

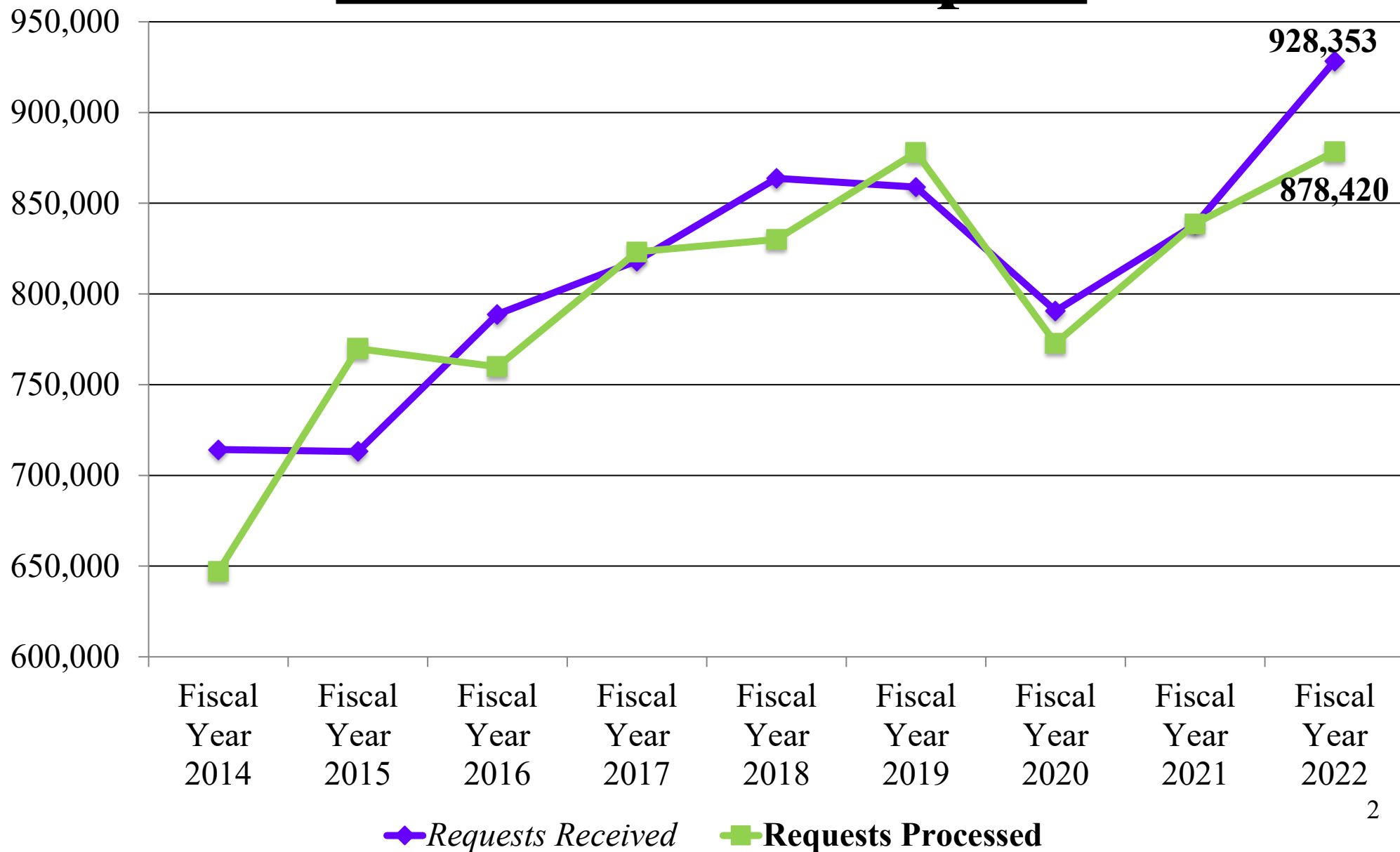


UNITED STATES DEPARTMENT *of* JUSTICE

Accuracy and Accountability in FOIA Processing



Annual FOIA Report





Chief FOIA Officer Report

2023 Chief FOIA Officer Reports - Assessment of Federal Departments and Agencies
Agencies Receiving More than 1,000 Requests (FY 2021)

Section I: FOIA Leadership and Applying the Presumption of Openness			Section II: Ensuring Fair and Effective FOIA Administration				Section III: Proactive Disclosures	Section IV: Use of Technology			
Agency	CFO Level	Confirmation of Foreseeable Harm Standard in Response Letters	Training		Inform Non-FOIA Staff of FOIA Obligations	Agency Conducted Outreach with Requester Community	Making Information More Useful	Reviewed Website	Quarterly Report Postings	FY 2021 Raw Data Posting	Interoperability with FOIA.gov
			Attended FOIA Training	Estimate of FOIA Professionals who Attended Training							
CIA	Green	Red	Green	Green	100%	Green	Red	Green	Green	Green	Green
DHS	Green	Green	Green	Green	99%	Green	Green	Green	Green	Green	Yellow
DOC	Green	Yellow	Green	Green	90%	Green	Green	Green	Green	Green	Green
DOD	Green	Yellow	Green	Green	91%	Green	Green	Green	Green	Green	Yellow
DOE	Green	Green	Green	Light Green	80%	Green	Green	Green	Green	Green	Green
DOI	Green	Green	Green	Green	88%	Green	Green	Green	Green	Green	Green
DOJ	Green	Green	Green	Green	86%	Green	Green	Green	Green	Green	Green
DOT	Green	Green	Green	Green	85%	Green	Green	Green	Green	Green	Yellow
ED	Green	Yellow	Green	Green	100%	Green	Red	Green	Green	Green	Green
EEOC	Green	Green	Green	Green	100%	Green	Red	Green	Green	Green	Green
EPA	Green	Green	Green	Green	93%	Green	Green	Green	Green	Green	Green
FTC	Green	Green	Green	Light Green	80%	Green	Green	Green	Green	Red	Green
GSA	Green	Green	Green	Green	100%	Green	Red	Red	Green	Green	Green
HHS	Green	Yellow	Green	Green	95%	Green	Green	Green	Green	Green	Yellow
HUD	Green	Green	Green	Green	85%	Green	Red	Green	Green	Green	Yellow



Quarterly Reports

Report Results

Print

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Received, processed, and backlogged FOIA requests

Agency	Component	Fiscal Year	Quarter	Number of requests received	Number of requests
Department of Justice	OIP	2022	1	413	404
Department of Justice	OIP	2022	2	386	442
Department of Justice	OIP	2022	3	347	385
Department of Justice	OIP	2022	4	488	454



Impacts of Processing Metrics

- Data Quality and Administrative Record
- Resources and Reporting
- Oversight and Accountability



Impacts of Processing Metrics

Data Quality and Administrative Record

- Accurate request tracking ensures accurate data quality for your agency.
- Complete and accurate administrative records ensure your agency is in the best position for administrative appeal and/or in court.



Impacts of Processing Metrics

Resources and Reporting

- Supervisors and agency decision-makers rely on accurate FOIA metrics.
- Accurate documentation helps ensure a smooth reporting cycle for agencies.



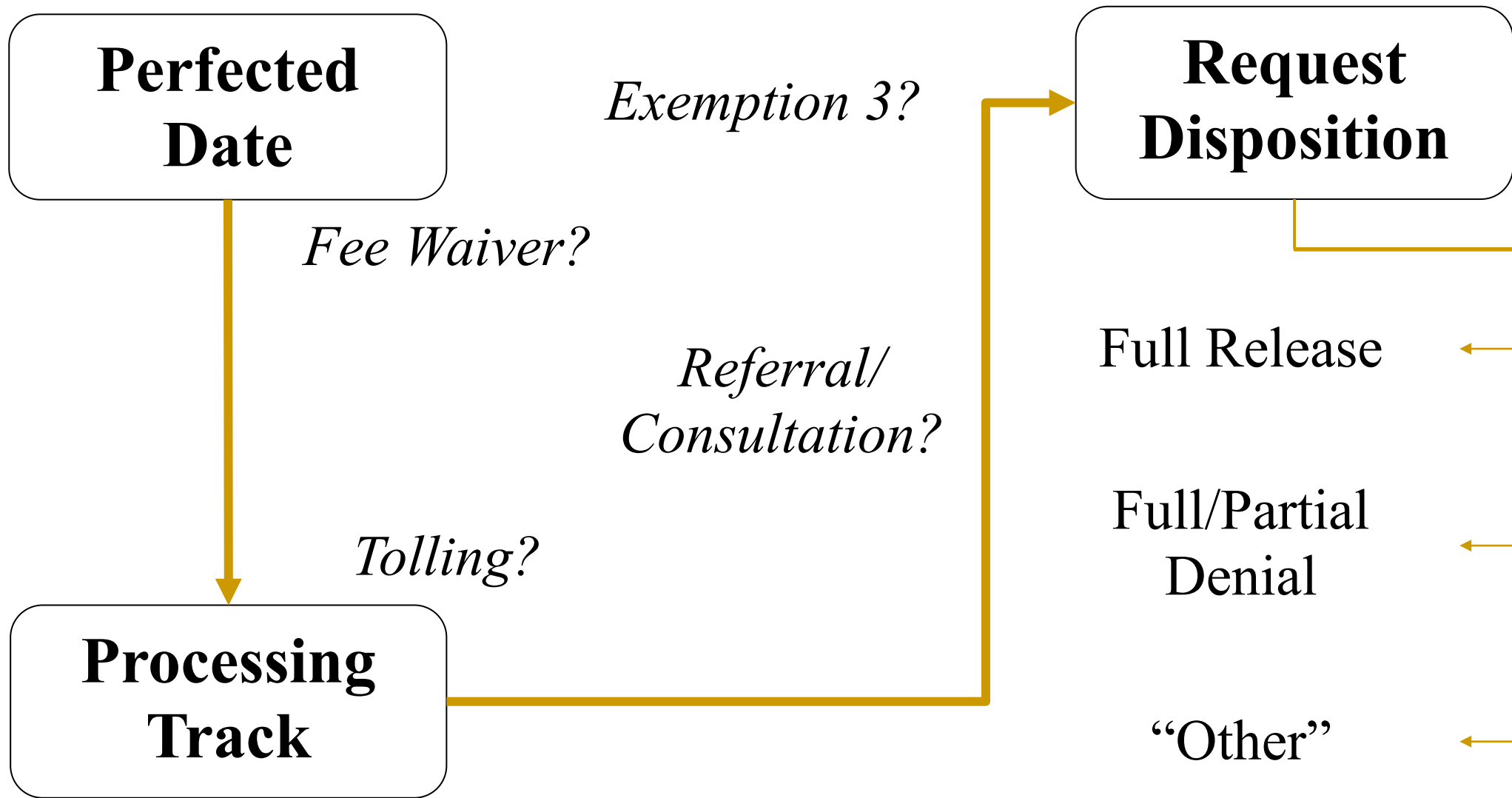
Impacts of Processing Metrics

Oversight and Accountability

- Complete and accurate metrics form the basis of effective oversight by your agency, Congress, the public, and DOJ.
- OIP compiles annual summaries and assessments of agency FOIA reports⁸.



Each of these items impact agency FOIA metrics:





Perfected v. Unperfected Requests

- A perfected request must:
 1. Reasonably describe records sought, and
 2. Comply with agency regulations.
- Perfected date is usually date of receipt.
- Distinguishing between perfected and unperfected ensures accurate metrics.



Perfected v. Unperfected Requests

Contact requester to clarify unperfected requests.

Unperfected requests are closed with one of the following dispositions:

- “Records not Reasonably Described”
- “Improper FOIA Request for Other Reason”



Processing Tracks

- Assign each request to an appropriate processing track (simple, complex, expedited), and update as needed.
- Proper track assignment ensures accurate medians and averages for reports, which can also help you provide estimated dates of completion.



Fee Waivers

- Fee waiver requests should only be adjudicated when there are actual fees to assess.
- If fees are not an issue, the fee waiver request should not be counted as granted or denied.



Tolling

Generally, agencies have 20 working days to respond to a request. However, the clock can be “tolled” or stopped only if the agency is:

- Awaiting the requester’s response to questions concerning fees (can toll as needed), or
- Awaiting additional information to clarify a request (can toll only once).



Tolling

The clock **does not** stop for:

- Inclement weather/snow days.
- Any closure *other than* a Saturday, Sunday, or legal public holiday.

Tolling, when appropriate, helps ensure the backlog and processing time are not adversely affected by requests that are on hold.



Unusual Circumstances

The 20 working day time limit can be extended by 10 days if timely written notice is provided to the requester that the agency needs to do one or more of the following:

1. Search separate offices,
2. Examine voluminous records, or
3. Consult with another agency or two or more agency components



Referrals v. Consultations

Referrals

- Received and tracked as a normal request.
- Receiving agency responds directly to requester.

Consultations

- Tracked separately from requests.
- Receiving agency responds to sending agency, which responds to requester.



Dispositions

V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	



Dispositions

- Generally, you will grant, partially grant, or deny requests based on FOIA exemptions.
- In some cases, you may deny requests based on reasons other than exemptions.
- Each request should have only **one** disposition for reporting purposes.



Dispositions

V.B.(C). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL	
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below		



Dispositions

Disposition codes when records are located and reviewed for disclosure:

- Full Grant
- Partial Grant/Denial
- Full Denial based on Exemptions



Dispositions

V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL	
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below		



Dispositions

Disposition codes when denying requests for reasons **other** than an exemption:

- No Records
- All Records Referred to Another Component or Agency
- Request Withdrawn
- Fee-Related Reason
- Records not Reasonably Described
- Improper FOIA Request for Other Reason
- Not Agency Record
- Duplicate Request
- Other



Dispositions – “Other/Other” Reason

You may close a request for a reason not captured by an “Other” disposition. In these cases, you will use an “Other/Other” disposition, such as:

- Court Sealed
- Referred not Responsive
- Unable to Locate or Contact Requester
- Directed Requester to Another Entity
Subject to the FOIA



Resources

- DOJ Handbook for Agency Annual FOIA Reports – Section II provides guidance for all agency FOIA professionals
- Agency FOIA Reporting Obligations At-A-Glance
- Exemption 3 Statute Charts



Resources (continued)

- Agency FOIA Personnel
- DOJ Office of Information Policy -
202-514-FOIA (3642)
- FOIA.gov



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Questions?