2025 Chief FOIA Officer Report



The Dry Tortugas Lighthouse located on Loggerhead Key in Dry Tortugas National Park in Florida. Photo by National Park Service.

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Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Attorney General's 2022 FOIA Guidelines is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level?

Yes.

2. Please provide the name and title of your agency's Chief FOIA Officer.

Robert T. Anderson, Solicitor.

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

As previously reported, the Department established the Departmental FOIA Office (DFO) in 2020 to provide central governance and support to the Department's fourteen FOIA request processing offices. This reporting period, the Department revised the FOIA chapter of the Departmental Manual to codify the authority of the DFO and outline the FOIA-related roles and responsibilities of all employees. The Department also implemented a FOIA performance element for members of the Senior Executive Service who are responsible for managing the FOIA request processing operations of their respective bureaus to hold them accountable for FOIA compliance in their bureaus.

B. Presumption of Openness

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

Yes. The Department has issued required language to ensure our FOIA processors provide this confirmation in our response letters.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a Glomar response. If your agency tracks Glomar responses, please provide:

- *the number of times your agency issued a full or partial Glomar response during Fiscal Year (FY) 2024 (separate full and partial if possible);*

  Full: three times
  Partial: zero times

- *the number of times a Glomar response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times) during FY 2024.*

  Exemption 6: three times
  Exemption 7(C): two times

6. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

The Department has developed and is implementing a department wide FOIA backlog reduction plan.

Section II: Ensuring Fair and Effective FOIA Administration

The Attorney General's 2022 FOIA Guidelines provide that "[e]nsuring fair and effective FOIA administration requires ... proper training, and a full understanding of FOIA obligations by the entire agency workforce." The Guidelines reinforce longstanding guidance to "work with FOIA requesters in a spirit of cooperation." The Attorney General also "urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency's FOIA administration" as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

DOI requires all full-time employees to complete the role based online FOIA training developed by DOJ, with a biennial recertification. To-date, more than 50,000 employees have completed this training. The DFO also delivered in-person training to nearly 100 DOI FOIA professionals at various DOI facilities nationwide, launched a bi-weekly virtual FOIA training series accessible to all DOI personnel, and provided advanced training to the FOIA Officers who oversee the Department's fourteen FOIA request processing offices.

2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?

Yes.

3. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

The DFO hosted an in-person FOIA Officer's Training Summit in Washington D.C., for the FOIA Officers managing the Department's fourteen FOIA request processing offices. The summit covered a range of topics, including agency-specific requirements for intake, the Attorney General's FOIA guidelines, FOIA Requester Service Centers and customer service, metrics for assessing staff performance, advancements in FOIA-related technology, and an overview of the latest results from the DOJ's self-assessment.

Guest panelists and presenters included the Director of the Office of Government Information Services, the Assistant General Council (National FOIA Office) for the U.S. Environmental Protection Agency, the Chief FOIA Officer (Office of the Secretary) for the Department of Education, and the Chief of Staff of the U.S. Department of Justice, Office of Information Policy.

Additionally, the DFO in collaboration with the Division of General Law, conducted three multi-day in-person training events for the DOI FOIA community in Atlanta, Georgia; Portland, Oregon; and Anchorage, Alaska. These trainings covered all phases of FOIA request processing, as well as administrative appeals and litigation, and were attended by nearly one hundred FOIA professionals.

The DFO's FOIA Training Program Manager also led a series of virtual FOIA training sessions on specific FOIA topics, including intake, timing, and FOIA resources, which saw

an average attendance of 115 DOI employees per session. Furthermore, DOI FOIA personnel participated in the DOJ's virtual trainings, concerning Exemptions 4 and 5, Advanced FOIA, and Privacy Considerations.

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

99%

5. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

Not applicable.

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?

As previously mentioned, all DOI employees are required to complete the online FOIA training developed by the DOJ and review DOI-specific supplemental materials. New employees must complete this training as part of their onboarding process, and all employees must recertify biennially.

The DFO also provides mandatory FOIA training for all incoming political appointees and staff to ensure they understand their legal obligations under the FOIA, as well as the practical and logistical aspects of FOIA request processing. This training outlines the mission and functions of the DFO while emphasizing the Secretary's expectation that senior leaders prioritize efficient FOIA administration within their organizations. Due to the decentralized nature of DOI's FOIA operations, bureau FOIA officers play a crucial role in engaging with non-FOIA professionals. Bureau FOIA officers reported that they provided training to non-FOIA professionals in their respective bureaus on the following topics:

- Record custodians' FOIA obligations
- Employee responsibilities in support of the FOIA
- DOI FOIA website overview

- Frequently asked FOIA questions overview
- Expectations and procedural training for searches
- Identifying agency records
- Risks associated with untimely responses
- Benefits of proactive disclosures
- General briefings on the FOIA process during New Employee Onboarding
- Briefings to bureau executives on the status of the FOIA program

In addition, the DFO meets bi-annually with bureau senior leaders to brief them on the performance of their organization's FOIA office and recommend steps to address backlogs and other operational challenges.

B. Outreach

7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue and, if applicable, any specific examples.

Our FOIA professionals routinely communicate with requesters to clarify or narrow the scope of complex or voluminous requests. After consulting program subject matter experts, FOIA staff typically contact requesters via phone or email to ensure an understanding of the information requested. This collaborative approach clarifies requests, helps define search parameters for locating responsive records, sets realistic expectations, supports the establishment of an interim release schedule when applicable, and enhances the overall requester experience.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? Please describe any such outreach or dialogue and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

Three members of the DOI FOIA community served on the Chief FOIA Officers Council Technology Committee, that studies the use and deployment of FOIA technology to identify best practices and make recommendations that can be implemented across agencies. Additionally, one member served on the Chief FOIA Officers Council, Committee of Cross-Agency Collaboration and Innovation that seeks to improve federal career paths

for FOIA professionals and promote models to align agency resources with agency transparency.

Some bureaus proactively reached out to requesters to offer training and step-by-step guides on how to access bureau-specific publicly available information.

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2024 (please provide a total number or an estimate of the number for the agency overall).

We estimate requesters sought assistance from the FOIA Public Liaison approximately 113 times during FY 2024.

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

The DFO conducts targeted operational assessments of the Department's FOIA processing offices and provides data-driven recommendations to bureau leaders aimed at improving staffing and operational efficiency. This year, the DFO examined the FOIA operations of the Bureau of Land Management (BLM) Headquarters office and made several findings and recommendations related to staffing levels, and staff management and alignment.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

The primary tool we use for managing our FOIA workload is the case management system implemented by the DOI in FY 2023. The system offers customizable reporting options that can be automatically generated and delivered to designated mailboxes at specified intervals. In addition to the reporting capabilities, the DFO has standardized three distinct dashboards that enable users to monitor requests assigned to their respective bureaus, processing offices, and themselves. These dashboards are readily available and include information such as request assignments by individual, request track, request status, request age, and requests in queue to be assigned.

12. The federal FOIA Advisory Committee, comprised of agency representatives and members of the public, was created to foster dialogue between agencies and the requester community, solicit public comments, and develop recommendations for improving FOIA administration. Since 2020, the FOIA Advisory Committee has issued a number of recommendations. Please answer the below questions:

Is your agency familiar with the FOIA Advisory Committee and its recommendations?

Yes.

Has your agency implemented any of its recommendations or found them to be helpful? If so, which ones?

No.

13. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

In the FY 2023 CFO Report we announced the establishment of the Office of Public Trust (OPT) within the National Park Service (NPS) to process FOIA requests related to enforcement records. The NPS has continued to advance this initiative by collaborating with the OPT, the FOIA and Privacy Act Appeals Office, and the DFO to enhance the management of law enforcement-related requests that intersect with the Privacy Act. This partnership aims to streamline processes and ensure compliance with applicable regulations, ultimately improving our responsiveness and effectiveness in handling these sensitive requests.

Section III: Proactive Disclosures

The Attorney General's 2022 FOIA Guidelines emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

The bureaus routinely evaluate requests to identify categories of frequently requested records that may be proactively disclosed. Some specific examples are below:

The Bureau of Reclamation (BOR) has established a protocol to post records that have been requested more than twice. For instance, in the past fiscal year, BOR posted 4,100 pages of records related to the Grand Coulee Fire Station.

The Office of Surface Mining Reclamation and Enforcement (OSMRE) utilizes the REG-8 Oversight Document Database for proactive disclosures. The FOIA team collaborates with the Communications Office and Regional FOIA Offices to ensure updates to this database are communicated effectively. The site can be accessed via the following link: https://odocs.osmre.gov/.

The BLM is actively working to make its Wild Horse and Burro database publicly accessible. Concurrently, they are formulating a comprehensive communication and rollout plan to effectively inform stakeholders about this initiative, ensuring their engagement and awareness throughout the process.

In addition, the DFO has begun utilizing a document review platform equipped with text analytics to identify requests that are contextually and textually similar. Moving forward, we plan to leverage these capabilities on a regular basis to enhance our efficiency in identifying records appropriate for proactive disclosure.

2. Does your agency post logs of its FOIA requests?

Yes, currently, 11 of our components are posting FOIA logs, an increase from eight since last year. We are actively working towards having all components post standardized FOIA logs by the close of FY 2025.

- *If so, what information is contained in the logs?*

  Currently, the posted FOIA logs across the various components vary in the information provided. Commonly included items in these logs are the request number, submission dates, receipt dates, requester name, requester organization, request description, applied exemptions, closure dates, and request status. As a short-term goal, the DFO aims to standardize the format and content of FOIA logs to ensure consistency and enhance transparency.

- *Are they posted in CSV format? If not, what format are they posted in?*

  Current FOIA logs are in PDF, XLSX, and/or CSV format. Advancing the goal to use available reporting tools and standardized FOIA logs, future postings will include a CSV formatted version for all logs.

- *Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links.*

  https://www.bia.gov/as-ia/foia/reading-room

  https://www.boem.gov/about-boem/foia/foia-e-libraries

  https://www.usbr.gov/foia/readroom.html

  https://www.bsee.gov/about-bsee/freedom-of-information-act-foia

  https://www.fws.gov/library/collections/foia-log

  https://www.nps.gov/aboutus/foia/foia-frd.htm

  https://www.doi.gov/foia/os

  https://www.osmre.gov/about/general-information

3. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D).

As mentioned in question 1 of this section, records proactively disclosed by our bureaus include those related to the Grand Coulee Fire Station and oversight documents made available through the REG-8 database. As an additional example, the Bureau of Safety and Environmental Enforcement (BSEE) has created a webpage dedicated to suspension and preservation orders related to a turbine generator blade failure. The webpage was developed in response to frequent requests related to the failure.

4.Please provide a link (or component links, if applicable) where your agency routinely posts its frequently requested records.

In addition to the links provided to question 2 of this section, information is routinely posted at the following links:

https://www.blm.gov/services/geospatial

https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing

https://www.doi.gov/federal-orphaned-wells-program

https://www.usbr.gov/library/index.html

https://www.bsee.gov/about-bsee/renewable-energy

https://www.fws.gov/policy-library/manuals

https://ecos.fws.gov/ecp/

https://fwsepermits.servicenowservices.com/fws/

https://www.fws.gov/program/fws-freedom-information-act-foia/foia-reading-room

https://www.fws.gov/library/collections/pangolins

https://www.doi.gov/foia/os/secretarial-calendars

https://www.doi.gov/foia/os/oil-and-gas-records

https://www.doi.gov/foia/os/other-records

5. 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? If yes, please provide examples of such improvements, such as steps taken to post information in open and machine-readable formats. If not taking steps to make posted information more useful, please explain why.

The Department's new tracking and case management system offers a reading room feature that publishes content in a highly accessible format and we are investigating that option to enhance the accessibility and utility of the information we post. In addition, a key goal of our backlog reduction plan is to standardize FOIA websites across all our components to make information more readily accessible. While the decentralized structure of the DOI and the use of various content management systems by different components pose challenges to achieving website standardization, we are hopeful we can develop a standardized template that will be compatible across all systems and allow individual components to continue to operate their own websites using various content management systems.

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

The BLM, BOR, BSEE, U.S. Fish & Wildlife Service (FWS), NPS and OSMRE all indicated they collaborate with IT, public affairs, or communications professionals within their

organizations when posting documents to their reading rooms or bureau websites. These interactions are focused on mutual clearance of documents, Section 508, and identifying records to consider for inclusion on the bureau FOIA reading rooms, updating databases, and program specific websites.

7. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

The Department highlights the significance of proactive disclosures in both formal and informal training sessions. We recognize that enhancing proactive disclosures contributes to greater transparency; however, it can be challenging for FOIA staff (who are primarily responsible for making those disclosures) when they are focused on reducing the backlog, handling incoming requests, or processing FOIA requests in the context of litigation. We also acknowledge that balancing the demands of Section 508 of the Rehabilitation Act with those of FOIA remains an ongoing challenge. The bureaus utilize techniques such as monitoring website usage analytics and collaborating with the public affairs offices and records teams to gain insights into the records of public interest.

Section IV: Steps Take to Greater Utilize Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's 2022 FOIA Guidelines emphasize the importance of making FOIA websites easily navigable and complying with the FOIA.gov interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes. The DFO's FOIA Technology Working Group, made up of FOIA and IT professionals from across the Department, continually reviews technological capabilities and needs.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.

We are currently implementing a programmatic initiative to use the deduplication, email threading, and data analytics features of the Department's eDiscovery document review platform for FOIA. The expected benefits include improved efficiency in document management and streamlined processes, ultimately leading to more effective information retrieval, and reduced operational costs.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

In FY 2024, the Department introduced a new document review platform that is currently in the early adoption phase. Our bureaus have reported that this platform has significantly reduced the burden of duplicate records by tens of thousands, facilitating a more streamlined review process. Additionally, we are working with the Department's Office of the Chief of Information Officer to deploy advanced search and collection tools for FOIA.

These tools are compatible with other technologies employed by our components, such as video redaction and conversion software. We are also leveraging document clustering capabilities, which utilize machine learning, and are working to expand its application within the DOI's FOIA community.

Furthermore, we are exploring predictive coding features to develop redaction models that can automatically identify information requiring redaction. This initiative will involve considerable effort to construct effective models using training data to evaluate their performance.

As we in the early stages of implementing these techniques, we have not yet quantified their overall effectiveness. However, preliminary findings indicate that eliminating redundant records significantly reduces the volume of records that require review and redaction, ultimately decreasing processing time and expediting responses and request closures.

4. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes.

5. Did all four of your agency's quarterly reports for Fiscal Year 2024 appear on FOIA.gov?

Yes.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2025.

Not applicable.

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2023 Annual FOIA Report and, if available, for your agency's Fiscal Year 2024 Annual FOIA Report.

https://www.doi.gov/foia/DOI-FOIA-Annual-Reports

8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Yes.

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

A significant challenge we face is the rapid adaptation of the FOIA community to evolving technology. To address this challenge, the DFO, in collaboration with other Department components, is implementing a multifaceted approach to facilitate the adoption of new technologies.

We recognize that our FOIA professionals have varying levels of technological expertise, from seasoned technology experts who readily embrace change to those who are newer to technology applications and may be slower to adapt to support this diverse group, we have developed a variety of resources, including short instructional videos, checklists, guides, and handbooks. We have also conducted in-person demonstrations, progressive live training sessions, lectures, and hands-on training, as well as one-on-one support. We are committed to continuously enhancing these offerings to encourage widespread adoption of our technologies and maximize efficiency.

Furthermore, as technology has grown increasingly complex, we are examining our options to establish a dedicated workforce with specialized skills to fully leverage the capabilities of Artificial Intelligence and eDiscovery in assisting FOIA professionals with records processing. This strategic investment will ensure that we can effectively navigate the challenges posed by modern technology in our FOIA operations.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

The Attorney General's 2022 FOIA Guidelines instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first-party requested records, outside of the typical FOIA or Privacy Act process?

No.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

The Department receives several requests related to traffic accidents on DOI managed lands. Collaboration with the Departmental FOIA Office and Privacy Officer is currently underway to provide first-party access to the records outside of FOIA.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

Since transitioning to our new tracking and case management system, we have made our public portal accessible to information seekers. This portal enables requesters to submit their requests, track their status, and communicate directly with the processing component. Additionally, the portal includes links to our FOIA libraries and reading rooms, along with information on appeals and associated fees. We are committed to continuously improving the portal and plan to further enhance its reading room capabilities to expand our existing libraries, ultimately making it an even more valuable resource for our users.

B. Timeliness

4. For Fiscal Year 2024, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2024 Annual FOIA Report.

60

5. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2024 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

During FY 2024, the DFO's compliance team developed and enhanced tools to monitor requests for expedited processing within our new tracking system. This proactive monitoring, combined with reports provided to component FOIA Officers, led to nine components adjudicating expedited requests in an average of 10 calendar days or fewer. Nine components reduced adjudication averages, and all improved the quality of their data. To build on this progress, the DFO plans to further expand its reporting team in FY 2025. The increased audit and reporting capacity will enable more frequent monitoring and reporting, thereby informing FOIA Officers and supporting consist achievement of the 10-day target by the end of the year.

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

Yes.

7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2024?

No.

8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

Yes.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2024 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

50%

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

Not applicable.

C. Backlogs

Backlogged Requests

11. If your agency had a backlog of requests at the close of Fiscal Year 2024, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2023?

No.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2024 than it did during Fiscal Year 2023?

Yes.

13. If your agency's request backlog increased during Fiscal Year 2024, please explain why and describe the causes that contributed to your agency not being able to 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 (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)*
- *Litigation*
- *Any other reasons – please briefly describe or provide examples when possible*

During FY 2024 the Department processed 14% more requests (1,036) compared to FY 2023, even as the number of incoming requests rose by 17% (1,222) during the same period. This marks the second consecutive year in which the Department has processed more requests than it received, achieving the highest volume of requests processed in single a year. However, despite these accomplishments, the request backlog increased by 2% (92).

In addition to the rise in incoming requests the Bureau of Indian Affairs (BIA), OSMRE, FWS, and NPS reported staffing losses and an increase in request complexity as contributing factors to their backlog increases. The Bureau of Ocean Energy Management (BOEM) also noted that increased request complexity, along with requesters' reluctance to narrow the scope of their requests, played a role in its backlog increase. Furthermore, the NPS indicated that processing times were affected by the allocation of resources to prioritize litigation, thereby contributing to their backlog.

In summary, the combination of an influx of requests, staffing challenges, increased complexity, and the prioritization of litigation has significantly hindered our agency's ability to reduce its FOIA backlog during FY 2024, despite notable improvements in processing performance. We are committed to reversing this trend and aim to achieve a reduction in the backlog by the end of FY 2025.

14. 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 2024. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

53%

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2024, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2023?

Yes.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2024 than it did during Fiscal Year 2023?

Not applicable.

17. If your agency's appeal backlog increased during Fiscal Year 2024, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- *An increase in the number of incoming appeals*
- *A loss of staff*
- *An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)*
- *Litigation*
- *Any other reasons – please briefly describe or provide examples when possible*

Not applicable.

18. 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 2024. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2024 and/or has no appeal backlog, please answer with "N/A."

108%

D. Backlog Reduction Plans

19. In the 2024 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2023 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your 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 2024?

The Department's backlog reduction plan aims to drive improvement over the next five years across four key areas: (1) developing and executing tailored backlog reduction strategies to meet the specific needs of our component bureaus; (2) enhancing communication and services for requesters; (3) investing in the training and development of our FOIA workforce; and (4) establishing accountability measures for FOIA compliance.

In April 2024, the DFO took significant steps towards achieving the first goal deploying its FOIA Support Teams (FST) to the BLM and BIA, two bureaus struggling with large backlogs. The objective of the deployments was to assist in reducing their existing backlogs of FOIA requests and assess each their FOIA operations to identify areas for improvement that would facilitate ongoing progress in managing their backlogs.

As part of the BLM deployment, the FST engaged in strategic requester outreach efforts, which were successful in improving relations. Through email communication, the team provided requesters with a chart listing their backlogged requests seeking clarifying information about the scope of the request and narrowing suggestions. As a result, many requesters significantly narrowed, and in some cases, withdrew their requests. The approach was recognized by a requester as one that promotes transparency and fosters a collaborative relationship with the FOIA community.

Additionally, the FST provided high quality on-the-job training to the BLM and BIA FOIA personnel on best practices for communicating with the requesters, advice on complex

request issues, and effective use of technology. To promote consistency, the FST also established an effective quality control process to ensure the bureaus comply with the statutory obligations at all phases of the FOIA process. As a result of the collaborative efforts the FST closed 366 requests from the BLM backlog and 92 from the BIA backlog.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2024, please explain your agency's plan to reduce this backlog during Fiscal Year 2025.

In Fiscal Year 2025, the Department will continue the implementation of the backlog reduction plan in partnership with our Bureaus. Our strategy includes conducting comprehensive assessments and providing processing support to enhance FOIA operations within each Bureau.

We will also develop and deploy a standardized, user-friendly website template aimed at improving the requester experience by delivering essential information and functionality. Additionally, we will prioritize training for FOIA employees to enhance both processing efficiency and customer service. This multifaceted approach is designed to significantly reduce the backlog of requests and improve the overall effectiveness of our FOIA program.

E. Reducing the Age of Requests, Appeals, and Consultations

Ten Oldest Requests

21. In Fiscal Year 2024, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2023 Annual FOIA Report?

No.

22. 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 2023 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Nine.

23. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

To reduce the overall age of our pending requests, each bureau has been tasked with closing its ten oldest requests, regardless of whether they are included on the

Department's 10 oldest requests list. Reported individual efforts by the bureaus include hiring full-time FOIA personnel, filling vacancies, centralizing FOIA offices, and utilizing reports from our case management system to effectively distribute FOIA workloads.

Ten Oldest Appeals

24. In Fiscal Year 2024, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2023 Annual FOIA Report?

Yes.

25. 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 2023 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Not applicable.

26. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

Ongoing adjudication of open appeals resulted in a year over year reduction in the age of the oldest appeal by two days.

Ten Oldest Consultations

27. In Fiscal Year 2024, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2023 Annual FOIA Report?

No.

28. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2023 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Nine.

Additional Information Regarding Ten Oldest

29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2025.

While the Department celebrates its success on closing the ten oldest appeals, one of the ten oldest requests and one of the ten oldest consultations remained open at the end of the fiscal year. This represents a significant improvement from the six oldest consultations that were still pending at the close of FY 2024. This progress underscores the success of the Office of the Secretary FOIA program in reallocating resources to enhance the processing of consultations. The DFO has already initiated meetings focused on the ten oldest requests and consultations, actively tracking progress with components that hold items on these lists. This collaborative effort aims to close all ten oldest requests, consultations, and appeals by the end of FY 2025.

F. Additional Information about FOIA Processing

30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency's overall FOIA request processing and backlog. If possible, please indicate:

- *The number and nature of requests subject to litigation*
- *Common causes leading to litigation*
- *Any other information to illustrate the impact of litigation on your overall FOIA administration*

Yes. The Department currently has approximately 80 matters in litigation. Many of these matters involve more than one bureau as listed Defendants. The most common cause for litigation is timeliness and the most frequent plaintiffs involved in these matters are public interest groups and news media. Requests sent by these savvy FOIA requesters are often complex, involving thousands of potentially responsive records. Processing the underlying FOIA requests pursuant to aggressive production schedules sought by the plaintiffs and set by the courts, strains FOIA staff and diminishes their ability to timely respond to non-litigated requests which in turn leads to more litigation.