



2015 Chief FOIA Officer Report
United States Department of Justice
Chief FOIA Officer: Acting Associate Attorney General Stuart F. Delery

On his first full day in office, President Barack Obama [directed](#) the heads of all federal executive Departments and Agencies to administer the Freedom of Information Act (FOIA) with a "clear presumption: In the face of doubt, openness prevails." The President called on agencies to take affirmative steps to proactively make information available to the public and to utilize modern technology to streamline processes as a means to create a more informed citizenry. The President also instructed the Attorney General to issue new guidelines governing the FOIA that would reaffirm the federal government's commitment to accountability and transparency.

On March 19, 2009, Attorney General Eric Holder issued new [FOIA Guidelines](#) implementing the President's policy. In his Guidelines the Attorney General emphasized not only the presumption of openness, but also the need for agencies to ensure that they have in place "an effective system for responding to requests." The Attorney General highlighted the important role played by agency Chief FOIA Officers in ensuring that their agencies effectively and efficiently comply with the FOIA. The Attorney General also directed agency Chief FOIA Officers to annually review all aspects of their agency's FOIA administration and to report to the Department of Justice on the steps taken to implement the President's and Attorney General's FOIA Memoranda.

This marks the sixth year in which agencies, including the Department of Justice, have issued a Chief FOIA Officer Report. The 2015 Chief FOIA Officer Report for the Department of Justice details how in the face of a government shutdown¹, challenging fiscal realities, and decreased staff, the Department has continued to find different ways to improve its administration of the FOIA by both building on our efforts from the past five fiscal years, and in developing new initiatives to further streamline our FOIA processes and improve transparency. This 2015 Chief FOIA Officer Report describes many of the

¹ The October 2013 Government shutdown impacted the Department's Fiscal Year 2014 Annual FOIA Report, which is the source of data and statistics included in this report.

Department's accomplishments during the last year, which include releasing information in 94.8% of requests processed for disclosure, closing the Department's ten oldest requests, appeals, and consultations, proactively posting more information online, and utilizing technology to facilitate a more efficient FOIA administration.

Decentralized Nature of FOIA Processing at the Department of Justice

At the Department of Justice, the FOIA is administered on a decentralized basis, with thirty-one separate FOIA offices handling requests made to the various Department components. The Department received more than 64,000 FOIA requests in Fiscal Year 2014. The range in the number of FOIA requests received varies widely between the components, from the Executive Office for Immigration Review (EOIR) which received 26,614 requests in Fiscal Year 2014, constituting over 40% of the Department's total requests received, to thirteen components that each received less than 100 requests.

During Fiscal Year 2014, the Department had 385 full-time FOIA employees. These employees were joined by others who work on FOIA part of the time, which combined amounted to the equivalent of 470.16 full-time FOIA staff. This is over 6% less than the number of FOIA staff the Department had in Fiscal Year 2013, and over 11% less than Fiscal Year 2012. As detailed below, however, despite this challenge, the Department was able to process 97% of the requests it received just as it did in Fiscal Year 2013.

The Office of Information Policy (OIP), which is responsible for encouraging compliance with the FOIA both within the Department and across the federal government, is also responsible for processing FOIA requests on behalf of itself and the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Legislative Affairs, Legal Policy, and Public Affairs. The remaining thirty Department components are responsible for processing requests received for their own records, based upon guidance provided by OIP. The Administrative Appeals Staff of OIP adjudicates administrative appeals of FOIA denials for all Department components, with the exception of the United States Parole Commission (USPC).

The following report provides a comprehensive review of the steps taken throughout the Department since the issuance of the last [Chief FOIA Officer Report](#) in March of 2014 to continue to implement the President's FOIA Memorandum and the Attorney General's FOIA Guidelines.

Section I: Steps to Apply the Presumption of Openness

The guiding principle underlying the President's [FOIA Memorandum](#) and the Attorney General's [FOIA Guidelines](#) is the presumption of openness. As the president instructed, "[t]he Freedom of Information Act should be administered with a clear presumption: In the face doubt, openness prevails." The Department has engaged in a number of efforts to ensure that this presumption is fully integrated into its administration of the FOIA, including issuing government-wide guidance on the presumption, conducting a robust training program, engaging in outreach with the public, and making numerous discretionary releases of information each year.

Training:

A proper understanding of the FOIA, including the correct application of the statute's provisions and the Attorney General's FOIA Guidelines, is the first step towards any successful FOIA operation. As the federal office responsible for encouraging government-wide compliance with the FOIA, OIP continues to conduct a wide range of training activities to educate FOIA personnel at all federal agencies on the legal requirements of the FOIA and the policy directives of the President and the Attorney General. OIP trained over one thousand employees this past year by hosting and participating in a variety of training sessions addressing issues ranging from utilizing proper administrative procedures, understanding exemptions, applying the FOIA's fee and fee waiver provisions, achieving transparency through proactive disclosures, improving customer service, and ensuring an effective FOIA administration. OIP also provides training material [online](#).

For this reporting period, which goes from March 2014 to March 2015, OIP hosted the following training events which were attended by FOIA professionals within the Department and across all agencies:

- *The Freedom of Information Act for Attorneys and Access Professionals* – This two-day program is designed for attorneys, Government Information Specialists, and other FOIA professionals with limited previous experience working with the FOIA who are now or soon will be working extensively with the Act. This program provides an overview of the FOIA including a discussion of the [President's FOIA Memorandum](#) and the [Attorney General's FOIA Guidelines](#). During this course OIP also provides lectures on the various FOIA exemptions and on procedural issues, as well as a discussion on proactive disclosures and the FOIA's fee and fee waiver requirements. This training was offered four times during the reporting period.
- *Advanced Freedom of Information Act Seminar* – At this seminar OIP provides advanced instruction on selected topics under the FOIA, including up-to-date policy guidance and views from the FOIA requester community. This program also serves

as a forum for the exchange of ideas useful in addressing common issues that arise in administering the FOIA.

- *Freedom of Information Act Administrative Forum* – This program is designed for agency FOIA professionals who have several years of experience and who are involved in the processing of FOIA requests on a daily basis. OIP provides instruction and facilitates discussion on administrative matters arising under the FOIA, including such matters as record-retrieval practices, multi-track queue usage, backlog management, affirmative disclosures, and automated record processing.
- *Introduction to the Freedom of Information Act* – This program provides a basic overview of the FOIA for agency personnel who do not specialize in access law. It is designed for those who either work with the FOIA only occasionally or need only a general familiarity with the FOIA in order to recognize and handle FOIA-related problems that may arise in other areas of agency activity.
- *FOIA Litigation Seminar* – This course is designed for agency attorneys and FOIA professionals and focuses on the issues that arise when FOIA requests become the subject of litigation.
- *Refresher Training for Fiscal Year 2014 Annual FOIA Reports and 2015 Chief FOIA Officer Reports* – This training event provides agencies with a refresher on their FOIA reporting obligations.
- *[Best Practices Workshops](#)* – OIP launched the Best Practices Workshop Series in the spring of 2014 as a part of the [Second Open Government National Action Plan's](#) commitment to modernizing FOIA and improving internal agency FOIA processes. Each workshop focuses on a specific FOIA topic, with a panel of representatives sharing experiences, lessons learned, and strategies for success in these areas. Through these workshops, agencies can continue to learn from one another and leverage the successes of others in their own organizations for the overall benefit of FOIA administration across the government. The topics covered during this reporting period were:
 - Reducing Backlogs and Improving Timeliness
 - Proactive Disclosures and Making Online Information More Useful
 - Best Practices from the Requester's Perspective
 - Implementing Technology to Improve FOIA Processing
 - Customer Service & Dispute Resolution

- *DOJ Component Conferences and Training* – This program is designed for DOJ components specifically. OIP provides instruction on various FOIA topics that are important to the Department's components in their FOIA administration.
- *Dispute Resolution Skills* – OIP and the Office of Government Information Services (OGIS) co-sponsor this training on customer service and dispute resolution for FOIA Public Liaisons and other FOIA professionals.

Further, OIP continued to provide specialized training to agencies on any topic of interest, tailoring instructions to the needs of the particular agency involved. Specially, between March 2014 and March 2015, OIP provided specialized training for the following agencies: the Departments of Agriculture, Homeland Security, Treasury, and Health and Human Services, as well as the Office of Personnel Management, Export-Import Bank, Nuclear Regulatory Commission, and Office of Government Ethics.

Building on OIP's efforts to make important FOIA training resources available to all federal employees, in March 2015 OIP released a new suite of government-wide FOIA training resources designed for every level of the federal workforce from the senior executive, to the FOIA professional, to the everyday federal employee who should have a basic understanding of the FOIA. The new training tools released by OIP include:

- An infographic that can serve as a resource on FOIA basics for all employees new to the federal workforce;
- A brief video from the Director of OIP aimed at senior government executives, which provides a general overview of the FOIA and emphasizes the importance of their support to their agency's FOIA program;
- An in-depth e-Learning training module specifically designed for FOIA professionals which addresses all the major procedural and substantive requirements of the law, as well as the importance of customer service; and
- A separate e-Learning training module for the everyday federal employee that provides a primer on the FOIA and highlights ways in which they can assist their agency in administering the law.

In addition to the training events and resources offered through OIP, many of the Department's components held their own training events over the course of the reporting period. For example:

- The Antitrust Division conducted training for much of their leadership, including the Division's Assistant Attorney General and his staff, section chiefs, and assistant section chiefs. Specifically, the trainings included an overview of the FOIA's

procedural requirements and the proper application of exemptions.

- ATF conducted training for their FOIA personnel focusing on substantive and procedural requirements.
- DEA conducted training for various program offices which focused on search requirements and the handling of classified documents.
- FBI conducted training, in conjunction with the Departmental Review Committee, for FOIA professionals that focused on the declassification review process.
- The United States Marshalls Service conducted training on the law enforcement exemptions.

Finally, many of the Department's FOIA professionals took advantage of training opportunities provided by other agencies and organizations. These events included:

- *A conference entitled "eDiscovery for Government Practitioners"* held by the Georgetown Law Center.
- *The Advanced eDiscovery Institute* held by the Georgetown Law Center as part of its Continuing Legal Education Programs.
- An event entitled *"Cutting Edge FOIA Issues, Privacy and Civil Liberties"* hosted by the District of Columbia Bar Association.
- *"Historical Records Restricted Data Reviewers Certification Training"* held by the Department of Energy.
- *"Sensitive Compartmented Information Recognition Training"* hosted by the National Archives and Record Administration.
- *Intelligence Community FOIA Officers Information Day* – hosted by the Office of the Director of National Intelligence.
- A 3-day course entitled *"Freedom of Information and Privacy Acts"* held by the Graduate School USA.

In the [2014 Chief FOIA Officer Report Guidelines](#), the Department asked all agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. The Department firmly believes that FOIA training is a critical element in all agencies' administration of the law. It is precisely for this

reason that OIP issued [guidance](#) that all agencies should make core, substantive FOIA training available to all of their FOIA professionals at least once each year. As detailed above, the Department of Justice itself fully implemented the plan outlined in its 2014 Chief FOIA Officer Report. Notably, since the Department's 2014 Chief FOIA Officer Report, 92.9% (481 out of 518) of the Departmental FOIA professionals and staff with some FOIA responsibilities attended substantive FOIA training.

In the upcoming year, the Department will continue its efforts to ensure that core, substantive FOIA training is offered to all agency FOIA professionals. OIP will continue to provide comprehensive FOIA training to both the Department's FOIA professionals and professionals across the government. OIP will also continue to provide targeted training to agencies and the Department's components upon request. Details on upcoming training opportunities provided by OIP can be found on the [Training](#) page of [OIP's website](#). In addition to these efforts, OIP will continue to hold FOIA Conferences for the Department's components. The Department's components also plan to continue providing training to their staff members that is targeted to their particular needs.

Outreach:

To improve not only the Department's, but also the government's overall FOIA administration, the Department has been heavily engaged in outreach with the requester community and open government groups in a variety of ways. First, OIP continued its [Requester Roundtable Series](#), where the public is able to meet with OIP's Director and representatives from other agencies to discuss various topics in FOIA administration. During the Requester Roundtable held this reporting period, OIP, in conjunction with the Office of Government Information Services, held a discussion focused on how agencies provide estimated dates of completion to FOIA requesters. After this discussion with both the requester community and agency personnel, OIP issued updated [guidance](#) on the topic to reinforce the importance of this topic and to provide further instruction to agencies on its implementation. The guidance is entitled "Assigning Tracking Numbers and Providing Status Information for Requests" and is available on OIP's website.

Second, OIP focused one of its workshops in its new Best Practices series on [Best Practices from the Requesters' Perspective](#). OIP convened a panel of representatives from civil society and the media, who highlighted best practices that they have seen or would like to see by federal agencies. The workshop provided another fruitful forum for both the Department and agencies to collaborate with the requester community in finding new ways to improve the FOIA process for both requesters and agencies alike.

The Department was also very engaged with the public in preparing its [Open Government Plan 3.0](#), which has several elements related to FOIA. From the outset of drafting the Plan, the Department invited the public to provide suggestions on initiatives that should be considered. During the formulation of the Plan, the Associate Attorney

General, the Department's Chief FOIA Officer, and the Director of OIP, met with interested members of civil society during one of the Department's FOIA Council meetings. The FOIA Council was established by the Associate Attorney General to serve as a high-level forum within the Department for the heads of each component to discuss our overall administration of the FOIA. This meeting provided a great platform for the Department's Chief FOIA Officer and senior FOIA leadership to discuss important issues in FOIA with civil society. The feedback received during this meeting from the civil society representatives was incorporated in the Department's final Plan issued on June 1, 2014.

OIP has also regularly engaged civil society on five initiatives it has been working on aimed at further modernizing FOIA as part of the Department's Open Government Plan and the United States' Second Open Government Partnership National Action Plan. These initiatives include improving customer service through a consolidated online FOIA service, improving internal agency FOIA processes by leveraging best practices, standardizing FOIA practices and regulations, improving FOIA training through standard e-learning resources, and establishing a FOIA Federal Advisory Committee. Substantial progress has been made on all of these initiatives, with some already having been completed.

Finally, as in past years, OIP also engaged civil society prior to releasing its annual summary and assessment of agency Chief FOIA Officer Reports. Many of the suggestions provided by those at this meeting were incorporated in the guidelines issued for this year's Chief FOIA Officer Reports.

In addition to the outreach conducted by OIP, many other components also engaged in outreach to the requester community during the reporting period. For example, in October 2014, the Office of Legal Counsel (OLC) initiated a dialogue with the American Civil Liberties Union (ACLU). OLC provided the ACLU with an overview of the Office's FOIA practices and records systems, with a broader eye towards identifying ways in which ACLU could tailor its FOIA request language to ensure that its requests encompass the records actually sought, while also facilitating the timely and efficient processing of ACLU's current and future FOIA requests.

Discretionary Disclosures:

In his FOIA Guidelines, the Attorney General "strongly encouraged agencies to make discretionary disclosures of information." After reviewing the first set of agency Chief FOIA Officer Reports submitted in 2010, OIP found a strong correlation between those agencies that reviewed their documents with the presumption of openness in mind and those agencies that were able to identify additional information that could be released as a matter of discretion. Accordingly, OIP issued guidance that each agency "should institute a system, or add a step in their processing procedures, to affirmatively consider whether more information can be released as a matter of administrative discretion."

As reported last year, all components of the Department have added a distinct step in their FOIA processing to consider whether a discretionary release can be made prior to using a FOIA exemption to withhold information. At OIP, a formal process is in place in which the Initial Request Staff's senior management reviews any instance of exemption usage along with the initial processor's recommendations regarding discretionary release. This tiered approach ensures that exemptions are not only applied properly, but that they are only asserted when there is a foreseeable harm in disclosure or when disclosure is prohibited by other legal authorities. The FBI routinely considers the age and sensitivity of its files to determine if a discretionary release is possible. Like OIP, many of the Department's components employ a multi-tiered approach in reviewing records for discretionary release. DEA, for example, has a three level review process to ensure that DEA is maximizing efforts for discretionary releases. Also, to help ensure that an appropriate analysis of whether to make a discretionary release is considered as a part of processing each FOIA request, DEA has modified its FOIA tracking system to add a mandatory field that tracks, for each request, whether a disclosure was made as a matter of discretion. If the user indicates that a discretionary disclosure was made, the user must identify which FOIA exemption could have been applied to withhold the information in question for disclosure.

During this reporting period, the Department found many opportunities to make discretionary releases of information. While the most frequently used exemptions by the Department continue to be Exemptions 6 and 7(C), which both protect individual personal privacy and do not afford agencies an opportunity to make discretionary releases, the Department looked for opportunities to make discretionary releases of information protected by other exemptions. In doing so it has found such opportunities to make discretionary releases for material covered under Exemptions 2, 5, 7(D), and 7(E). In keeping with the Attorney General's FOIA Guidelines, the discretionary release of certain law enforcement information otherwise protected under Exemption 7 was made in response to requests seeking historical or closed matters, where the Department elected to make a discretionary release to further the public's access to such records.

As explained in OIP's [guidance](#) on the President's FOIA Memorandum and the Attorney General's FOIA Guidelines, Exemption 5 holds the greatest potential for agencies to make discretionary releases. Accordingly, many of the Department's components have focused on these types of records in making discretionary disclosures. This past fiscal year in particular, the Department's use of Exemption 5 decreased by 18.2% compared to Fiscal Year 2013. While the use of any particular exemption will fluctuate from year-to-year depending on the types of records requested, this marks a significant reduction in Exemption 5 citations even when taking into account differences in the numbers of requests received and processed between the two fiscal years.

Some examples of the discretionary releases made by the Department this past year include:

- Memoranda and emails concerning the creation of the Department of Justice National Security Division.
- Two pages of email between the Office of the Deputy Attorney General and the Department of the Army concerning a court martial proceeding.
- Federal Bureau of Prisons Correctional Program materials.
- A lengthy analysis that addresses all legal and factual issues in police misconduct matters.
- Material related to older, closed cases handled by the Environment and Natural Resources Division (ENRD), which could have been withheld under Exemption 5 of the FOIA. ENRD similarly agreed to the release of attorney-client communications in response to consultations from other agencies.
- Information regarding United States Trustee Program (USTP) discussions on the internal process for recommending to the Court the appointment of certain professionals as examiners in bankruptcy cases.
- Information regarding the performance of private bankruptcy trustees overseen by the USTP.
- Internal USTP communications relating to the evaluation of an entity's application for approval as a credit counseling agency.
- FBI material related to investigative techniques, informant information, and internal deliberative processes that were no longer sensitive based on the date of the information.
- Information related to the Alger Hiss/Whittaker Chambers investigations from the 1940s, concerning internal governmental discussions on whether to prosecute Alger Hiss for espionage and perjury.
- A report detailing the circumstances that resulted in DEA's detention of an arrestee.

These are only some of the many examples of discretionary disclosures made by the Department this past year. These select examples coupled with the Department's sustained high release rate of more than 94%, and reduction in Exemption 5 citations, all demonstrate that the presumption of openness is fully incorporated into the FOIA processing decisions made at the Department of Justice.

Other Initiatives:

As Attorney General Holder emphasized in his FOIA Guidelines, "FOIA is everyone's responsibility." OIP and the Department are fully committed to ensuring that all Department employees have a full understanding of their responsibilities in implementing this important law. As mentioned above, on March 12, 2015, OIP released a suite of new training resources designed for all levels of the federal workforce from the senior executive whose support is key, to the FOIA professional processing requests, to all other federal employees. For the non-FOIA professional, the new training resources will include: (1) an infographic that can serve as a resource on FOIA basics for all employees new to the federal workforce; (2) a brief video from the Director of OIP aimed at senior government executives, providing a general overview of the FOIA and emphasizing the importance of their support to their agency's FOIA program; and (3) an e-Learning training module for all federal employees that provides a primer on the FOIA and highlights ways in which they can assist their agency in administering the law.

In addition to this effort, many of the Department's components have taken a range of steps to inform their employees of their FOIA obligation. Some examples include:

- The FBI requires all of its employees to complete an on-line course, entitled "Records Management for All." The course provides an overview of records management, outlines the laws and regulations which govern federal records management, and defines various terms related to FBI records. The course includes specific training on the FOIA. In addition, a yearly briefing is provided to FBI field office representatives, which includes an overview of the FOIA program and some of the more common issues involving FBI's FOIA administration.
- As part of the agency's Employee Orientation Classes, the Community Oriented Policing Services (COPS) FOIA Office presents employees with written material describing the FOIA and Privacy Act, the employee's responsibilities under the Acts, and the presumption of openness called for by the President and Attorney General. Although these classes were originally developed for new agency employees, they are open to all employees.
- DEA FOIA professionals conduct in-house training of newly designated FOIA coordinators as well as DEA program components to ensure that non-FOIA professionals are familiar with FOIA guidelines, rules and regulations. DEA's FOIA team also engages in this type of outreach to create a working partnership with the program offices that are relied upon to conduct searches for responsive records. These types of training are presented on a yearly or "as-needed" basis.

- EIOR's Senior Associate General Counsel provided an internal records training to non-FOIA professionals consisting of the designated records managers of each EOIR component. The training focused on records retention, search obligations, and litigation requirements. During the training, EOIR provided visual slides and written handouts. Additionally, EOIR's Senior Associate General Counsel provided an overview of the FOIA and records management training to its new employees.
- ATF's Disclosure Division Chief provided FOIA training for its Public Information Officers.
- As in past years, the Executive Office for United States Trustees' (EOUST) FOIA professionals participated with personnel from EOUST's Office of Planning and Evaluation and EOUST's IT professionals on an Open Government Team. EOUST disseminated announcements of OIP FOIA training opportunities to the Open Government Team members. EOUST also distributed memoranda to its employees describing their obligations under the FOIA with specific instructions on how to assist EOUST FOIA professionals in conducting searches.
- The Office of Professional Responsibility (OPR) is currently in the process of drafting a standard operating procedure specifically for both OPR FOIA professionals and non-FOIA professionals that will detail what constitutes an agency record and the records retention rules and policies.
- The United States Marshalls Service (USMS) distributed memoranda and guidance to management and FOIA liaisons collaterally responsible for assisting the USMS FOIA staff with responding to requests. USMS has also conducted individual training sessions with non-FOIA personnel regarding the requirements of the FOIA, proactive disclosures, the presumption of openness, and application of FOIA exemptions.

Section II: Steps Taken to Ensure that the Department Has an Effective System in Place for Responding to Requests

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

Personnel:

Quality FOIA professionals are a key element of any agency's efforts to establish an effective system for responding to requests. Both the President and the Attorney General

have emphasized the importance of the work performed by agency FOIA professionals, and the vital role they play in maintaining a transparent and accountable government. In recognition of their important role and in an effort to professionalize the government's FOIA and Privacy Act workforce, on March 9, 2012, OPM announced the creation of a new job category specifically for FOIA and Privacy Act professionals called the Government Information Series (GIS). As of March 2014, the Department has converted nearly all of its eligible FOIA professionals to the GIS Series. Twenty-nine of the Department's thirty-one components have fully converted all of their eligible employees. The remaining two components are working with their Human Resources Offices to ensure that the remaining eligible employees will be converted as soon as possible.

Processing Procedures – Expedited Processing:

The FOIA contains a requirement that agencies establish procedures in their regulations that provide "for expedited processing of requests" in certain circumstances. [5 U.S.C. § 552\(a\)\(6\)\(E\)\(i\) \(2006 & Supp. IV 2010\)](#). Specifically, the FOIA directs agencies to afford expedited processing whenever the requester demonstrates a "compelling need," or "in other cases determined by the agency." [Id. § 552\(a\)\(6\)\(E\)\(i\)\(I\), \(II\)](#). For Fiscal Year 2014, the Department reported an average of 13.85 days to adjudicate requests for expedited processing.

OIP and the Department have taken a number of steps to work towards reducing the Department's overall processing times for adjudicating requests for expedited processing. For the benefit of both the Department and all agencies government-wide, during this reporting period OIP issued new guidance on [Ensuring Timely Determinations on Requests for Expedited Processing](#). As part of this guidance, OIP highlighted the following three areas that agencies could focus on to ensure timely determinations on requests for expedited processing:

- (1) Agencies should screen all FOIA requests at the time of receipt to determine if expedited processing has been requested;
- (2) Agencies should be alert to requests for expedition that may be made after the initial request is submitted. For those agencies like the Department of Justice that permit a request for expedited processing to be made at any time during the administrative process, it is essential that any correspondence received from the requester after the initial request is received is quickly reviewed to see if it contains a request for expedited processing;
- (3) Agencies should establish clear coordination procedures with other offices that are involved in making a determination on the request for expedited processing.

Soon after the issuance of this guidance, and the Department's Fiscal Year 2014 Annual FOIA Report, OIP held a DOJ FOIA Conference and included on the agenda a session specifically addressing the topic of timely adjudication of requests for expedited processing. At this same meeting, OIP's component liaisons also engaged in targeted outreach with various components to discuss strategies for making further improvements in this area.

Processing Procedures – Routing Misdirected Requests:

The [Open Government Act of 2007](#) amended the FOIA, by among other things, adding a new routing requirement concerning the handling of misdirected requests. Upon passage of the amendment, OIP published [guidance](#) to agencies on this new requirement. In accordance with the FOIA's routing provision, the twenty working-day time period to process a request commences "on the date on which the request is first received by the appropriate component of the agency, but in any event not later than ten days after the request is first received by any component of the agency that is designated in the agency's regulations under this section to receive requests." 5 U.S.C. § 552(a)(6)(A)(1).

As detailed in OIP's guidance, all components of an agency that are designated by the agency's regulations to receive FOIA requests, must ensure that they promptly review each FOIA request upon receipt to make the threshold determination whether they are the appropriate FOIA office within the agency to process that request. If there is information in the request letter that indicates the request was misdirected, the receiving FOIA office must be sure to route the FOIA request to the proper FOIA office within the agency within ten working days. If the receiving FOIA office fails to route the misdirected request within ten working days, and the request is otherwise a proper FOIA request, the twenty-day response time period commences on the tenth day nonetheless. As a result, agency FOIA offices must be sure that they avoid the situation where their delayed routing of a request results in the proper FOIA office losing some or even all of its response time.

The Department has paid careful attention to ensure that requests are efficiently routed to the appropriate component FOIA offices. The routing of misdirected requests is a topic that was discussed with components as part of our comprehensive review of each component's FOIA operations during a project called "OIP's Component Improvement Initiative." Moreover, the Department provides to the public its Mail Referral Unit (MRU) as an Office where requests can be sent if the requester does not know where within the Department they should send their request. Upon receipt of these requests, the MRU assists the requester by routing the request to the most appropriate component within the Department based on the description of the records sought. Over the reporting period, OIP and the MRU worked together to further improve the efficient handling of these requests. For example, the MRU improved its oversight and review structure and added further quality control measures to its processes. The MRU also implemented a new electronic

routing and tracking system that has also improved the overall tracking and routing of these requests.

Requester Services - Notification of Mediation Services:

On July 9, 2010, OIP issued [guidance](#) to all agencies notifying them of the mediation services offered by the Office of Government Information Services (OGIS). OIP's guidance advised agencies that they should inform requesters of the availability of mediation services at OGIS at the conclusion of their administrative appeals process. Since the issuance of this guidance, the Department itself has continually provided such notification to requesters in its administrative appeal responses, advising several thousand requesters each year of OGIS's mediation services.

Requester Services - Breakdown of Fee Estimates:

On November 22, 2013, OIP issued a second installment of [guidance](#) on the importance of good communication with FOIA requesters. Building off of guidance issued in 2010, this new guidance stressed, among other things, the importance of agencies providing requesters a breakdown of how fees were calculated and assessed.

Within the Department of Justice nearly half (15 out of 31) of the FOIA processing components did not assess fees this reporting cycle. As to those that did, the Department has taken steps to ensure that both the tone and substance of communications regarding fees reflect a "spirit of cooperation." In preparing fee estimates, Department components carefully consider all that is needed to process the request in order to reasonably estimate the type(s)/amount of fees that may be applicable. When notified of anticipated fees, requesters are provided an estimate that is broken down by the number of hours attributed to search and/or review and the number of pages or the direct costs attributed to duplication. Components also notify non-commercial requesters that they are entitled to the first two hours of search time and 100 pages of duplication (if applicable) free of charge.

Additionally, to the extent that estimated fees are particularly high, the Department's components give a more detailed explanation of the fee estimate. As noted above, the Department does its best to ensure that these communications reflect a true spirit of cooperation and offer requesters opportunities to contact the FOIA office or the FOIA office's FOIA Public Liaison to discuss the scope of the request and how fees can be reduced or avoided. Components have worked with the requester to provide a sampling of records to assist them in narrowing the scope of their request so that fees are not necessary.

Other Initiatives:

In addition to the above, the Department has engaged in a number of other initiatives to ensure that its administration of the FOIA is as efficient and effective as

possible. The Associate Attorney General, who also serves as the Department's Chief FOIA Officer, continued to hold meetings of the Department's FOIA Council. As noted above, the FOIA Council was established by the Associate Attorney General to serve as a high-level forum within the Department for the heads of each component to discuss our overall administration of the FOIA.

With the support of the Associate Attorney General, OIP is also continuing its work on the Component Improvement Initiative. Since the last Chief FOIA Officer Report, OIP conducted an in-depth review and analysis of Department components' statistical data from both prior Annual FOIA Reports and quarterly FOIA reporting. Further, OIP conducted both in-person and/or telephone conferences with every component. The goal of the initiative is to improve the Department's overall FOIA processes through the development and refinement of review and measurement criteria, analysis of available data, and the provision of recommendations for individual components as well as Department-wide improvements and standardizations.

In order to build off the success of this initiative, OIP has instituted an Annual Improvement Action Plan wherein OIP's existing component liaison program has become both more robust and proactive. Additionally, as a part of the Annual Improvement Action Plan, OIP has committed to producing a FOIA Language Database as well as a FOIA Processing Checklist. Both of these initiatives will help meet the Action Plan's continuing goals of increasing transparency and efficiency by creating more standardized processing procedures across the Department.

Many of the Department's components have also taken steps to make sure their FOIA operations are operating efficiently and effectively. For example, ATF took steps to make their search process more efficient. The case management system employed by ATF allows search requests to be sent electronically to the responsive office within ATF. The system also helps to eliminate redundancy by automatically checking for requests made by the same person or for the same subject. The Environment and Natural Resources Division is transitioning to a more effective and technologically advanced online records management system to expedite and streamline processing. This system has made review more efficient in many ways, including allowing multiple reviewers to work simultaneously, de-duplicating documents based on metadata, and allowing email conversations to be threaded.

Section III: Steps Taken to Increase Proactive Disclosures

Both the [President](#) and [Attorney General](#) focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received. The Department has continued to make records available to the public proactively, posting a wide range of material.

Posting Material:

In order to answer the Attorney General's call for agencies to "readily and systematically post information online" it is important that each agency have a process in place to identify records for proactive disclosures. The Department has put processes in place to identify records of public interest that can be proactively posted online. While components use different strategies for identifying this information, each component has tailored its process or method of identifying proactive disclosures based on its current operations and the types of records that are of interest to the community of individuals that most frequently visit their websites.

By way of a few examples, the Community Oriented Policing Services (COPS) automatically reviews for posting the successful application for several major grant programs. In addition to posting copies of the successful grant applications, COPS also reviews for posting the applicants' ratings by state, state summaries, and rating methodology summaries. Further, the Office of Legal Counsel's (OLC) publication process ensures that many of its opinions are released without the need for a FOIA request. In addition to eventually being placed in a bound volume, published OLC opinions can also be found on the "Opinions" page of OLC's [website](#).

As part of their processes, some components regularly collaborate with agency staff outside their FOIA office. For example, the Executive Office for United States Trustees designated a FOIA professional, an IT professional, and an Office of Personnel and Evaluation professional to attend periodic Open Government Team meetings to identify records suitable for proactive disclosure. The FBI coordinates with their Office of Public Affairs and their Corporate Policy Office to identify proactive disclosures. On occasion these two offices will also write summaries of the information that gets attached to the posted information to make that material more useful for the public. DEA's FOIA professionals currently have several projects in place with DEA program offices to coordinate the posting of certain DEA manuals.

The FOIA itself requires that records released under the FOIA "which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests" be proactively disclosed. 5 U.S.C. § 552(a)(2)(D). The Department's components use different methods for identifying frequently requested records including: monitoring it as part of their ongoing case management process, conducting periodic reviews of FOIA logs, and holding monthly meetings that include not only FOIA professionals but other interested stake holders like IT and Communications personnel.

Every Department component maintains a [FOIA Library](#) on its website to centralize, organize, and publicize proactive disclosures made in connection with their FOIA administration. Components also frequently post material elsewhere on their websites

where it would best serve the communities most interested in the material. A wealth of information was added this past year to the Department's website. Some examples of these new postings include:

- OIP regularly posted new material and FOIA resources on its website. Some examples of material posted since March 2014 include:
 - Through its blog, [FOIA Post](#), OIP continued to inform both agencies and the public of new developments and upcoming events concerning the FOIA
 - OIP continued to post its guidance articles to agencies on the implementation of the FOIA. Specifically, OIP posted the following guidance articles this past reporting period:
 - [Assigning Tracking Numbers and Providing Status Information for Requests \(Updated Guidance\)](#)
 - [Reducing Backlogs and Improving Timeliness](#)
 - [Guidance for Further Improvement Based on 2014 Chief FOIA Officer Report Review and Assessment](#)
 - [Guidelines for 2015 Chief FOIA Officer Reports](#)
 - [Ensuring Timely Determinations on Requests for Expedited Processing](#)
 - OIP also posted the following in its FOIA Library:
 - [Deputy Attorney General Memorandum](#) for All Department of Justice Employees Concerning the Personal Use of Social Media
 - A [collection of Deputy Attorney General authorization memoranda](#) for early disposition programs a/k/a "fast track programs" ranging from 2003-2009
 - [Documents](#) released in response to requests on "Operation Fast and Furious"
 - [Letters](#) submitted to Congress pursuant to 28 U.S.C. § 530D
 - In addition, OIP continued to post monthly [FOIA logs](#) for requests made to OIP and the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Legislative Affairs, Public Affairs, and Legal Policy. Further, OIP and the Office of Public Affairs posted [Calendars](#) for the Attorney General and other Senior Department Officials
- The Antitrust Division undertook a project during the reporting period to post older documents, which include signed copies of court filings and incoming request letters seeking business reviews. The Division's [business reviews](#) reflect a statement of the

Division's current enforcement intentions with respect to certain proposed business conduct.

- ATF has continued to post a [listing of Federal Firearms Licensees](#) (FFL's). This listing is updated on a monthly basis, and is available for download as a nationwide listing, or on a state-by-state basis. Additionally, ATF has posted many [documents related to Operation Fast and Furious](#)
- The COPS FOIA Office has taken numerous steps to increase the amount of information available to the public through its website. The COPS Information Technology (IT) Division has established a link from COPS' FOIA website to its Electronic Resource Information Center (RIC). Every publicly available COPS publication is now available for viewing and downloading by the general public, without the need to file a FOIA request for the material. Numerous publications have been made available during this reporting period. COPS has posted successful grant applications for multiple grant programs administered by the agency. COPS also posted interactive maps for the public to easily locate the desired grant application. Finally, COPS released the applicant's rating by states, state summaries, and rating methodology summaries. This proactively released information is located on COPS's [website](#) (1)(2)(3)(4)(5)(6)
- The Environment and Natural Resources Division (ENRD) proactively discloses its monthly [Environmental Crimes Bulletin](#) on a rolling basis. ENRD also recently launched a new [wildlife trafficking site](#) that contains materials related to the 2014 National Strategy for Combating Wildlife Trafficking and the Presidential Task Force on Wildlife Trafficking
- The Executive Office for Immigration Review (EOIR) posted [Board of Immigration Appeals precedent decision](#), [Office of the Chief Administrative Hearing Officer published decisions](#), [List of Disciplined Practitioners and decisions](#), [statistical yearbook](#), [Immigration Judge complaint statistics](#), [EOIR publication of Immigration Law Advisor](#), [Updated Uniform Docketing System Manual](#), [Policy statement on docketing practices of unaccompanied alien children](#), [EOIR fact sheets](#), [List of recognized and accredited representatives](#), and [Pro Bono reports](#)
- The Executive Office for the United States Trustees (EOUST) proactively disclosed [lists of credit counseling and debtor education certificates of completion](#) for the last three calendar years, as well as Annual Reports of Significant Accomplishments, Bankruptcy Fact Sheets, Press Releases, Bankruptcy Articles, Speeches and Testimony, Bankruptcy Data and Statistics, Significant Guidance Documents, and Outreach, all available [here](#)

- EOUST posted chapter 7 trustee distribution data. through mid-calendar year 2013, available [here](#)
- The FBI's manages a robust FOIA Library through its site, "[The Vault](#)." The Vault contains over 6,700 documents and other media. During Fiscal Year 2014 alone, the Vault received 1,439,646 visitors that amassed 4,513,056 page views. Below is a sampling of some interesting posts available in the Vault:
 - Eugene "Gene" Curran Kelly - (1912-1996) was a well-known dancer, actor, and film executive. This release of the main FBI file on Kelly spans the years 1947 through 1975; the active part of the investigation spanned the years 1947 to 1951
 - Irving "Ash" Resnick - (1916-1989) was a Las Vegas casino executive and sports promoter. This release consists of FBI investigative files covering the years 1961 to 1975. Over this period, the Bureau investigated Resnick on a number of allegations concerning potential illegal gambling and racketeering violations; it also investigated a 1974 attempt to kill Resnick
 - Thomas Hale Boggs - (1914-1972) was a U.S. politician who disappeared in a 1972 plane crash and was declared dead the next year. This release consists of several FBI files previously released to the public. The files span the years 1949 to 1972
 - FBI Use of Global Positioning System (GPS) Tracking - This release consists of FBI materials related to our use of GPS technology
 - Pentagon Spy Case - This release covers the FBI investigation into a leak of classified material to reporter Jack Anderson. At the White House's request, the FBI investigated a naval yeoman, Charles E. Radford, II, who worked with the National Security Council. The release covers the years 1972 to 1974
 - 2011 Tucson Shooting - On January 8, 2011, Jared Lee Loughner shot U.S. Representative Gabrielle Giffords and a number of other people who were present at a public appearance by Giffords in Tucson, Arizona. The FBI investigated the attack under a number of statutes. This release consists of FBI files concerning the early stages of that investigation
- The Office of the Solicitor General (OSG) posted each [brief](#) that it filed with the Supreme Court

- The Executive Office for United States Attorneys (EOUSA) undertook the very challenging process of reviewing and uploading disclosable portions of its case management database
- The United States National Central Bureau, also known as, Interpol Washington, (USNCB) posted its Fiscal Year 2014 FOIA logs in its FOIA Library
- The Foreign Claims Settlement Commission (FCSC) has undertaken an initiative to improve its [website](#) by including narratives and reports from all of its previous programs (1949 to the present) and posting significant decisions from each program along with indexes describing the significance of each decision
- The Office of Violence against Women (OVW) posted [information](#) about grant awards, including the name of the grantee, award amount, and the OVW grant program
- Office of the Pardon Attorney (OPATTY) proactively disclosed [Executive Clemency Statistics](#)

Other Initiatives:

In addition to the efforts described above, OIP has taken steps to further encourage proactive disclosures across the government. One of the topics of OIP's new Best Practices Workshop series was proactive disclosures. During this workshop, panelist discussed improving proactive disclosures by engaging with programmatic offices, making online information more usable, utilizing available expertise outside the FOIA office, and collaborating with all stakeholders. Building on this workshop, OIP co-hosted a second [proactive disclosure workshop](#) with the White House Open Government Team. This event brought together various personnel from agency FOIA, open data, and communications offices to discuss their roles in their agency's proactive disclosure process and how through collaboration they can further improve such processes. To further assist agencies in this area, OIP will also be issuing new guidance on proactive disclosures in March 2015.

Finally, launched during Sunshine Week four years ago, FOIA.gov continues to serve as the government's one-stop shop for FOIA data and resources. Among many other functions, FOIA.gov takes the detailed statistics contained in agency Annual FOIA Reports and displays them graphically. The website also allows users to search and sort the data in any way they want, so that comparisons can be made between agencies and over time. The most recent set of data to be made available on FOIA.gov is the data from agencies' Fiscal Year 2014 Annual FOIA Reports. New charts and graphs show the evolution of key FOIA statistics over the fiscal years. FOIA.gov also continued to be updated with recent FOIA news and spotlights on the new releases agencies have made that are likely to be of interest to public.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's [FOIA Memorandum](#) was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. The Department continues to embrace the use of technology to improve all aspects of our FOIA administration. Particularly, we have found great potential in technological solutions that help with the core functions of document processing.

Online Tracking of FOIA Requests and Appeals:

Currently, eight of the Department's components provide electronic tracking of FOIA requests. All users that submit requests through OIP's online FOIA portal may also track the status of that request online. OIP's portal provides this service for requests made to itself, as well as the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Legislative Affairs, Public Affairs, and Legal Policy. Moreover, all administrative appeals submitted to the Department with the exception of those made to the United States Parole Commission can be submitted and tracked through OIP's portal as well. In addition to using OIP's portal, requesters may submit and track their requests through an online portal on the Federal Bureau of Prison's (BOP) website.

Through the online tracking capabilities currently available from OIP's and BOP's portals, requesters are provided with a variety of information concerning the status of their request. This includes information indicating that a search for responsive records is being conducted, that responsive material is pending review, that the Department is awaiting fee payment, that the request has been forwarded to another Department component, or that its processing has been completed. Currently, these online tracking systems do not provide estimated dates of completion, but that information is conveyed to requesters upon request either by phone or e-mail.

Many of the Department's components that do not currently possess the capability to track requests online have indicated that they are looking into the feasibility of obtaining an online tracking feature for their website. However, a number of components have explained that it would not make fiscal sense for them to provide a public tracking feature in the near future because of the low volume of requests they receive, and the small pool of potential users that would benefit from such a feature, would not justify the resources that would need to be expended. For example, seventeen of the Department's components received less than 100 requests this past fiscal year. All of the Department's components continue to provide status updates and estimated dates of completions upon request through their Requester Service Centers and by e-mail.

Making Material Posted Online More Useful:

Not only has the Department continued its trend of posting more information online, but it has also continued to work to find ways to make that information more useful to the public. The Department welcomes [public feedback](#) through its main website and it strives to implement any suggestions that would make the information posted online more useful.

Apart from the main site, many of the Department's components have also built-in separate mechanisms for receiving public feedback on their individual web pages.

Several components improved their websites by making information posted online more accessible and easier to locate. OIP recently launched [a new page](#) on its website specifically designed to allow agencies and the public to find a wealth of helpful resources connected to its new Best Practices Workshop series. In addition, OIP continues to improve the usability of several of the FOIA reports and resources on its website by posting them in open formats. For example, during the reporting period, OIP posted agency Annual FOIA Report data, its Chart of Exemption 3 Statutes, Assessment of Agency Annual and Chief FOIA Officer Reports, and Litigation and Compliance Report data in both human readable and open formats.

Similarly, ATF provides some of its information that is publically available in Excel, open text, and machine readable formats. The Environment and Natural Resources Division's (ENRD) [wildlife trafficking site](#) aggregates materials about efforts in this area, and contains relevant news items and prosecution documents. The Executive Office for United States Trustees (EOUST) added a "[What's New](#)" link on the FOIA Library page to highlight newly available data on their website. The Office of Community Oriented Policing Services (COPS) has taken numerous steps to post documents in the most useful format on its website. Most notably, COPS has posted interactive maps for the public to easily locate desired grant application. Additionally, COPS posts the applicants' rating by states, and posts state summaries and rating methodology summaries.

Many components have continued to embrace the Department's efforts to make the information posted on its website more accessible to those with limited English proficiency. The Antitrust Division, for example, launched a [Spanish Language version](#) of its site which can also be accessed through [Justice.gov en Espanol](#). Similarly, DEA recently updated its FOI/PA website and currently is in the process of translating its FOIA website into the Spanish language to ensure that the content of the documents and forms uploaded there are more accessible.

Several of the Department's components reported that their FOIA professionals interacted with other agency staff, such as technology specialists, public affairs, or communications professionals in order to identify new and effective ways of posting information online. For example, the Executive Office for Immigration Review's (EOIR) FOIA IT representative is on the steering committee and working group that interacts with component IT staff, public affairs representatives and other Department components to identify new ways to post information online. EOUST's FOIA professionals regularly meet with IT and Office of Planning and Evaluation staff at meetings of the Open Government Team to address such issues as new ways of posting component information online.

Several of the Department's components also made efforts to publicize when new material was posted online so that those who were interested were aware of its availability. For example, the Antitrust Division has 107,809 subscribers to its [GovDelivery email subscription service](#). In addition, the Division's web team sent 390 [RSS feed updates](#) containing 579 links pertaining to five feed categories. The Executive Office for Immigration Review (EOIR) notifies the public of press releases and meetings through [social media](#) platforms such as Twitter and Facebook. The Office of the Inspector General

(OIG) has a link to its [Twitter feed](#) on its website. Additionally, OIG has posted many videos on its [website](#). The Office of Legal Counsel (OLC) posts opinions when they are published and features them in the "[New from OLC](#)" section on the main OLC website. OIP also continued to highlight a number of newly posted material on its website through its Twitter feed and its blog, *FOIA Post*.

The Department's Office of the Chief Information Officer and the Office of Attorney Recruitment and Management worked with the Office of Public Affairs to release information on a new "[DOJ Law Jobs](#)" mobile application, which will be available on iTunes and the Play Store. The "app" will provide the public with a quick and easy way to find information on attorney positions and law student internships within the Department. Users of the app will be able to create personalized job searches based on practice area, geographic preference, and hiring organization.

While the Department strives to proactively post as much information on its websites as possible, there are sometimes limitations that can make such postings difficult. Some of the Department's components reported that additional postings were not feasible because the majority of the records they handle are not appropriate for release. For example, EOIR mostly handles first-party Immigration records, which cannot be posted online. However, for those instances where records are appropriate for posting, one challenge cited by various components is the additional resources required to code the records so that they are compliant with Section 508 of the Rehabilitation Act. For example, the Civil Rights Division has many historical documents that due to their age and paper quality cannot be scanned in a way that would allow them to easily become compliant with Section 508. The FBI, which has a large FOIA Library and robust history of proactive disclosures cited server space and the resources needed to manage its website as an additional challenge.

Use of Technology to Facilitate Processing of Requests:

OIP and the Department continue to champion the use of advanced technological solutions that assist with the core functions of document processing as a key component of improving FOIA administration. OIP has led the effort to explore the use of these more advanced technologies for the benefit of not only the Department, but all agencies', FOIA administration. OIP's Best Practices Workshop in December focused on this very topic, and a senior member of OIP's staff joined experts from the Department of Homeland Security and the Commodity Futures Trading Commission to discuss how advanced technology can assist the FOIA process. The best practices discussed during this session can all be found on the [Best Practices page](#) of OIP's website.

Within the Department, last spring OIP partnered with Justice Management Division to utilize e-Discovery tools to streamline its FOIA process. Many of the Department's other components including, the Antitrust Division, Civil Division, Criminal Division, Executive Office for United States Attorneys, OIG, OLC, Office of Professional Responsibility, Office of the Solicitor General and the Tax Division, are also testing the use of various e-Discovery tools to search for, sort and de-duplicate responsive documents. Using these tools to automate many of the internal processes for handling FOIA requests can bring great benefits in efficiency. For example, conducting an adequate search for responsive records often involves the review of both paper and electronic records originating with multiple employees throughout the agency. In turn, these searches can

locate hundreds, if not thousands, of pages of material that need to be reviewed for both responsiveness and duplication before a FOIA disclosure analysis can be conducted. With the widespread use of email and the common practice of employees forwarding the same email to multiple other people, with each employee then building still further on that email, long chains of overlapping and duplicative email are frequently created. The benefits of using technology to de-duplicate, sort, and thread all those emails automatically, rather than doing so manually, are readily apparent.

In addition to the e-Discovery technology outlined above, various components are using other types of technology to facilitate processing requests. For example, ATF took steps to make their search process more efficient. The case management system employed by ATF allows search requests to be sent electronically to the responsive office within ATF. The system also helps to eliminate redundancy by automatically checking for requests made by the same person or for the same subject. The Environment and Natural Resources Division is transitioning to a more effective and technologically advanced online records management system to expedite and streamline processing. This system has made review more efficient in many ways, including allowing multiple reviewers to work simultaneously, de-duplicating documents based on metadata, and allowing email conversations to be threaded. The Tax Division's FOIA staff began using a search application on the Division's Document Management System, which reduced a two-step search process to one, making search time more efficient.

Other Initiatives – Quarterly Reports & Electronic Communications:

In January 2013, OIP instituted a new quarterly reporting requirement for all agencies on four key FOIA statistics, thereby allowing for a more real-time assessment of the flow of FOIA requests handled by the government throughout the year. The four key statistics are the numbers of requests received, processed, and in an agency's backlog for each quarter of the fiscal year, as well as the status of the agency's ten oldest pending requests. This new reporting requirement is specifically designed to provide even greater transparency to the FOIA process by proactively shedding light on agencies' statistics throughout the fiscal year and not just at the end. To facilitate the viewing of this data by both agencies and the public, all agency quarterly reporting is displayed on the [Reports](#) page of [FOIA.gov](#). In accordance with the January 2013 [Guidance for Quarterly Reporting](#), the Department posted all of the required quarterly FOIA reports for Fiscal Year 2014.

On November 22, 2013, OIP issued a second installment of [guidance](#) on the importance of good communication with FOIA requesters. Building off of guidance issued in 2010, this new guidance directed agencies to, among other things, communicate with requesters electronically as a default. All of the Department's components report communicating with requesters electronically whenever feasible.

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

The [President](#) and the [Attorney General](#) both emphasized the importance of improving timeliness in responding to requests. The data referenced in this section of the Report comes from the Department's Fiscal Year 2014 Annual FOIA Report. As discussed above, during Fiscal Year 2014 the Department's FOIA offices faced many challenges

including challenging fiscal realities, decreased staff, and a three week government shutdown during which requests could not be processed. In the face of these challenges, however, the Department was able to continue building on the successes of its FOIA administration through many of the efforts discussed above, such as posting more information online, utilizing greater technology, and increasing the amount of available FOIA training. In addition to these efforts, the Department once again processed over 60,000 requests for records while continuing to maintain a high release rate of 94.8%. The Department also continued to improve the age of its backlogs by closing its ten oldest requests, appeals, and consultations.

Simple Track:

The Department utilizes multi-track processing to manage its FOIA administration. The Department's overall average number of days for processing simple track requests during Fiscal Year 2014 was 31.72 days. Approximately 73% of the perfected requests processed by the Department this past fiscal year were categorized as simple requests. As such, the overwhelming majority of perfected requests processed by the Department were responded to in an average of less than 32 days.

Backlogs – Requests and Appeals:

As noted above the Department's FOIA offices were able to process over 60,000 FOIA requests in Fiscal Year 2014. However, these offices faced a number of challenges during the year that unfortunately resulted in an increase of the Department's overall request backlog. These challenges included an increase in the complexity of the requests received, an over 6% reduction in staff (11% reduction over the last two fiscal years), and three weeks of government shutdown. Notably, the three week span during which the government was shutdown could have potentially accounted for over 5,000 more requests being processed. While the Department's request backlog did increase, it still amounted to only 13.86% of the total number of requests received in Fiscal Year 2014.

Despite receiving over 3,200 administrative FOIA appeals, the most received across the government in Fiscal Year 2014, the Department was able to reduce its backlog of administrative FOIA appeals by approximately 12%. The appeals backlog at the end of Fiscal Year 2014 made up only 9.09% of the total number of appeals the Department received.

Backlog Reduction Plans:

In the 2014 Guidelines for agency Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2013 was asked to provide a plan for achieving backlog reduction in the year ahead. The Department has made substantial progress in implementing the plan described in last year's Report. With the support of the Associate Attorney General, OIP worked with each component through the Component Improvement Initiative to identify causes contributing to backlogs and to assist components in overcoming those challenges and finding further efficiencies. Further, as the Department's Chief FOIA Officer, the Associate Attorney General continued to convene the Department's FOIA Council to manage the Department's overall FOIA administration and to provide top level support for backlog reduction efforts. Despite these efforts however, as described

above many challenges contributed toward the Department not being able to achieve backlog reduction in Fiscal Year 2014. Moving forward, the Department is committed to backlog reduction and has already taken affirmative steps to achieve that goal in Fiscal Year 2015. For example, OIP will continue to work with the Department's components on all areas of FOIA administration, including backlog reduction, through its Component Improvement initiative. A number of components have also reported plans to hire additional FOIA professionals and adjust workflows to maximize efficiencies.

To further assist both the Department and all agencies across the government with backlog reduction efforts, in May 2014 OIP hosted a [Best Practices Workshop](#) dedicated to Reducing Backlogs and Improving Timeliness. The panelists included representatives from a number of agencies that have had particular successes in this area. The panel discussion was very well-received and highlighted a number of best practices that have proven successful in improving timeliness and reducing backlogs. As a result of this discussion, OIP then issued new guidance to all agencies on [Reducing Backlogs and Improving Timeliness](#). OIP then discussed the issue and the related best practices at its next DOJ FOIA Conference.

Status of Ten Oldest Requests, Appeals, and Consultations:

In addition to focusing on reducing the number of requests in an agency's backlog, OIP has issued guidance on number of occasions stressing the importance of agencies reducing the age of their backlogs by closing their ten oldest requests, appeals and consultations. The Department is pleased to report that it successfully closed its ten oldest pending requests, appeals, and consultations from Fiscal Year 2013. Notably, this marks the seventh consecutive year that the Department closed its ten oldest pending requests and appeals. Of the ten oldest requests that were closed, one was closed after the requester was satisfied with the component's interim response and three were withdrawn by the requester.

Interim Responses:

OIP has issued [guidance](#) to all agencies encouraging them to provide interim responses whenever possible, particularly when processing requests that involve a voluminous amount of material or that require searches in multiple offices. These interim responses foster continued communication between the agency and the requester, provide records more readily as they are processed for disclosure, and facilitate the agency's ultimate response. All of the Department's components reported having a process in place to provide interim responses to requesters when appropriate. Over the past year, the Department has provided an interim release in response to approximately 617 requests (6.91%) that are in its backlog.

Use of the FOIA's Law Enforcement Exclusions

In the 1986 FOIA amendments, Congress created three law enforcement exclusions, which authorize agencies under certain exceptional circumstances, to "treat the records as not subject to the requirements of [the FOIA]." In September of 2012, OIP issued government-wide [guidance](#) on the proper application of exclusions.

During Fiscal Year 2014, the Department invoked an exclusion in response to 145 requests, which is 0.23% of all requests processed

Spotlights on Success

- The Department continues to lead by example, both in its own administration of the FOIA and in its policy and oversight role for all agencies' administration of the statute. During this past year, the Department has led the efforts to further modernize FOIA through a number of commitments made in the United States' Second Open Government National Action Plan. These initiatives include working on a consolidated online FOIA service, developing common FOIA regulations and practices for federal agencies, improving internal agency FOIA processes across the government by leveraging best practices, improving FOIA training by making standard e-learning resources available for all federal employees, and participating in a FOIA Federal Advisory Committee.
- The Department also continued to expand its robust FOIA training program in an effort to provide quality FOIA training and resources to all federal employees. OIP's FOIA instructors provided training on a range of topics to over a thousand federal employees across the government. OIP also [released](#) a new suite of four electronically available FOIA training tools designed for all levels of the federal workforce from the senior executive whose support is key, to agency program personnel, to the FOIA professionals who process records. This new collection of training tools helps ensure that all agencies have a ready set of targeted resources to make available to all their employees.
- The Department proactively posted more information to its websites, and continued to post that information in ways that are most useful to the public. The Department's FOIA.gov website continues to be a central resource for all FOIA data and resources. With Fiscal Year 2014 Annual FOIA Report data now on the website, users can compare agencies' FOIA administration from this past fiscal year across agencies and over time. The other resources on the site, such as videos about the FOIA and how it works, and FOIA contact information for all 100 agencies, continues to also serve as a valuable resources for the public.