2014 CHIEF FOIA OFFICER REPORT

A unique view of the Washington Monument on the National Mall in Washington, D.C.

Photo: Diana Bowen, National Park Service

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Contents

The Department of the Interior 2013 Chief FOIA Officer Report[1]

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.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

FOIA Training:

1. *Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?*

   Yes.

2. *If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.*

   - The Departmental FOIA Policy Staff 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, and the Department's policies/procedures. Inconsistencies, errors, and other problems noted in appeals/lawsuits are also addressed. These meetings were held eleven times this year (the October 2013 meeting was cancelled due to the government shutdown).
   - 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:
     o This year the Departmental FOIA Policy Staff initiated new (quarterly) FOIA open forums. People who work with FOIA

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[1] This report describes actions taken to ensure overall compliance with FOIA and the Administration's FOIA guidelines taken by the Department's Chief FOIA Officer (Bernard Mazer, 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.

intermittently as well as FOIA professionals are all invited to attend. The quarterly meetings began in June and 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 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 three times this year.

o The SOL continued a FOIA Practice Group, with the assistance of the Departmental FOIA Policy Staff. This group met for the first time in January of 2013. 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 around 15 meetings. Between 20 and 40 attorneys and paralegals attended each meeting.

o The Departmental FOIA Policy Staff provided over twenty-four training sessions. These training sessions were presented to the: Department's Appeals staff, Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), Bureau of Safety and Environmental Enforcement (BSEE), Bureau of Reclamation (BOR), Office of Natural Resources Revenue (ONRR), Office of the Inspector General (OIG), Office of the Secretary (OS), SOL, and National Park Service (NPS). The subjects ranged from training on the FOIA as a whole to very detailed training on certain exemptions and the Department's Electronic FOIA Tracking System. These training sessions spanned a time period ranging from one hour to one day. They were sometimes presented to dozens of people, sometimes to a handful of people. The Departmental FOIA Policy Staff also provided many one-one-one training sessions over the year on a number of topics.

o A number of bureau FOIA Officers also provided training to their employees, both one-on-one and as a unit.

3. *Did your FOIA professionals attend any FOIA training 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 a Director's Lecture on Achieving FOIA Goals and a refresher training session going over the reporting requirements for Fiscal Year 2013 Annual FOIA Reports and 2013 Chief FOIA Officer Reports. The Departmental FOIA Policy Staff also attended a joint

training conference hosted by the Department of Education where the Office of Information Policy's Director was the headlining presenter.

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

   100%.

5. *OIP has provided guidance that every agency should make core, substantive FOIA training available to all their FOIA professionals at least once a year. Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.*

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

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? If so, please briefly discuss that engagement.*

   Yes. The Departmental FOIA Policy Staff participated in the discussion leading up to (and deriving from) the second National Action Plan that was launched on December 5, 2013. Additionally, after the Department's new regulations (discussed in our 2013 Report) were cited in the Center for Effective Government's *Best Practices for Agency Freedom of Information Act Regulations*, the FOIA Policy Office initiated a meeting with the author of the report to meet with us to discuss further suggestions and improvements.

Discretionary Disclosures:

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

7. *Does your agency have a formal process 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 a process in place for making discretionary releases.*

Yes. 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.

8. *During the reporting period did your agency make any discretionary releases of otherwise exempt information?*

Yes. The Department considers making a discretionary release whenever the release would not foreseeably harm an interest protected by a FOIA exemption and made many discretionary releases.

9. *What exemptions would have covered the information that was 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.

10. *Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.*

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

- The Fish and Wildlife Service (FWS) released drafts and deliberative discussions about bird and bat mortality on wind farms that could have been protected under Exemption 5.
- The Bureau of Ocean Energy Management (BOEM) released draft documents and deliberative communications in documents regarding specific regulatory actions between 1978 and 1986 aimed at developing a regulatory program to govern air quality on the Outer Continental Shelf offshore of California that could have been protected under Exemption 5.
- The NPS released deliberative information related to the contract to correct an inscription on the Martin Luther King Memorial that could have been protected under Exemption 5.
- The BLM released drafts and deliberative notes, reports, and emails about Economic Analysis of Critical Habitat Designation for the Northern Spotted Owl.
- The OS released project early alerts, fact sheets, information regarding completion dates, and drafts about the Gateway West Transmission Line Project.

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

Not applicable.

Other initiatives:

12. *Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.*

Yes.

13. *Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. 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.

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.

Describe here the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

Personnel:

During Sunshine Week 2012 OPM announced the creation of a new job series entitled the Government Information Series, to address the work performed by FOIA and Privacy Act professionals. Creation of this distinct job series was a key element in recognizing the professional nature of their work.

1. *Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?*

Yes.

2. *If not, what proportion of personnel has been converted to the new job series?*

   Not applicable.

3. *If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?*

   Not applicable.

Processing Procedures:

4. *For Fiscal Year 2013 did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.*

   Yes. The average number of days to adjudicate requests for expedited processing in FY 2013 was five days.

5. *Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations. If so, please describe those steps.*

   Yes. First, the Department's new regulations address this issue in what we believe is a more effective way then in the past. This topic has come up repeatedly at the Department's new quarterly forums. Additionally, the Departmental FOIA Policy staff distributed DOJ guidance on this issue (both the 2011 guidance and the guidance in the new FOIA guide) to the Department's entire FOIA community through email. Finally, the process of internal coordination on consultations through the OS has been enhanced by the Department's new FOIA Departmental Manual (discussed in the 2013 report).

Requester Services:

6. *Do you use e-mail or other electronic means to communicate with requesters when feasible?*

   Yes.

7. *Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?*

Yes. The Department's 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. *Describe 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.*

- The Department employs a centralized, Web-based Electronic FOIA Tracking System (EFTS) 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:
        - 1) Search and internal reporting capabilities;
        - 2) Tracking (including *Glomar* response tracking) and reports; and
        - 3) Validations (including validations for disposition, expedited processing and fee waiver requests).
- The Departmental FOIA Policy Staff also continued efforts to add FOIA/Privacy Act appeals data to the EFTS.
- This year, the last of the Department's bureaus that was not using the EFTS, the Office of the Inspector General, transitioned to using the EFTS with the help of the Departmental FOIA Policy Staff. The OIG has informed us that this transition has already led to a much more efficient reporting and tracking process. Additionally, the Departmental FOIA Policy Staff empowered additional BIA field offices with the ability to input and track their requests. This has resulted in the quicker handling of requests, especially requests in the simple processing track because those offices no longer have to task the BIA's Central Office with the input of requests and issuance of tracking numbers.
- Bureaus also took steps to streamline operations. For example:
    - The FWS 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 any delays in receiving the requests.

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.

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2013 to March 2014). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

1. *Do your FOIA professionals have a system in place to identify records for proactive disclosures?*

   Yes.

2. *If so, describe the system that is in place.*

   Yes. A specific provision in the Department's new 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.

3. *Provide examples of material that your agency has posted this past year, including links to where this material can be found online.*

   - The Department has created a database for closed scientific integrity cases at: http://www.doi.gov/scientificintegrity/closed-cases.cfm.
   - The BSEE is posting Outer Continental Shelf Oil and Gas Production yearly data (which will be updated monthly) at: www.data.bsee.gov/homepg/data_center/production?ocsprod.asp.
   - The OIG posted information on Indian Land Consolidation: Proper Use of Funding Agreements with Tribes at: www.doi.gov/oig/reports/upload/WR-EV-BIA-0017-2013Public.pdf.
   - The FWS released draft guidance on selecting species for design of landscape-scale conservation at: www.fws.gov/landscape-conservation/draft-guidance.html.

- The NPS posted information on the shooting of a grizzly bear at Grand Teton National Park and of a moose at Denali National Park at: www.nps.gov/aboutus/foia/foia-frd.htm.
- The BLM posted information on the Sutey Ranch Land Exchange at: www.blm.gov/co/st/en/fo/crvfo/sutey_ranch_land_exchange.html.
- The Office of Surface Mining Reclamation and Enforcement (OSM) posted an EIS for the Four Corners Power Plant and Navajo Mine Energy Project as soon as it was finalized at: www.wrcc.osmre.gov/Current_Initiatives/FCNAVPRJ/doclib.shtm.
- The BOR posted power plant information (number of generators, dates the generators and turbines were installed, kilowatt capacity, etc.) at: www.usbr.gov/projects/powerplants.jsp.
- The BOEM posted an interactive map displaying and describing BOEM renewable energy-related activities in the United States at: www.boem.gov/Renewable-Energy-Program/State-Activities/Index.aspx.
- Among the materials included on the Departmental FOIA webpage at http://www.doi.gov/foia/index.cfm are frequent updates of new developments of interest both to members of the public and Departmental employees. For example, the Departmental FOIA Policy Staff have repeatedly posted training opportunities and updates when new chapters of DOJ's *FOIA Guide* have been released.

Making Posted Material More Useful:

4. *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, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.?*

Yes.

5. *If so, provide examples of such improvements.*

The Department's main FOIA website (http://www.doi.gov/foia) 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 OIG posted reports on their new website, all of which were reviewed by their FOIA team. The OIG's new report search system is a model for the Department's own planned FOIA library

expansion (among other positive attributes, it permits full-text searches).

- o The FWS introduced a "Pollinator Live!" interactive webcast, with satellite "field trips" about pollinators, garden, and conservation based upon feedback from educators.
- o The BOEM continuously updates its webpages describing ongoing operations (e.g., offshore energy leasing, environmental studies and assessments, regulatory actions, public engagement opportunities) to increase transparency, inform the public about its operations, and increase outreach to and interaction with the public.
- o The BLM updated its statistics webpages to provide the public authoritative statistics on the conventional energy program and used its web streaming capacities to provide live access to public meetings.
- o The OSM recreated its FOIA web pages and updated all of their FOIA web links so contact information was accurate and there were no dead-end links.
- o The U.S. Geological Survey (USGS) expanded their suite of webpages for the Office of Scientific Quality (which, among other things, handles information quality issues).
- o The BIA updated its FOIA contact list.
- o The NPS reviewed, updated, and rearranged its FOIA Frequently Requested documents page.
- o The BSEE has refined its website to reinvigorate its FOIA library with proactive disclosures and frequently request documents postings.

6. *Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?*

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.

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

8. *Describe any other steps taken to increase proactive disclosures at your agency.*

The Departmental FOIA Policy Staff has 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. Over the past several years agencies have reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2014, as we have done over the past years, the questions have been further refined and now also address different, more innovative aspects of technology use.

Online tracking of FOIA requests:

1. *Can a FOIA requester track the status of his/her request electronically?*

Yes.

2. *If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?*
Online portal found at: https://foia.doi.gov/requeststatus/.

3. *Describe the information that is provided to the requester through the tracking system. For example, some tracking systems might 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." List the specific types of information that are available through your agency's tracking system.*

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. *In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?*

Yes.

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

Not applicable.

Use of technology to facilitate processing of requests:

6. *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?*

Yes.

7. *If so, describe the technological improvements being made.*

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 on a regular basis. Bureaus are using the new tools made available through this effort. For example:

- The NPS is beginning to use Google drive to collect responsive documents and share them with the SOL for review (this process had previously been accomplished solely with hardcopies).
- The BLM's Field Office Coordinators and subject matter experts are scanning responsive records and providing them to FOIA specialists electronically, which has significantly cut down on processing time.

Additionally, some bureaus reported using collaboration software to facilitate the review process for documents requiring review by multiple offices or multiple individuals within the bureau. Some bureaus also use this kind of software 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. The BLM has expanded its social media efforts to include not only Facebook, but also Twitter, Tumbler, YouTube, and Instagram.

Finally, when it became clear that use of a new email system named BisonConnect was creating unique challenges for extracting email data, the Departmental FOIA Policy Staff worked with the Document Management Unit and IT staff to brainstorm, test, create, document, distribute, and conduct training for a new processing application for data collection and delivery. This tool is intended to supplement, not replace, existing methods of extracting email data and the feedback has been positive.

8. *Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?*

    More resources (technological and otherwise) would always be welcome. For example, we would like to do more with videoconferencing and webinars to reach employees outside of the District of Columbia.

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 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. For the figures required in this Section, please use those contained in the specified sections of your agency's 2013 Annual FOIA Report and, when applicable, your agency's 2012 Annual FOIA Report.

Simple Track Requests:

1. *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.*

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

    Yes.

    b. If so, for your agency overall, for Fiscal Year 2013, was the average number of days to process simple requests twenty working days or fewer?

Yes.

c. 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 and "Ten Oldest" Requests, Appeals and Consultations:

2. *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. Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.*

Backlogs

a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?

Yes.

b. If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?

Yes.

Ten Oldest Requests

c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?

Yes.

d. 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. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed two of them, you should note that you closed two out of seven "oldest" requests.

Not applicable.

<u>*Ten Oldest Appeals*</u>

e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?

Yes.

f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.

Not applicable.

<u>*Ten Oldest Consultations*</u>

a. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?

Not applicable. (The Department did not have any consultations pending as of the end of Fiscal Year 2012.)

b. 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.

Reasons for Any Backlogs:

3. *If you answered "no" to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:*

<u>*Request and/or Appeal Backlog*</u>

a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?

Not applicable.

b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff?

Not applicable.

c. Was the lack of a reduction in the request and/or appeal backlog caused by an increase in the complexity of the requests received?

Not applicable.

d. What other causes, if any, contributed to the lack of a decrease in the request and/or appeal backlog?

Not applicable.

<u>*"Ten oldest" Not Closed*</u>

e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.

Not applicable.

f. If your agency was unable to close any of its ten oldest requests or appeals 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.

Plans for Closing of Ten Oldest Pending Requests, Appeals, and Consultations and Reducing Backlogs:

Given the importance of these milestones, it is critical that Chief FOIA Officers assess the causes for not achieving success and create plans to address them.

4. *If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2014.*

   Not applicable.

5. *If you agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency's plan for achieving backlog reduction in the year ahead.*

   Not applicable.

Interim Responses:

OIP has issued [guidance](#) encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information.

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

   Yes.

7. *If your agency had a backlog in Fiscal Year 2013, 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 11 percent of the requests that ended up on its Fiscal Year 2013 backlog.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA), (2), (3), please answer the following questions:

1. *Did your agency invoke a statutory exclusion during Fiscal Year 2013?*

   No.

2. *If so, what was the total number of times exclusions were invoked?*

   Not applicable.

Spotlight on Success

Out of all the activities undertaken by your agency since March 2013 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.

The Department focused much of its effort this year on improving the efficiency of our existing system for responding to requests. These efforts included:

- Reducing our backlog and closing all of our 10 oldest requests.
- Creating new quarterly training sessions involving the Department's entire FOIA community, where the Departmental FOIA Policy Staff and members of the SOL answer FOIA-related questions that are raised by the participants and the participants share best practices.
- Making posted information more useful to the public, continuing and expanding social media outreach on various platforms, and making important updates to Departmental and bureau websites (including proactive disclosures).
- Working with the Document Management Unit and IT staff to brainstorm, test, create, document, distribute, and conduct training for a new processing application to supplement existing methods for extracting email data.