### **Use of FOIA’s Law Enforcement Exclusions**

*Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014?*

No.

### **Success Story**

*Out of all the activities undertaken by your agency since March 2014 to increase transparency and improve FOIA administration, describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, these agency stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success*

*story is designed to be a quick summary of a key achievement. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.*

In Fiscal Year 2014, the Department issued a two important new guidance documents:

- On July 15, 2014, the Department issued a brand new, 63-page [FOIA Handbook](#). The handbook supplements, but does not alter, the requirements and guidance of the FOIA itself, the Department's [FOIA regulations](#) (which went into effect on January 30, 2013), and the Departmental Manual chapter on the FOIA (which went into effect on February 13, 2013).
- On September 24, 2014, as a companion to the handbook, the Department issued a 56-page package of extensive new [sample language](#). Some of the sample language is in the form of complete letters and some is in the form of discrete provisions that can be combined, as appropriate, to create customized FOIA responses. We are especially pleased that the sample language is adaptable and can quickly be expanded or edited as needed.

Although these documents will provide guidance to Departmental employees, they may also be informative for FOIA requesters. They are therefore available (along with other FOIA guidance) at:

<http://www.doi.gov/foia/news/guidance/index.cfm>.