

FOIA SELF-ASSESSMENT TOOLKIT

Office of Information Policy, Department of Justice



September 2017

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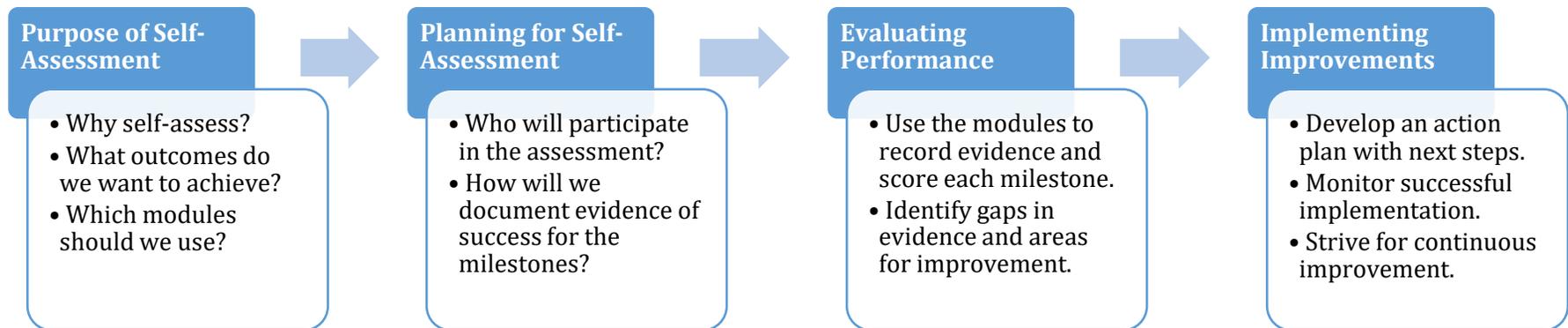
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Introduction and Methodology

Conducting regular self-assessments can help agencies refine their administration of the Freedom of Information Act (FOIA). The Office of Information Policy (OIP) has [encouraged](#) agencies to conduct self-assessments to review and improve their FOIA program. In their [Chief FOIA Officer Reports](#), many agencies reported conducting self-assessments using methods such as reviewing their procedures and Annual FOIA Report data. By examining their procedures, practices, and results, agencies can improve their FOIA administration by, for instance, streamlining request processing, identifying new ways to use technology, and increasing proactive disclosures. We will continue to update this toolkit as needed to reflect changes in FOIA law and policy, and welcome feedback from agencies on how we could make further improvements.

Self-Assessment Process

This self-assessment toolkit consists of modules with various milestones to help agencies conduct an in-depth analysis of their FOIA program. Agencies may complete individual modules or the entire assessment. However, an agency's self-assessment should not be limited to simply completing the modules. Agencies should consider the goals of their assessment, determine how they will complete the assessment, evaluate their performance based on evidence, and take action for further improvement. At the end of each module or module subsection, OIP offers tips and guidance covering the milestones. Before beginning any of the modules, we encourage agencies to consider the following steps to conducting an effective self-assessment.



This figure and portions of the methodology were adapted from Scottish Information Commissioner, "Capture, Assess, Improve Self-Assessment Toolkit," (last updated July 3, 2017), available at <http://www.itspublicknowledge.info/ScottishPublicAuthorities/Self-AssessmentToolkit/Self-AssessmentToolkitIntroduction.aspx>

Purpose and Planning

An agency may decide to conduct a self-assessment for various reasons. The agency may realize there is room for improvement based on their FOIA data or experience. Agencies may use self-assessments to evaluate the efficacy of earlier changes or reorganization. Agencies may also

conduct routine self-assessments to facilitate continuous improvement, as recommended by OIP. Before beginning a self-assessment, agencies should identify its purpose and goals. For example, is the agency contemplating an internal reorganization, or are they looking to refine certain aspects of their FOIA program within the current structure? The agency’s purpose and goals will influence whether the agency works through all or some of the modules.

The agency must also consider how it will conduct the self-assessment. Will it be completed by senior managers? Will staff-level personnel contribute to responses or be consulted throughout the process? How will the agency collect evidence? How much time is needed to complete the assessment? Who will be involved in determining next steps and overseeing their implementation? By answering these questions up front, agencies will maximize the value of their self-assessment.

Documenting Evidence

Using evidence as support for the responses in the modules helps agencies meaningfully evaluate their performance. For each milestone, agencies should document or reference any available evidence. Evidence may indicate success or the need for improvement in a particular area. A lack of evidence does not necessarily mean that the agency is not fulfilling the milestone, but may reveal an area where the agency could benefit from improved management or formalized procedures. Documenting evidence helps agencies objectively assess whether they meet the milestones. It also helps agencies more easily identify gaps and track progress when implementing improvements. Sources of evidence could include the following:

- Agency regulations
- Agency policies, handbooks, standard operating procedures
- FOIA report data (Annual, Chief FOIA Officer, and Quarterly)
- Metrics available from the agency’s FOIA tracking system
- FOIA response templates and language
- Website content
- Training materials
- Agendas and notes from meetings with internal staff and external stakeholders
- Staff surveys, questionnaires, interviews, or observations
- Staff newsletters, memoranda, emails
- Public feedback

Evaluating Performance

For each milestone in the module, the agency should score itself on a scale of 1-4 as follows:

SCORE	DESCRIPTION
4	The Agency does this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

For any milestone that scored 4, no additional action is required, although the agency may consider where it could develop further efficiencies. For any score of 2 or 3, the agency should review the milestones and the subsequent guidance to identify areas for improvement. For any score of 1, the agency should develop a plan to implement new practices in that area. Agencies are encouraged to closely examine their performance pertaining to each milestone, even where it appears the agency satisfies it. For example, an agency’s average time to adjudicate requests for expedited processing may be 9 calendar days, which would seem to satisfy the milestone that requests for expedited processing are adjudicated within 10 calendar days. However, the agency may take a closer look at any requests that were not adjudicated within 10 calendar days to determine the cause and identify steps to ensure that all requests for expedited processing are adjudicated within the time limit.

Sample Milestone

A scored milestone with documented evidence and areas for improvement might look like this:

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.A All new FOIA Staff members receive training to become familiar with:</p> <ul style="list-style-type: none"> • the FOIA’s legal requirements, • agency regulatory requirements, • OIP’s policy guidance, and • the agency’s FOIA procedures, including the types of records maintained by the agency, how to best locate those records, and how to make disclosure determinations. 	3	<ul style="list-style-type: none"> - New Employee Training explains where staff can find general FOIA resources. - Standard Operating Procedures outline the FOIA intake, processing, and review procedures, and overview of exemptions. - Employee Handbook provides that staff must attend substantive FOIA training at least once per year. - Managers email all staff whenever OIP issues new guidance and discuss it at staff meetings. - Staff learn about the types of agency records and how to locate them as they work on requests with their supervisors. 	<ul style="list-style-type: none"> - Staff may not be familiar with where to locate or how to understand the agency’s FOIA regulations. <ul style="list-style-type: none"> o Action: This will be incorporated into New Employee Training and discussed at a staff meeting for all current employees. - Staff familiarity with the types of records and how to locate them at the agency may vary depending on the types of requests they process. <ul style="list-style-type: none"> o Action: Will begin providing an overview of the types of records maintained and most common ways to locate them during New Employee Training, which will be reinforced as they work on requests. o Action: Add a description of major types of records and search procedures to the Standard Operating Procedures.

Implementing Improvements

Once the agency has completed its self-assessment, it should summarize its findings and develop an action plan for implementing next steps. It may be helpful to review the purpose and goals of the self-assessment when developing and prioritizing items for the action plan. The agency should also consider the amount of time it will take to implement each item, who will be responsible for ensuring successful implementation, and any additional follow up to ensure continued success.

Module 1: Initial Mail Intake and Mail Review

This module examines whether your Agency has an efficient and effective initial mail intake and mail review process. Regardless of the size of your Agency's FOIA operations, efficient mail intake and initial mail review is an important first-step in the administration of the FOIA.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Review of Current Mail Intake and Initial Mail Review Process

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A Requesters can submit FOIA requests to your Agency electronically.			
2.A Designated trained personnel, including backups, monitor all forms of request intake and can identify duplicative submissions.			
3.A FOIA Staff enter requests into the Agency's tracking system promptly upon receipt to facilitate efficient assignment for processing.			
4.A If applicable, FOIA Staff quickly recognize and properly route misdirected requests within 10 days or less.			



MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
5.A FOIA Staff quickly recognize and respond to requests for expedited processing within 10 calendar days or less.			
6.A Agency routinely monitors its mail intake and review process to ensure continued efficiency.			
7.A Existing mail intake and review process can be temporarily modified to address unforeseen circumstances (i.e. sudden influx of FOIA requests and/or litigation).			
8.A FOIA Staff can freely make recommendations for continued improvement of the initial mail intake and review process.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Mail Intake and Initial Mail Review Process

- Ensure that your Agency allows for the electronic submission of FOIA requests through email and/or an online submission portal.
- Assign responsibility for monitoring each of the different request-submission mediums (e.g., regular mail, portal, request email inboxes, and fax, if applicable) and promptly entering requests into the tracking system to facilitate efficient assignment. Designate at least one staff member as a backup mail intake reviewer to ensure that mail intake and review continues when the individuals with primary responsibility are not available. Ensure that all designated individuals are properly trained.

- Incorporate a system of checks to determine whether new FOIA requests are duplicates of previously submitted FOIA requests.
- If your Agency processes FOIA requests on a decentralized basis, confirm that your Office's mail intake and review process has an established system for routing misdirected FOIA requests to the appropriate component within your Agency.
 - Require FOIA Staff to route all misdirected requests as quickly as possible upon receipt and well within 10 days of your Office having received it.
 - Actively maintain updated office routing information, for all offices within your Agency, to ensure proper routing of misdirected requests.
 - Route misdirected requests via electronic transmission.
 - Actively monitor the time it takes to route misdirected requests to ensure that routing occurs promptly and well within ten day time period.
 - Modify the mail intake and review process, as necessary, to keep misdirected request routing times low and well within ten-day period.
 - Incorporate a process for informing a requester, in writing, of the routing of any misdirected requests, including the current contact information for the office to which the request was routed.
 - Ensure that offices receiving misdirected requests are provided, in writing, with:
 - A brief explanation of the decision to route the misdirected request; and
 - Current contact information for the FOIA Staff who routed the misdirected request.
- Institute clear procedures for recognizing and responding to requests for expedited processing within ten calendar days of receipt.
 - Actively monitor expedited request response times to ensure that decisions are made within ten days.
 - Modify the mail intake and initial mail review process, as necessary, to keep expedited request response times to ten days or less.
- Develop standardized metrics to monitor the efficiency of your Agency's established mail intake and review process.
 - Actively monitor metrics for mail intake and review and, if necessary, implement changes to current processes to decrease average mail intake and review processing times.
 - Institute clear procedures for temporarily modifying your Agency's initial mail intake and review process to adequately address unforeseen circumstances, such as loss of personnel, or a sudden increase in number of requests received.
 - After such a temporary modification of your Agency's mail intake and review process, examine the effectiveness of the temporary process modification.
 - Encourage FOIA Staff to make any recommendations for continued improvement.

OIP Guidance

- [New Requirement to Route Misdirected Requests](#) (Nov. 18, 2008)
- [Ensuring Timely Determinations on Requests for Expedited Processing](#) (Dec. 23, 2014)



Module 2: Assigning Cases, Managing Tracks, and Identifying Frequently Requested Records

This module examines your Agency's FOIA workflow. Assigning requests, using multiple processing tracks, and monitoring cases to identify frequently requested records help agencies ensure overall efficiency and compliance with proactive disclosure requirements.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Review of Current FOIA Workflow

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A Agency has a dedicated FOIA tracking system, or some other FOIA tracking method, that is updated throughout the FOIA process to accurately reflect the current status of requests.			
2.A Agency promptly assigns new FOIA requests, referrals, and consultations to personnel for processing.			
3.A Agency generally processes requests within each track on a first-in, first-out basis.			



MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>4.A Agency promptly sends acknowledgement letter to requester for any request that will take longer than 10 working days to process.</p>			
<p>5.A FOIA Staff monitor the placement of requests into the appropriate processing track and to review, and update if necessary, that designation throughout the course of the request.</p>			
<p>6.A Agency actively monitors individual and office-wide workloads, using all available tools of the case tracking system, to identify and address issues that impact timeliness.</p>			
<p>7.A Agency has a defined review structure to ensure that responses and records are reviewed before transmission to the requester.</p>			
<p>8.A Agency has a well-defined process to identify and post online records that have been or the Agency anticipates will be requested three or more times.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Assignment and Processing Workflow

- Promptly assign incoming requests, referrals, and consultations [hereinafter collectively referred to as requests].
 - Regularly assess the workloads of FOIA Staff, including non-FOIA duties.
 - Develop an assignment process that allows your Agency to assign FOIA requests based on assessed workloads, allows for flexibility in reassigning requests, groups similar requests for more efficient processing, and accounts for the initial anticipated complexity of the requests.
- Ensure that requests are promptly acknowledged.
 - Include the request tracking number and FOIA contact information in the acknowledgement letter.
 - When “unusual circumstances,” as defined in the FOIA, are present, ensure that the requester is informed.
 - If the Agency anticipates taking more than an additional ten working days to respond to the request, the notification regarding unusual circumstances must provide the requester an opportunity to limit the scope of the request or arrange an alternative time to respond and must include contact information for the FOIA Public Liaison and the Office of Government Information Services.
- Ensure that requests are generally processed on a first-in, first-out basis. If your Agency uses multiple processing tracks, the requests within each track should be processed first-in, first out.
- If the requests your Agency receives range in complexity or time involved, adopt multiple processing tracks (in addition to the required “expedited” track for requests granted expedited processing).
 - Establish criteria for categorizing requests as simple versus complex depending on the volume of records or complexity of processing.
 - Ensure your Agency’s processing workflow allows FOIA Staff to continuously monitor, evaluate, and update as necessary, the assigned processing track throughout the life of the request.
 - Actively monitor the average processing time for simple track requests to identify ways to decrease the average processing time.
- Ensure that FOIA supervisors are actively monitoring overall, as well as individual, progress in responding to requests promptly.
 - Routinely monitor processing metrics for each staffer.
 - Ensure FOIA supervisors provide assistance to FOIA Staff in developing strategies for closing older requests.
 - Implement a mechanism for alerting FOIA supervisors of requests that have been pending after designated periods of time, or longer than expected.



- Develop an overall request processing plan and ensure FOIA Staff are aware of that plan and are provided periodic updates on your Agency's progress toward meeting it.
- Develop a FOIA response review structure that can be implemented within your Agency.
 - Ensure FOIA Staff are aware of the FOIA response review structure.
 - Incorporate different layers of review depending on the complexity of the request.
 - Ensure the FOIA response review structure allows for flexibility to reassign request review based on reviewer workload and other demands on reviewers' time.
 - Provide reviewers with review goals for a pre-set time frame and incorporate metrics to measure review productivity.
 - Ensure the scope of review is well-defined (proposed response letter, proposed redactions, accuracy of administrative record).
- Develop a process to identify records that have been, or the agency anticipates will be, requested three or more times and ensure that they are posted online pursuant to 5 U.S.C. § 552 (a)(2).
 - Establish mechanisms to identify when a record has been requested three or more times (i.e., is "frequently requested), including review of case tracking system upon receipt of request.
 - Ensure all FOIA Staff are aware of requirement to post frequently requested records.
 - Beyond posting frequently requested records, continually assess whether any other records are of interest to the public and so are candidates for posting.

OIP Guidance

- [Proactive Disclosures of Non-Exempt Agency Information: Making Information Available Without the Need to File a FOIA Request](#) (March 16, 2015)
 - [Implementation Checklist](#) for OIP Guidance on Proactive Disclosures
- [Assigning Tracking Numbers and Providing Status Information for Requests](#) (Updated Guidance, July 8, 2014)
- [Guidance on the New Requirements for FOIA Response Letters, Including Affording Ninety Days to File an Administrative Appeal, and New Notification Requirement for Notices Extending FOIA's Time Limits Due to Unusual Circumstances](#) (July 18, 2016)
 - [Implementation Checklist](#) for OIP Guidance on New Requirements for FOIA Response Letters



Module 3: Acknowledgement Letters

As one of the first communications a requester receives, the acknowledgement letter confirms the agency's receipt of the request, explains how the requester can check the status of their request, and addresses any other issues at the outset.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Review of Acknowledgement Letter Process

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A Agency sends an acknowledgement letter containing a request tracking number within ten working days of receipt for any request that will take longer than ten working days to process.			
2.A Agency summarizes the subject of the request, and provides a point of contact who can answer any questions about the request.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>3.A If applicable, the acknowledgment letter describes any unusual circumstances, as defined by the FOIA, involved in the processing of the request, notes whether the agency will need ten or more additional days to respond, and provides required notices of the availability of the FOIA Public Liaison and Office of Government Information Services, as well as an opportunity to narrow the scope of the request.</p>			
<p>4.A If applicable, the acknowledgment letter addresses any fee issues, or advises they will be determined at a later date.</p>			
<p>5.A If applicable, the acknowledgment letter addresses any request for expedition, or advises that expedition will be addressed separately.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Acknowledgement Letters

- Ensure that each acknowledgement letter contains a brief description of the subject of the request to facilitate tracking by the requester.
- Ensure that the acknowledgement letter indicates when the Agency received the request and, for any request that takes longer than ten working days to process, provides a tracking number.
 - OIP recommends that all agencies assign a tracking number to every request, regardless of processing time.
- Confirm that your Agency's acknowledgement letter provides a point of contact for the requester.
 - The acknowledgement letter should provide contact information for at least one of the following:
 - FOIA Staff responsible for processing the request,
 - FOIA Requester Service Center, or
 - FOIA Public Liaison.
- If applicable, include in the acknowledgement letter a summary of any conversations FOIA Staff might have had with the requester thus far, concerning any aspect of the request, such as a clarification of the records sought.
- If “unusual circumstances” as defined in the FOIA apply to the processing of the request, ensure that the required notifications are provided. Review OIP’s [Guidance](#) and [Implementation Checklist](#) on “New Requirements for FOIA Response Letters, Including Affording Ninety Days to file an Administrative Appeal, and New Notification Requirement for Notices Extending FOIA’s Time Limits Due to Unusual Circumstances” to ensure that the appropriate notices are included in acknowledgement letters.

OIP Guidance

- [Assigning Tracking Numbers and Providing Status Information for Requests](#) (Updated Guidance July 8, 2014)
- [Guidance on the New Requirements for FOIA Response Letters](#), Including Affording Ninety Days to File an Administrative Appeal, and New Notification Requirement for Notices Extending FOIA’s Time Limits Due to Unusual Circumstances (July 18, 2016)
 - [Implementation Checklist](#) for OIP Guidance on New Requirements for FOIA Response Letters



Module 4: Adjudicating Requests for Expedited Processing

This module examines your agency's process for adjudicating requests for expedited processing.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Review of Expedited Processing Procedures

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A FOIA Staff are trained to examine requests to identify whether they seek expedition and to identify such requests as soon as possible upon receipt.			
2.A FOIA Staff are trained to apply the statutory and any agency-specific standards included in Agency regulations for granting expedited processing.			
3.A Responses to requests for expedition are subject to at least one level of review.			
4.A Responses to requests for expedition are provided within ten calendar days of receiving the request.			



MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
5.A Agency provides administrative appeal rights with any denial of a request for expedited processing.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Expedition Responses

- Develop procedures to promptly review incoming correspondence from requesters to identify whether expedited processing is sought, and if is, to adjudicate such requests within ten calendar days pursuant to 5 U.S.C. § 552(a)(6)(E).
- Ensure that all FOIA Staff are trained on the statutory and any Agency-specific expedition standards and the factors to consider when adjudicating requests for expedited processing,
- Ensure that all FOIA Staff are trained on the importance of properly developing the administrative record when making and conveying decisions about expedited processing.
- Require at least one level of review for any responses concerning requests for expedited processing to ensure that the response letter and administrative record are legally and factually sufficient.
- Develop a standardized structure for responses to requests for expedited processing to ensure that all required elements are addressed.
 - Ensure that all denials of requests for expedited processing include administrative appeal rights.

OIP Guidance

- [Ensuring Timely Determinations on Requests for Expedited Processing](#) (Dec. 23, 2014)

Module 5: Fee Correspondence

This module examines how FOIA Staff address fee issues in correspondence with requesters. This module has two subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Fee Waiver and Fee Category Responses

It is important that FOIA Staff understand the various fee categories, the fees associated with each, as well as the standard for a fee waiver. This subsection examines responses to requests for fee waiver and fee category placement.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A FOIA Staff are provided training and resources on the FOIA's fee categories, as well as the standard for granting a fee waiver.			
2.A If a certain fee category is requested, but the requester is placed into a different fee category, FOIA Staff fully explain all reasons for the fee category placement.			
3.A Decisions on fee category and responses to requests for fee waiver are subject to at least one level of review and are provided promptly after determining that fees are at issue.			



MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
4.A If a request for fee waiver is denied, FOIA Staff fully explain the reason for the denial in the response to the requester.			
5.A Agency provides requesters administrative appeal rights for any denial of a request for fee waiver or placement in a particular fee category.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Fee Waiver and Fee Category Responses

- Ensure that all FOIA Staff are trained and provided resources on the factors to consider when adjudicating requests for fee waiver and determining fee categories, as well as the importance of fully developing the administrative record.
- Require that denials of requests for a fee waiver or placement in a particular fee category describe the reasoning for the decision.
- Require at least one level of review for any decisions made on fee placement or fee waiver. Ensure that all denials of requests for fee waivers or placement in a particular fee category include administrative appeal rights.

B. Fee Estimates

This section will examine how your Agency communicates with requesters regarding fee-related issues.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.B When providing a FOIA fee estimate to a requester, the letter includes a breakdown of the fee, distinguishing between search, review, and duplication.			
2.B If a fee estimate is higher than could reasonably be expected, FOIA Staff provide an explanation.			
3.B When providing fee estimates, FOIA Staff inform non-commercial use requesters of the free two hours of search time and the free 100 pages of duplication to which they are entitled under the statute.			
4.B FOIA Staff provide alternative options to requesters in an effort to meet their needs at a lower cost, such as providing them with their two hour free search time and 100 free pages.			
5.B All fee estimates, regardless of the amount, include administrative appeal rights.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Fee Estimates

- Ensure that fee estimates include an itemized breakdown for search, review, and duplication, as set out in OIP's Guidance.
- If the fee estimate is high or higher than expected, ensure that an explanation is provided to the requester.
 - For example, the agency may need to search multiple locations, which will cause an increase in search fees.
- Inform all non-commercial-use requesters of their statutory entitlements to two free hours of search and 100 free pages of duplication.
- Incorporate alternative options into response letters that requesters can exercise with each fee estimate. Alternative options may include:
 - Electing only to receive their statutory entitlements to search and duplication.
 - Paying a certain amount that is less than the estimated fee.
 - Narrowing the scope of the request in an effort to reduce the estimated fees.
- Provide requesters with a reasonable amount of time to respond to the fee estimate, but not less than 30 days.
- Ensure that all correspondence to and from the requester concerning fees and fee estimates are maintained in the request file.
- Ensure that all fee estimates include the current contact information for your Agency's FOIA Public Liaison and make the FOIA Public Liaison or other FOIA contact available to discuss the fee estimate.
- Ensure that all fee estimates include administrative appeal rights.

OIP Guidance

- [Prohibition on Assessing Certain Fees When the FOIA's Time Limits Are Not Met](#) (Oct. 19, 2016)
 - [Decision Tree for Assessing Fees](#)
- [The Importance of Good Communication with FOIA Requesters 2.0](#): Improving Both the Means and Content of Requester Communications (Nov. 22, 2013)

OMB Guidance

- [Uniform Freedom of Information Act Fee Schedule and Guidelines](#), 52 Fed. Reg. 10,012 (Mar. 27, 1987).



Module 6: Searching for Responsive Records

This module examines your Agency's understanding of the requirements for conducting FOIA searches, your knowledge of your agency's record systems, and the efficiency and effectiveness of your search procedures. This module has three subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Understanding Search Requirements and Fundamentals

The foundation of excellent search procedures are personnel who understand the legal requirements and fundamentals for conducting FOIA searches. This subsection examines your Agency's overall understanding of the legal requirements for conducting searches for records in response to FOIA requests and your Agency's procedures for documenting your search efforts.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A FOIA Staff receive training concerning the legal requirements for conducting a reasonable search.			
2.A Resources, such as training manuals and handbooks that provide instruction and guidelines on conducting searches at the Agency, are made available to FOIA Staff.			
3.A Individuals outside the FOIA Office whose assistance is needed to conduct searches are instructed on the standards for conducting a reasonable search.			



MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>4.A Any memoranda sent to program offices tasking those offices to conduct searches contain instructions on what is required to conduct a reasonable search, and FOIA Staff follow up on pending searches.</p>			
<p>5.A Supervisors review search terms and search parameters for each request and adjust as needed.</p>			
<p>6.A Search requirements and any new developments concerning search obligations are regularly discussed with FOIA Staff.</p>			
<p>7.A FOIA Staff document all aspects of the search conducted within each request's case notes, including the time spent searching.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Ensuring Understanding FOIA’s Search Requirements

- Ensure that FOIA Staff are trained on the legal requirements for conducting record searches in response to FOIA requests and have access to resources such as handbooks and training manuals for conducting searches at the Agency.
- If applicable, conduct outreach with program offices and use detailed tasking memoranda to ensure such offices understand their search obligations.
- Designate a supervisory official at your Agency who is responsible for assisting with any questions or issues that arise from a search, either from FOIA Staff or program office staff.
- Actively review search procedures to identify opportunities to gain further efficiencies and to address any issues.
- Develop standardized search forms or templates with mandatory fields that can be used by your FOIA Staff and, when applicable, program staff, to document searches.
 - Maintain the following types of information pertaining to each search:
 - (1) start date and cut-off date of search;
 - (2) all search terms used for the search;
 - (3) all locations and record systems searched;
 - (4) if applicable, an explanation of any decisions made regarding the locations or systems to search;
 - (5) if the search was conducted in another program office, the identity of who conducted the search, the date the search was performed; and
 - (6) the amount of search time expended between all offices and/or divisions searched.

B. Conducting Searches

In addition to understanding the legal requirements for conducting a search, FOIA Staff must also have a working knowledge of all the different records your agency maintains and must know how to access those records so that they can conduct a reasonable search.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.B FOIA Staff in your agency are familiar with the various types of records maintained by your Agency, including record systems, databases, and physical locations where records are located.			



MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>2.B FOIA Staff understand where to look for assistance, and have ready access to resources to assist them in identifying records potentially responsive to requests.</p>			
<p>3.B FOIA Staff create a search plan for each request.</p>			
<p>4.B FOIA Staff and, if applicable, program staff, can conduct searches for all responsive records, including electronic records that are not contained within a centralized database or electronic repository, hard-copy records that might be located in off-site facilities, and classified records.</p>			
<p>5.B Electronic documents are provided to FOIA Staff in their native/original format when possible.</p>			
<p>6.B FOIA Staff continually examine ways to improve how searches are conducted both to increase efficiency and to improve identification of responsive material.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Conducting Searches

- Ensure that FOIA Staff are aware of all record systems, databases, and physical locations of agency records and that they are kept up-to-date on any changes to these locations.
- Ensure that there are resources available to both FOIA Staff and any applicable program offices to assist in identifying the types of records maintained by the agency.
- Develop search protocols and individual search plans for each request to help inform where record searches should be conducted and by whom.
- To the extent program offices are conducting searches, institute clear procedures outlining their responsibilities.
- Integrate best practices or processes for retrieving electronic records in their native/original format.
- Continually evaluate search protocols and procedures to identify ways to improve efficiency and effectiveness.

C. Identifying Responsive Records

For some FOIA requests, the search for records might entail an initial broad collection of potentially responsive material, which will then be further reviewed to identify responsive material. In those cases, a critical next step is to determine which of those records are actually responsive to the request and to identify any duplicates within those responsive records.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.C When potentially responsive records are located, FOIA Staff can devise approaches to further refine the search to pinpoint responsive material. This can be done manually or by using electronic tools. This process also removes any duplicates.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
2.C Rationale for decisions made, and any additional search terms used during the initial review are memorialized in the case notes.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Identifying Responsive Records

- For those requests where the Agency first conducts an initial broad search of records which will then be further reviewed to identify responsive material, ensure that FOIA Staff:
 - Understand how to efficiently identify and remove records that are not responsive to the request, by either running additional searches against the collection using additional search terms and date ranges or by manually removing non-responsive material.
 - Identify and remove any duplicate records.
- Institute clear procedures requiring all FOIA Staff to memorialize determinations made during the initial review process.

Module 7: Processing Procedures

This module examines agency procedures for processing responsive records. Effective processing procedures ensure that agencies are properly analyzing records to make accurate disclosure determinations and working efficiently to help improve average processing times. This module has two subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Review of Processing Procedures

This subsection examines the procedures for processing responsive records for disclosure in an efficient manner.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A FOIA Staff process responsive records using electronic tools when possible.			
2.A FOIA Staff understand how to use the electronic tools, including marking and applying redactions.			
3.A FOIA Staff understand how to identify material for protection under the FOIA's exemptions and can easily contact supervisors with questions.			
4.A FOIA Staff segregate non-exempt information for release.			



MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>5.A Redactions on partial releases are clearly marked with the applicable exemption on the document in accordance with OIP's Guidance.</p>			
<p>6.A The request file contains:</p> <ul style="list-style-type: none"> • clean copies of all responsive documents; • working copies that show any redactions made; • copies of the documents as released to the requester; and, • copies of any documents withheld in full. 			
<p>7.A There is a process to review the disclosure decisions made for each request.</p>			
<p>8.A Supervisors manage the flow of requests and continually look for ways to increase efficiency.</p>			
<p>9.A Agency uses multi-track processing and actively manages track assignment for each request.</p>			
<p>10.A The oldest pending requests are prioritized and managed.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance for and Best Practices for Processing Responsive Records

- To the extent feasible, incorporate the use of electronic tools in the processing of responsive records for disclosure.
 - Develop standardized procedures for the use of the tools.
 - Ensure that FOIA staff are trained to fully utilize the capabilities of the tools to review records and apply exemptions.
- Ensure that FOIA Staff maintain copies of the responsive documents in the administrative request file in the following forms:
 - clean, unredacted copies of the records;
 - working copies where it is possible for reviewers to see through any redactions made; and,
 - processed copies as released to the requester and copies of any material withheld in full.
- Ensure that FOIA Staff segregate non-exempt material for release.
 - Develop internal guidance concerning the obligation under the FOIA to release any reasonably segregable non-exempt portions of records.
 - Develop standardized procedures for marking exemptions on documents released in part, consistent with OIP's Guidance that requires exemption citations be placed next to, near, or in the body of the redaction so that it is clear to requesters what exemption applies to what deletion.
- If redactions are made electronically, confirm that the redactions cannot be removed once sent outside of the Agency.
- Institute a FOIA response review process to ensure at least one level of review before providing a final response to a FOIA request.
 - Ensure that the response review structure offers enough flexibility for FOIA management to reassign pending FOIA requests to other reviewers based on relevant workloads.
 - Ensure that FOIA Staff have access to FOIA reviewers to discuss the processing of complex requests.
 - Require that the review process encompass the search, the proposed response letter, the proposed redactions, and the obligation to segregate. Ensure that the administrative record (i.e., the case file) is accurate, complete, and includes any correspondence, including emails, with the requester and, when applicable, documentation of any verbal conversations with the requester.
- Actively monitor and manage workflow, use multi-track processing, and update track assignments as needed. Monitor and prioritize closing the oldest pending requests.

OIP Guidance

- [Segregating and Marking Documents for Release in Accordance with the Open Government Act](#) (Oct. 23, 2008).



B. Application of Statutory Exclusions

While the use and application of FOIA's statutory exclusions is limited, it is important that FOIA Staff understand what records are covered by FOIA's three exclusions and whether they are required to include notice concerning exclusions in their response letters in accordance with OIP's Guidance.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.B All FOIA Staff are aware of the types of records covered by the statutory exclusions to the FOIA.			
2.B Agency has procedures in place to consult with OIP before using any exclusion.			
3.B Any agency or component that maintains criminal law enforcement records includes a standard notification in all of its response letters about the existence of exclusions in accordance with OIP's Guidance.			
4.B Agency website contains a brief description of the three statutory exclusions.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Applying Statutory Exclusions

- Require that all FOIA Staff review OIP's policy guidance on the implementation of the FOIA's statutory exclusion provisions.

- Ensure that before applying any statutory FOIA exclusion, your Agency first consults with OIP. OIP can be contacted at: (202) 514-FOIA (3642).
- Ensure that your agency's website contains a brief description of the three exclusions. Your agency's FOIA Reference Guide is a logical place to include this description.
- If applicable, ensure that all response letters contain the notification of the existence of exclusions as required by OIP's Guidance.

OIP Guidance

- [Implementing FOIA's Statutory Exclusion Provisions](#) (Sept. 14, 2012)

Module 8: Consultations and Referrals

This module reviews procedures for handling consultations, referrals, and coordinations, including focusing on the ten oldest consultations pending at your agency. Regardless of the size of your agency's FOIA operation, efficient and timely processing of referrals, consultations, and coordinations improves timeliness and reduces not only your agency's backlog, but also the backlogs of other agencies. This module has five subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Overall Procedures for Consultations, Referrals, and Coordination

This section of the module addresses overall considerations for determining whether consultations, referrals, or coordinations are necessary and how to conduct them most efficiently.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A FOIA Staff understand how to identify records that contain another agency's equity and understand differences between consultation, referral, and coordination procedures.			
2.A FOIA Staff identify and send records that require consultation, referral, or coordination as soon as practicable when processing request.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>3.A FOIA Staff carefully review records to ensure they are responsive to underlying request before sending to another agency for referral, consultation, or coordination.</p>			
<p>4.A Agency has a well-defined process for timely processing referrals, consultations, and coordinations that it receives.</p>			
<p>5.A Agency has explored feasibility of and, whenever possible, entered into agreements with other agencies concerning the handling of their information that the Agency frequently locates to eliminate or reduce the number of consultations, referrals, or coordinations required.</p>			
<p>6.A Agency routinely reviews the age of pending consultations and, in particular, focuses on closing the oldest pending consultations each year.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Consultation, Referral, and Coordination Procedures

- Ensure that FOIA Staff understand the difference between a referral, consultation, and coordination.
- Ensure that FOIA Staff determine that records are responsive to the request before sending a consultation, referral, or coordination.
- Ensure that FOIA Staff send referrals and consultations and conduct coordinations as early as possible in the processing of a request.
- Consider entering into agreements with the other agencies regarding the processing of information or records that frequently appear in your files to avoid or reduce the need to conduct consultations, referrals or coordinations.
- Create an annual plan to reduce the number of backlogged consultations each fiscal year, particularly the ten oldest.
 - Establish goals for individual FOIA Staff to close out consults that your agency has received.
- To the extent that your agency handles sensitive law enforcement information, information concerning national security, and/or information that may implicate certain sensitive privacy concerns, institute a comprehensive list of procedures for timely recognizing the need for coordinations, as described in OIP’s Guidance.

OIP Guidance

- [Referrals, Consultation, and Coordination](#): Procedures for Processing Records When Another Agency or Entity Has an Interest in Them (Dec. 5, 2011)

B. Review of Procedures for Sending Referrals and Consultations

This section of the module examines your agency’s procedures for sending referrals and consultations to other offices or agencies.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.B Once records for <i>referral</i> are identified, the Agency promptly sends to the originating agency (or the agency best suited to process the records), a copy of the records, initial request letter, and the other items listed in the Guidance below. The sending Agency retains a copy of the package sent to the receiving agency.</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>2.B Once records have been referred to another agency, the sending Agency sends a letter to the requester informing them that records have been referred and provides FOIA contact information for the other agency.</p>			
<p>3.B When records are identified that need <i>consultation</i> with another agency, the Agency promptly sends a copy of the records, initial request letter, and the other items listed in the Guidance below to the agency whose views are sought. The sending Agency retains a copy of the package sent to the receiving agency.</p>			
<p>4.B FOIA Staff regularly follow up on consultations that are pending with other agencies.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Improving Procedures for Handling Referrals and Consultations

Referrals

- Review your Agency's current procedures for timely identifying, processing, and responding to referrals. When reviewing your current procedures, consider the following:
 - Ensure that FOIA Staff are encouraged to identify records that originated with another agency, or which are more appropriately processed by another agency, as early as possible in the processing of requests.
 - Require that records identified for referral be sent to the other office or agency for processing and direct response to the requester as soon as practicable.
 - Incorporate safeguards to ensure that any referrals are only made to entities that are subject to the FOIA.
 - If necessary, develop procedures for consulting with entities that are not subject to the FOIA, when those entities have equity in your Agency records.
 - Incorporate quality assurance measures to ensure that all records being referred are responsive to the request at issue.
 - Ensure that records being prepared for referral have been reviewed by FOIA Staff for any equity that your Agency may have so that you can provide your views on disclosability when you make the referral.
 - Require FOIA Staff to include a set of standard information in referral packages. This information should include:
 - (1) a copy of the request;
 - (2) your Agency's request number;
 - (3) the date the request was received by your Agency;
 - (4) a copy of the referred records;
 - (5) any recommendations your Agency has on the disclosure determination of the records being referred;
 - (6) a point of contact at your Agency for the request; and,
 - (7) any additional information that may be necessary/useful to the agency receiving the referral.
- Ensure that all referrals are documented in the case file and requesters are notified in accordance with OIP Guidance.
 - Incorporate standard notifications to requesters concerning referrals in your Agency's response letters.
 - This notification should provide the following information to the requester:
 - the name of the agency to which the referral was sent and
 - contact information for that agency.
 - Institute a system of review of all referral packages before they are sent.
 - Whenever possible, establish agreements with other offices and agencies for the processing of records that your Agency frequently refers to them.
 - Require FOIA Staff to maintain an administrative record documenting all aspects of referrals.



Consultations

- Review your Agency's current procedure for timely identifying, processing, and responding to consultations. When reviewing your current procedures, consider the following:
 - Ensure that FOIA Staff are encouraged to actively identify information that requires a consultation as early as possible in the processing of requests.
 - Require that records identified for consultation are sent to the other office or agency with equity for their review as soon as practicable.
 - Use the most time-efficient mechanism to conduct the consultation. In certain situations, an email or phone call to the agency whose views are being sought may be sufficient.
 - For consultations requiring a more extensive review by the other agency, require FOIA Staff to include a set of standard information in consultation packages. This information should include:
 - (1) a copy of the request;
 - (2) your Agency's request number;
 - (3) the date the request was received by your Agency;
 - (4) clean copies of the documents at issue;
 - (5) any recommendations your Agency has as to disclosure;
 - (6) a point of contact at your Agency; and,
 - (7) any other information that would be helpful in the analysis of documents.
 - Conduct consultations simultaneously, rather than sequentially, whenever possible, to ensure greater efficiency. When doing so, advise the receiving agencies of the other agencies that are also reviewing the documents.
- Ensure that all consultations are documented and tracked.
 - When providing updates to requesters on the status of their requests, include information concerning ongoing consultations. Ordinarily, with the exceptions noted in OIP's Guidance where coordinations are appropriate rather than consultations, the identity of the entity being consulted should be provided to the requester.
 - Establish mechanisms to facilitate prompt responses to consultations, such as having a designated point of contact or utilizing shared document platforms.
 - Institute a system of review of all consultation packages before they are sent.
 - Whenever possible, establish agreements with other agencies and offices on regularly occurring information to eliminate the need to conduct consultations.
 - Ensure that all consultations are documented and tracked.
 - Establish a reminder system to regularly follow-up on outstanding consultations.



OIP Guidance

- [Referrals, Consultation, and Coordination](#): Procedures for Processing Records When Another Agency or Entity Has an Interest in Them (Dec. 5, 2011)

C. Review of Procedures for Processing a Referral from Another Agency

This section of the module examines the procedures your Agency uses after receiving a referral of responsive records.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.C Agency enters referral into its tracking system upon receipt and places the referral in the appropriate processing track according to the date the FOIA request was received by the agency making the referral.			
2.C Agency promptly sends the FOIA requester an acknowledgment of the referral, identifying the sending agency and tracking numbers assigned to the request by each agency, and provides FOIA contact information.			
3.C Agency processes the referred records as a typical FOIA request, provides the final response to the requester, including appeal rights as appropriate, and accounts for the request in their Annual FOIA Report.			



MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Improving Current Procedures for Processing a Referral from Another Agency/Office

- Establish formal procedures for how your Agency responds to referrals.
 - Integrate a tracking mechanism for incoming referrals that assigns referrals to the appropriate track in your Agency and that queues referrals based on the date the referring office or agency received the request.
 - Send acknowledgement letters to notify requesters of your Agency’s receipt of referrals, and ensure you provide requesters with the referring office or agency’s tracking number as well as your tracking number.
- Ensure that your Agency provides its own appellate authority in a statement of appeal rights in final responses to the requester.

OIP Guidance

- [Referrals, Consultation, and Coordination](#): Procedures for Processing Records When Another Agency or Entity Has an Interest in Them (Dec. 5, 2011)

D. Review of Procedures for Processing a Consultation

This section of the module examines procedures your Agency uses after receiving a consultation from another office or agency.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.D Agency promptly enters consultations received into their tracking system, indicating that they are consultations.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
2.D Agency promptly assigns consultations to FOIA Staff for processing based on current workload.			
3.D Agency has established procedures for providing responses to consultations to the sending agency.			
4.D Agency accurately tracks when consultations were received and closed for inclusion in the Annual FOIA report.			
5.D Agency actively monitors progress of its work in closing consultations that it has received, including closing its oldest consultations each year.			
6.D Agency has a designated contact for consultations that other agencies may contact to inquire about the status of pending consultations.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Improving Your Office's Current Procedure for Processing a Consultation

- Establish formal procedures for how your Agency responds to requests for consultations.
 - Develop a process for assigning consultations in your Agency's queue and to FOIA Staff based on current workload.
 - Integrate a tracking mechanism for open consultations, and account for all consultations in your Agency's Annual FOIA Report.
 - Actively monitor the average response time of your Agency in handling consultations including focusing on closing the oldest pending consultations each year.
- Ensure that you have an efficient process to review records sent to your Agency for consultation, including review of the disclosure determinations your Agency provides.
- Designate a point of contact for open consultations.

OIP Guidance

- [Referrals, Consultation, and Coordination](#): Procedures for Processing Records When Another Agency or Entity Has an Interest in Them (Dec. 5, 2011)

E. Review of Coordination Procedures

This section of the module examines your agency's knowledge of and practices involving "coordination" with another agency, rather than a referral. The need for modified procedures for handling sensitive records arises when an agency locates in its files law enforcement records originating with a law enforcement agency or classified records originating with an agency that is a member of the Intelligence Community. When responding to requests that encompass those records, it is occasionally necessary to use modified procedures in order to avoid inadvertently revealing a sensitive fact that could invade someone's personal privacy or damage national security interests. Under such modified procedures, the agency that originally received the request will itself typically respond to the requester, after coordinating with the law enforcement or Intelligence Community agency that originated the records. This coordination is done rather than sending a referral.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.E Agency has a process in place to train FOIA Staff to identify law enforcement or national security related records that have not been acknowledged by the originating law enforcement or Intelligence office or agency.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>2.E When such records are identified, your Agency coordinates with the agency that originated the records to determine whether a referral is possible, and if not, to obtain the originating agency's views on disclosability, in accordance with OIP's Guidance on this topic.</p>			
<p>3.E After records are forwarded for coordination, your Agency has a process for regularly following up with the agency whose views are sought.</p>			
<p>4.E Your Agency remains responsible for responding to inquiries about the status of the request from the requester.</p>			
<p>5.E To the extent your Agency receives coordination inquiries from other agencies, you have a process to timely respond to those coordination requests and, if needed, to provide any status updates to the sending agency to pass on to the requester.</p>			
<p>6.E Any coordination requests your agency receives from other agencies are included as consultations in your agency's Annual FOIA Report.</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Improving Procedures for Coordinations

- Ensure that FOIA Staff are trained as appropriate to properly identify and handle records that could be the subject of coordination, as outlined in OIP’s Guidance. This training should include all aspects of proper coordination, including identifying when it might be needed, contacting the originating agency to obtain their views, and then responding to the request, all as detailed in OIP’s Guidance.
- Develop safeguards to ensure that determinations on coordinations are made before disclosure of unacknowledged records.
- Institute standard procedures for inquiring about and providing status information concerning coordinations.
- Evaluate the merits of developing a working list of certain records that are more likely to require coordination with another agency, rather than a referral.
- Develop a system to track any outstanding coordinations and follow up with the agency, if needed.
 - Ensure that when your agency receives coordinations, they are tracked and accounted for as consultations in your Agency’s Annual FOIA Reports.

OIP Guidance

- [Referrals, Consultation, and Coordination](#): Procedures for Processing Records When Another Agency or Entity Has an Interest in Them (Dec. 5, 2011)

Module 9: Response Language

Using accurate and clear language in FOIA response letters at the initial request and appeal stages helps agencies ensure that requesters understand agency actions and that the agency has a complete administrative record. This module examines your Agency's response language and response review process. This module has two subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. FOIA Response Preparation and Response Language

Using standard response language as a basis for all FOIA responses helps agencies ensure that responses to all FOIA requesters are consistent and legally accurate. It is equally important to retain flexibility to tailor responses and to include any additional information or brief explanation that will make the response more informative and increase the requester's understanding of the handling of their request.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A Agency's standard language covers acknowledgment, unusual circumstances, expedited processing, fees, and final decisions, including an explanation of exemptions applied.			
2.A Agency has a process for regularly reviewing and updating standard response language for accuracy and clarity.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
3.A FOIA Staff use the most recent standard language while also customizing letters whenever feasible to be more informative and increase understanding of the handling of the request.			
4.A If the Agency maintains law enforcement records, standard language about the FOIA's exclusions are included in all responses.			
5.A Agency communicates with requester electronically by default, or by using the requester's preferred form of communication, whenever practicable.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to identify next steps for improvement.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for FOIA Response Preparation and Use of Standard and Tailored Language

- If not used already, develop standardized FOIA response language for FOIA Staff to use in responding to FOIA requests.
 - Ensure that the language database uses plain language that requesters can easily understand.
 - Ensure that of the language accurately explains the FOIA exemptions, fee requirements, and expedited processing requirements.
 - Designate a member of your FOIA Staff to be primarily responsible for maintaining your Agency's FOIA language database.

- Promptly update the language database to reflect new developments in case law, amendments to the FOIA statute, new guidance, and changes to your Agency’s FOIA regulations.
- Confirm that all FOIA Staff have access to and are using the most recent version of your Agency’s language database.
- Encourage FOIA Staff to make recommendations for updating the standard language.
- Confirm that your Agency’s language database includes current citations to the FOIA, Privacy Act, other statutes (if applicable), your Agency FOIA regulations, and case law.
- If your Agency maintains law enforcement records, confirm that your FOIA responses include standard exclusion language.
- Ensure that FOIA Staff identify issues or topics that could be better explained to the requester through customized language tailored to the particular request.
- Include brief, tailored explanations in response letters whenever doing so will increase understanding of the handling of the request.
- Communicate with requesters using their preferred form of communication, whenever practicable

B. Review Chain and Response Transmission

This module examines your Agency’s review process for providing responses to requesters.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.B Your Agency has a well-defined, mandatory review structure for reviewing responses to FOIA requests.			
2.B Reviewers can reassign work or shift review responsibilities where appropriate to account for changes in workload.			
3.B Reviewers are easily accessible to FOIA Staff to answer questions about request processing and responses.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>4.B Reviewers regularly check in with FOIA Staff about the status of ongoing complex requests.</p>			
<p>5.B When reviewing a response, the reviewers examine the entire administrative record to ensure it is complete, including at minimum: the request, search documentation, and the draft response, including responsive records and any redactions.</p>			
<p>6.B Reviewers ensure that responses are clear, complete, and include tailored language whenever helpful, and that responses are transmitted electronically by default, or according to the requester's preference.</p>			
<p>7.B Reviewers ensure that all correspondence with the requester is maintained in the case file.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Review Chain and Response Transmission

- Ensure that your Agency has a clearly defined process for reviewing responses to FOIA requests:
 - For efficiency, the review structure may include multiple levels of review based on complexity of the request and/or response.
- Confirm that all FOIA Staff understand their individual role as well as the roles of others in your Agency's review structure. Designate someone within your Agency to monitor and manage the FOIA review workflow. This person should be primarily responsible for ensuring adequate distribution of review work for maximum review efficiency.
 - Ensure that your FOIA review process retains some flexibility so that pending FOIA requests and/or consults can be reassigned to other reviewers based on workloads.
- Ensure that FOIA Staff have easy access to FOIA reviewers to discuss the processing of complex requests.
 - Establish periodic case inventory meetings for FOIA Staff to discuss ongoing FOIA requests with reviewers and to allow FOIA reviews to monitor progress on older requests.
- As a part of the review process, require reviewers to review the entire administrative record for completeness, including, but not limited to:
 - the request;
 - search documentation;
 - the proposed response letter, including the use of tailored language whenever helpful; and,
 - all proposed redactions.
- To the extent feasible, ensure that your Agency transmits all FOIA responses and responsive records electronically by default, or in the format requested by the requester.
- Require that FOIA Staff maintain a record of every communication to and from a requester. Ensure that the date the correspondence was either received or sent, or the date a phone conversation occurred, is documented and that all attachments to any correspondence are maintained.



Module 10: Training and Employee Development

Regular, substantive FOIA training helps to ensure that FOIA Staff understand and can properly apply the law and its requirements. This module examines your Agency's efforts to make relevant FOIA training available to FOIA Staff and assesses your efforts to develop the knowledge base of your FOIA Staff.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Available Training Opportunities

This subsection examines whether your Agency provides opportunities for FOIA Staff to attend relevant training that develops or refreshes their understanding of all aspects of FOIA administration.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A All new FOIA Staff members receive training to become familiar with: <ul style="list-style-type: none"> • the FOIA's legal requirements, • your Agency's regulatory requirements, • OIP's policy guidance, and • your Agency's FOIA procedures, including the types of records maintained by the agency, how to best locate those records, and how to make disclosure determinations. 			



MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
2.A Agency hosts regular, substantive FOIA training for all FOIA Staff and/or actively encourages them to attend substantive outside FOIA training, such as that provided by the Department of Justice, at least once per year.			
3.A FOIA Staff are encouraged to suggest topics for future training; and FOIA Managers identify potential topics based on updates to the law and frequently-encountered issues.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Making Training Opportunities Available

- Ensure that all new FOIA Staff are trained and have a comprehensive understanding of the substantive provisions of the FOIA as well as the practical application of the law at your Agency. This training should include the FOIA’s legal requirements, OIP’s policy guidance, your Agency’s FOIA regulations, as well as Agency procedures for searching and processing records.
- Designate an annual goal for all FOIA Staff to attend a specified number of training opportunities and monitor progress toward attaining that goal. OIP encourages all FOIA Staff to attend substantive FOIA training at least once per year.
- Ensure that FOIA Staff are aware of relevant training opportunities available to them both inside and outside your Agency and, in particular, of OIP's regular training and e-Learning courses.

- Ensure that FOIA supervisors are receptive to suggestions concerning additional training and actively monitor staff performance for areas that would benefit from dedicated training.
- Assess your Agency's ability to provide internal training on topics that are particularly relevant to the agency. Ensure that all FOIA supervisors are aware of the specialized training offered by OIP on substantive issues and topics.



Module 11: Requester Services

Working with FOIA requesters in a spirit of cooperation and maintaining open communication helps agencies and requesters alike. This module examines your Agency's requester service and communication practices throughout the FOIA process. This module has two subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. FOIA Requester Service Centers and FOIA Public Liaisons

FOIA Requester Service Centers and FOIA Public Liaisons are available to assist requesters throughout the request process. These services are critical to helping requesters understand the FOIA process and maintaining open communication for improved processing efficiency.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A FOIA Requester Service Center Staff and FOIA Public Liaisons are familiar with, and follow, OIP's guidance on good communication practices.			
2.A FOIA Staff are provided instruction and best practices for engaging with requesters.			
3.A FOIA Requester Service Center has accurate contact information posted online (on the Agency's website and FOIA.gov) and provides timely responses to public inquiries.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
4.A FOIA Public Liaison is a supervisory official, has accurate contact information posted online, and provides timely responses to public inquiries.			
5.A FOIA Public Liaison is familiar with the mediation services offered by the Office of Government Information Services (OGIS) at NARA.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for FOIA Public Liaison and FOIA Requester Service Center

- Ensure that your Agency’s FOIA Public Liaison and FOIA Requester Service Center are instructed on their responsibilities in these roles and provided best practices to assist in their communications with requesters.
- Ensure that all relevant contact information for both your Agency’s FOIA Public Liaison and FOIA Requester Service Center are easily accessible and current on your Agency's public FOIA website.
 - Designate someone within your Agency to be primarily responsible for maintaining this contact information and ensuring that it is accurate.
- Monitor both the FOIA Public Liaison and FOIA Requester Service Center to ensure that inquiries are promptly answered.

OIP Guidance

- [The Importance of Good Communication with FOIA Requesters](#) (March 1, 2010)
- [The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and Content of Requester Communications](#) (Nov. 22, 2013)

B. Responsiveness and Working in a Spirit of Cooperation with Requesters

One of the cornerstones to working in a spirit of corporation is ensuring that FOIA Staff promptly respond to requester inquiries and maintain open communication throughout the request process.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.B Agency provides each requester with a point of contact to answer any inquiries.			
2.B FOIA Staff reach out to requesters as needed to clarify the scope of the request, to discuss the search, or to otherwise facilitate the most efficient handling of the request.			
3.B FOIA Staff provide requesters with status information about their request, including an estimated date of completion, proactively or upon request.			
4.B FOIA Staff contact requesters using the most efficient means of communication (phone, email, or requester preference) as needed to clarify requests, memorializing any verbal discussions in writing.			
5.B FOIA Staff promptly respond to requester inquiries.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
6.B When processing voluminous records, FOIA Staff provide requesters with interim releases if feasible.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Responsiveness to Inquiries

- Ensure that every requester is provided a point of contact who can respond to any inquiries about their request.
- Encourage FOIA Staff to reach out to requesters to discuss any aspect of the request or its handling to facilitate the most efficient processing.
- Confirm that FOIA Staff are aware of their statutory obligation to provide status information and estimated dates of completion to requesters upon request.
 - Ensure that your Agency has designated a telephone number or an online service that requesters can use to check the status of their request using a tracking number, pursuant to 5 U.S.C. § 552(a)(7)(B).
 - If feasible, proactively provide requesters with status information about pending requests (i.e. through an online portal system).
- Ensure that FOIA Staff communicate with requesters using the most efficient method of communication (such as email or phone) or the requester’s preferred method if feasible.
- Require FOIA Staff to memorialize in writing any verbal conversations with the requester. If appropriate, follow up with the requester in writing to summarize any oral communications and agreements.
- Ensure that FOIA Staff promptly respond to any requester inquiry.
- To the extent feasible, provide requesters with interim releases in response to FOIA requests involving voluminous records.
- Confirm that FOIA Staff are familiar with OIP’s guidance on good communication.

OIP Guidance

- [The Importance of Good Communication with FOIA Requesters](#) (March 1, 2010)

- [The Importance of Good Communication with FOIA Requesters 2.0](#): Improving Both the Means and Content of Requester Communications (Nov. 22, 2013)
- [Assigning Tracking Numbers and Providing Status Information for Requests](#) (Updated Guidance July 8, 2014)



Module 12: FOIA Reporting

FOIA Reports provide the public with a wealth of data concerning each agency's administration of the FOIA. This module examines your Agency's processes for collecting and verifying the data and information contained in Agency Quarterly FOIA Reports, Annual FOIA Reports, and Chief FOIA Officer Reports. This module has three subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Quarterly FOIA Reports

Quarterly FOIA Reports provide key metrics about an agency's FOIA operations during the course of the fiscal year.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A Agency has an efficient process in place for collecting the relevant data required for quarterly reports.			
2.A Agency posts its quarterly report data in accordance with OIP Guidance no later than the last Friday of the month following the end of a quarter, with the data appearing on FOIA.gov.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Quarterly FOIA Report Process

- Review OIP's [Guidance for Quarterly FOIA Reporting](#) to understand the required metrics and technical requirements for posting the data so it appears on [FOIA.gov](#). Ensure that your Agency knows which FOIA metrics to collect for quarterly reports and the deadlines for posting these reports to your website.
- Actively track the quarterly FOIA metrics to help ensure efficient retrieval of this data for quarterly reports.
- If decentralized, designate officials who are responsible for providing and compiling quarterly report metrics for your Agency.
- Institute an after-action review of the report workflow after each fiscal year (or quarter) to identify and remove any barriers to the efficient collection of data.
- Confirm that all relevant stakeholders and officials within your Agency receive copies of Quarterly Reports for their reference and use.
- Work with your Agency's IT/Web personnel to ensure successful and timely posting of quarterly reports.
- Contact OIP if there are changes to how your Agency posts its reports, or with any other questions about posting.

OIP Guidance

- [Guidance for Quarterly FOIA Reporting](#) (Updated Guidance Apr. 11, 2013)

B. Annual FOIA Reports

Agency Annual FOIA Reports represent the comprehensive, statistical overview of an Agency's FOIA operations over the course of a fiscal year. These reports track metrics such as the numbers of FOIA requests, appeals, and consultations received and processed, the amount of time taken to process requests, and exemption usage. This subsection of the module examines how your Agency collects and compiles the data needed for the Annual FOIA Report.



MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.B Agency tracks the information necessary for each request throughout the fiscal year so that the information can be easily compiled at the end of the year.</p>			
<p>2.B Agency has an efficient procedure in place for compiling and reviewing the data for accuracy prior to submitting it to OIP. If decentralized, Agency has an efficient process for reviewing and correcting component data prior to aggregating it into the report submitted to OIP.</p>			
<p>3.B Before submitting its complete report to OIP, Agency reviews its data in the DOJ FOIA Annual Report Tool to ensure that components are listed correctly and consistently with past years and makes corrections needed to remove any red cells.</p>			
<p>4.B Agency submits its report to OIP by the published deadline, working with OIP to answer questions and make any corrections.</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
5.B Once cleared by OIP, Agency posts the final human-readable and XML versions of the report on its website by March 1, providing links to OIP and OGIS.			
6.B Agency posts the raw data used to compile the report within a reasonable amount of time.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Annual FOIA Report Process

- Ensure that your Agency collects the required data points throughout the fiscal year to produce the Annual FOIA Report.
- Incorporate the guidance from the [Department of Justice’s Annual FOIA Report Handbook](#) into your request workflow and case management system.
- Institute a validation workflow to identify and correct errors before compiling the data into the full Annual FOIA Report.
- If decentralized, designate officials at your Agency who are responsible for providing and compiling data for your Annual FOIA Report.
- Work with your Agency’s IT/Web staff to ensure timely and successful posting of your Annual FOIA Report.
- If applicable, ensure that your process for collecting and submitting the Annual FOIA Report for review by OIP has built in time for any necessary internal reviews within your own Agency.
- Once cleared by OIP and posted, send a link to your Annual FOIA Report to OIP and OGIS.
- Institute an after-action review of the report workflow after each fiscal year to identify and remove any barriers to the efficient collection of data, including working with officials responsible for your Agency’s case management system as needed.
- Confirm that all relevant stakeholders and officials within your Agency receive a copy of the Annual FOIA Report for their reference and use.

OIP Guidance

- [Department of Justice’s Annual FOIA Report Handbook](#)
- [New Requirements for Agency Annual FOIA Reports](#) (October 6, 2016)

C. Chief FOIA Officer Reports

Chief FOIA Officer Reports contain detailed descriptions of the steps and actions taken by an Agency to improve FOIA administration and compliance during the reporting period (March to March). When compared to the Quarterly and Annual FOIA Reports, the Chief FOIA Officer Reports provide the narrative and context behind the statistics and metrics of Agency FOIA operations. This section of the module will address how your Agency collects the information needed for the Chief FOIA Officer Report and how it complies this information into the full report.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.C Agency reviews OIP’s guidelines for each year’s Chief FOIA Officer Report upon their issuance and develops plan for addressing the required content for the report.			
2.C Agency has an efficient process in place for collecting the information required for Chief FOIA Officer Reports and compiling this information into the final report.			
3.C If decentralized, Agency reaches out to components to obtain necessary information to complete the report.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
4.C Agency submits its report to OIP by the published deadline, working with OIP to answer questions and make any corrections.			
5.C Once cleared by OIP, Agency posts report on its website no later than Sunshine Week (the second Monday in March) and sends OIP the link.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Chief FOIA Officer Report Process

- Ensure that your Agency reviews the Guidelines for Chief FOIA Officer Reports issued by OIP as soon as they are issued each year, in order to plan for your agency’s report.
- If decentralized, designate officials at your Agency who are responsible for providing and compiling information to incorporate into your Chief FOIA Officer Report.
- Ensure that the process for collecting and submitting the Chief FOIA Officer Report for review to OIP has built in time for any required internal review of the report by your Agency.
- Institute an after-action review of the report workflow after each reporting period to identify and remove any barriers to the efficient collection of data.
- Work with your IT/Web staff to ensure timely and successful posting of your Chief FOIA Officer Report.
- Once posted, send a link of your Chief FOIA Officer Report to OIP.
- Confirm that all relevant stakeholders and officials within your Agency receive copies of the Chief FOIA Officer Report for their reference and use.

OIP Guidance

- Chief FOIA Officer Report Guidelines are issued each year in late summer and are posted on OIP's [Guidance](#) page and [Reports](#) page.

Module 13: FOIA Website Development and Maintenance

Agency FOIA websites serve two important functions in the FOIA process: (1) FOIA websites provide valuable information to the public about the Agency, including the type of records maintained, FOIA contact information, instructions for making a FOIA request, and a copy of the Agency's FOIA regulations; and (2) FOIA websites contain proactively disclosed records. This module contains two subparts.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Essential Elements of FOIA Webpages

There are several resources that your Agency should make available to the public on its FOIA website. Those essential elements are listed in this module.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
The Agency's FOIA Website contains the following elements:			
1.A General explanation of: <ul style="list-style-type: none"> the mission of the Agency; the types of records the Agency maintains; links to already available information (in FOIA Library and elsewhere on Agency's website); and, instructions for submitting a FOIA request. 			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
2.A Up-to-date contact information, including the FOIA Public Liaison and FOIA Requester Service Center, which is reviewed for accuracy at least quarterly.			
3.A FOIA Reference Guide, which describes how to make a request and includes an index of the major information and record locator systems maintained by the agency, and also includes a brief description of the FOIA's exemptions and the three statutory exclusions.			
4.A Agency's FOIA regulations.			
5.A Agency's FOIA Reports, including Annual FOIA Reports and Chief FOIA Officer Reports.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Essential Elements of FOIA Websites

- Ensure that your Agency's website contains all the essential elements listed above.

- Ensure that your Agency’s FOIA website describes the type of records your agency maintains, how to request access to them, and clearly outlines all of the methods available to a requester for submitting a FOIA request.
- Ensure that all contact information, including your Agency’s FOIA Requester Service Center and FOIA Public Liaison are listed on your website.
- Establish a system to review your Agency’s FOIA website at least quarterly to ensure that all relevant contact information is listed and accurate.
 - Designate an individual in your Agency who is responsible for making changes to your website and ensuring that all contact information is accurate.
- Ensure that your Agency’s FOIA Reference Guide includes a brief description of the FOIA’s three statutory exclusions to bring greater transparency to their existence, in accordance with OIP’s guidance on that topic.
 - Ensure that your FOIA Reference Guide also describes your Agency’s major information systems.

OIP Guidance

- FOIA Website Guidance (forthcoming)
- [Using Metadata in FOIA Documents Posted Online to Lay the Foundation for Building a Government-Wide FOIA Library](#) (March 12, 2013)

B. Updated FOIA Library

Agency FOIA Libraries provide a wealth of information to the public, including frequently requested records, as well as records that the Agency proactively determines might be of interest to the public. This subsection examines procedures for maintaining your Agency’s FOIA Library.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.B Agency has a FOIA Library that it updates regularly to contain all required proactive disclosures, including “frequently requested” records that have been or the Agency anticipates will be requested three or more times.			
2.B The FOIA Library is prominently featured on your Agency’s FOIA website.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
3.B Whenever possible, documents are posted in open, searchable, and usable formats.			
4.B Postings are indexed and tagged with relevant metadata to improve searchability.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Guidance and Best Practices for Ensuring an Updated FOIA Library

- Ensure your FOIA Library contains the information required to be made available under subsection (a)(2) of the FOIA, including FOIA-processed records that have been or the Agency anticipates will be requested three or more times.
- Develop a system for ensuring that your Agency’s FOIA Library is regularly updated.
 - Actively review your FOIA Library to ensure that it is organized, that documents are easy to locate, and that any links to other webpages are still live.
 - Designate an individual within your Agency who is responsible for updating your FOIA Library.
 - Post records on popular topics that are likely to become the subject of subsequent requests in the future.
 - Contact program offices to help identify records appropriate for proactive posting in your FOIA Library.
- When posting material:
 - To the extent practicable the material is posted in a user-friendly, open, and readily searchable format.
 - Use metadata to improve the likelihood that the public will find the information when searching your website directly or through search engines. For example, including tags such as: “FOIA” or “frequently requested,” in addition to subject-based tags.

OIP Guidance

- [Proactive Disclosures of Non-Exempt Agency Information](#): Making Information Available Without the Need to File a FOIA Request (March 16, 2015)
 - [Implementation Checklist](#) for OIP Guidance on Proactive Disclosures of Non-Exempt Agency Information
- [Using Metadata in FOIA Documents Posted Online to Lay the Foundation for Building a Government-Wide FOIA Library](#) (March 12, 2013)

