**OVERSIGHT AND
COMPLIANCE**

October 24, 2014

MEMORANDUM FOR DOD FREEDOM OF INFORMATION ACT (FOIA)
PUBLIC LIAISONS

SUBJECT: 2015 DoD Chief FOIA Officer Report

    It is, once again, time to solicit input for the DoD 2015 Agency Chief FOIA Officer Report. As per the Department of Justice (DOJ) guidance, the report will cover activity from the last reporting through March 15, 2015. DOJ guidelines can be found at http://www.justice.gov/oip/oip-guidance-4, for your reference. As in the past, the DoD report is an aggregate of the FOIA activity of the DoD Components.

    Each of you, or your designated representative, is responsible for providing our office with your Component's input to this year's report. To submit your Component's input, please go to https://www.research.net/s/DODACFOREPORT2015. For your convenience, we have attached a copy of the questions posed at the site. Please answer all questions to the extent you are able and feel free to provide any additional information in the "Comments" sections to elaborate on your responses. Because the deadline for DoD submitting its report to DOJ is January 16, 2015, we need your input by December 12, 2014. If there are initiatives you are working that will be implemented between December 13, 2014 and March 15, 2015, please include this information, as applicable, throughout the report. Do not hesitate to contact us if you encounter problems using the link or if you are interested in a copy of the responses you submit within the tool.

    For your reference, the DoD Chief FOIA Officer report for 2014 can be found at http://www.dod.mil/pubs/foi/dfoipo/docs/2014_ACFO_Report_FINAL_REPORT.pdf. My point of contact is Stephanie Carr, (571) 372-0446, Stephanie.l.carr.civ@mail.mil.

James P. Hogan
Chief, Defense FOIA Policy

Attachment:
As stated

2015 DoD Chief FOIA Officer Report

Unless otherwise noted, your responses to the questions posed within should address agency activities that have occurred since the submission of your input for last year's Chief FOIA Officer report. Because officially DOJ's intent is that the report covers March 2014 - March 2015, you should include even those actions you intend to implement by March 2015.

1. Name of Component

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your component has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your component is working to apply the presumption of openness.

1. Did your Component hold a FOIA conference, or otherwise conduct training during this reporting period?

☐ Yes

☐ No

If yes, please provide details (i.e. the number of conferences or trainings held; description of topics covered; estimate of the number of participants from your Component.)

2. Did your FOIA professionals attend FOIA training? If so, please indicate the source of the training. (Check as many that apply)

☐ No (If your answer is no, please provide explanation at question 3 below.)

☐ DoD-wide FOIA/PA Training Workshop

☐ DFOIPO Defense Connect Online (DCO) Training

☐ DFOIPO DCO Chats

☐ Department of Justice

☐ American Society of Access Professionals (ASAP)

☐ Component-sponsored training

Additional Comments

3. If your FOIA professionals did not attend training, please provide an explanation here.

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

- ○ 100%

- ○ 90 - 99%

- ○ 80 - 89%

- ○ 70 - 79%

- ○ 60 - 69%

- ○ 50 - 59%

- ○ 40 - 49%

- ○ 30 - 39%

- ○ 20 - 29%

- ○ 10 - 19%

- ○ Less than 10%

5. Did your FOIA professionals engage in outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA?

• This question addresses outreach that is conducted outside of the individual request or appeal process. For example, outreach activities can include engaging with frequent requesters by holding meetings or events which include them, conducting surveys or otherwise soliciting requester feedback, or participating in any other requester initiatives coordinated by your Component or by others, such as OIP.
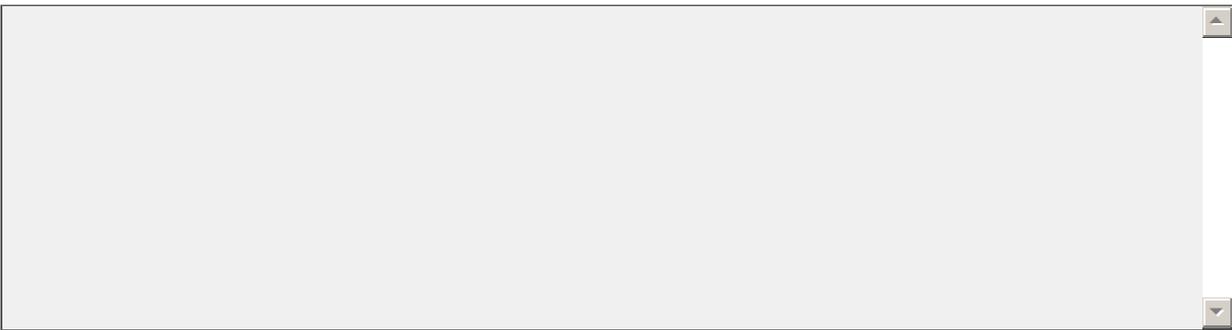
- ○ Yes

- ○ No

If yes, please briefly discuss that engagement.

6. If you did not conduct any outreach during the reporting period, please explain why.
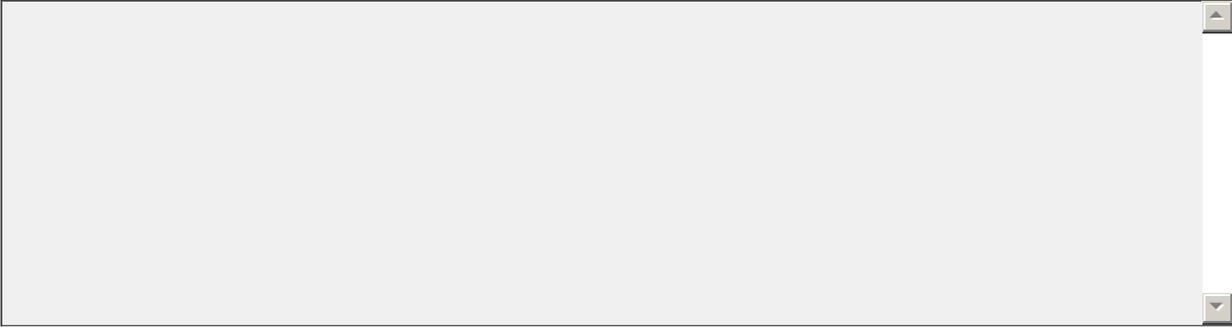
7. If you have plans to conduct an outreach activity or activities, please describe your plans below:

Discretionary Releases

1. Does your Component have a formal process in place to review records for discretionary release? During the reporting period, did you ...

☐ Question document owners when they recommended withholding information under an exemption that can be applied with discretion.

☐ Ask document owners to take another look at portions they have asked to withhold

☐ Provide document owners with a copy of the Attorney General's guidance on discretionary disclosures

☐ Send packages to a legal advisor when document owners recommended withholding information under exemption 5

Please include any additional comments/processes you wish to share
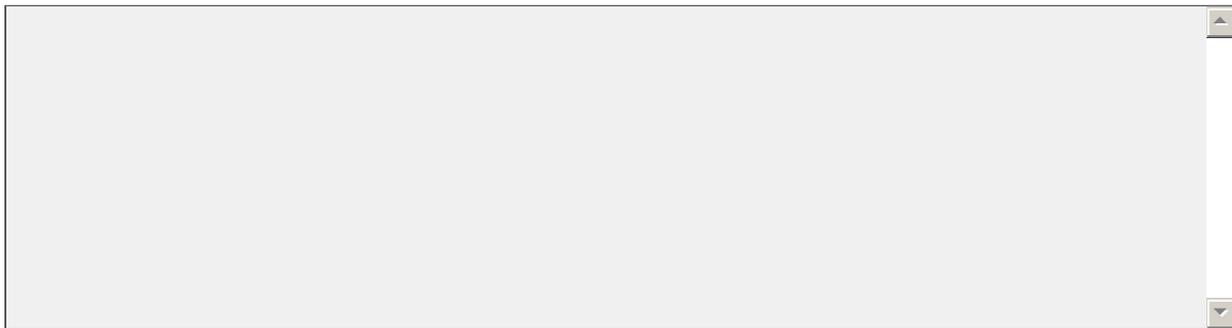
2. Did your Component make any discretionary releases of otherwise exempt information? If yes, please check the exemptions that would have been used.

☐ No (If you did not make discretionary releases, please provide an explanation at question 4 below)

☐ Exemption 2

☐ Exemption 5

☐ Exemption 7

If other exemptions used, please note here.

3. Provide a narrative description, or provide examples of the types of information that your agency released as a matter of discretion.

4. If your Component did not make discretionary releases, please explain why you did not.

5. If there are any other initiatives undertaken by your Component to ensure that the presumption of openness is being applied, please describe them here. If the initiatives are online, please provide links in your description.
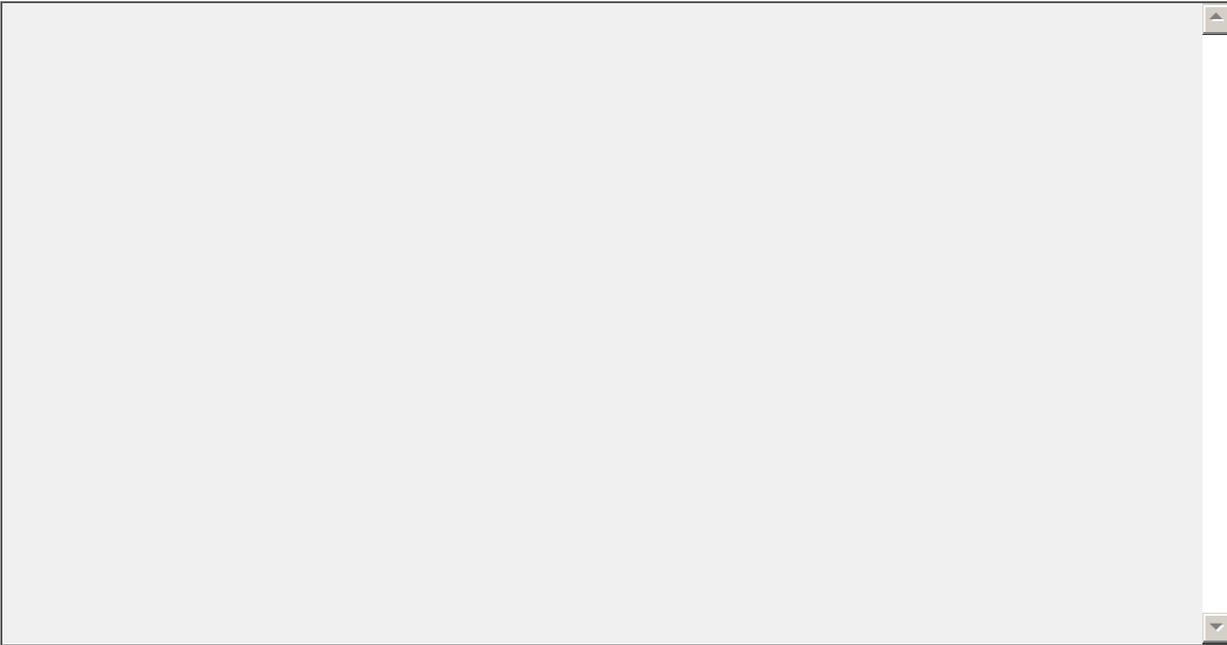
Section II: Steps Taken to Ensure that Your Component Has an Effective Sys...

Please answer the following questions to describe the steps your agency has taken to ensure that management of your FOIA program is effective and efficient. You should also include any additional information that describes your Component's efforts in this area.

1. Has your Component converted all of its FOIA Professionals to the new Government Information Specialist Job Series?

- ○ Yes
- ○ No

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

○ 90 - 99%

○ 80 - 89%

○ 70 - 79%

○ 60 - 69%

○ 50 - 59%

○ 40 - 49%

○ 30 - 39%

○ 20 - 29%

○ 10 - 19%

○ Less than 10%

Other (please specify)

3. If some FOIA professionals have not been converted, what is the plan for converting these employees?

4. For FY14, if your Component's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your Component will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

5. How does your Component handle misdirected requests?

[ ]
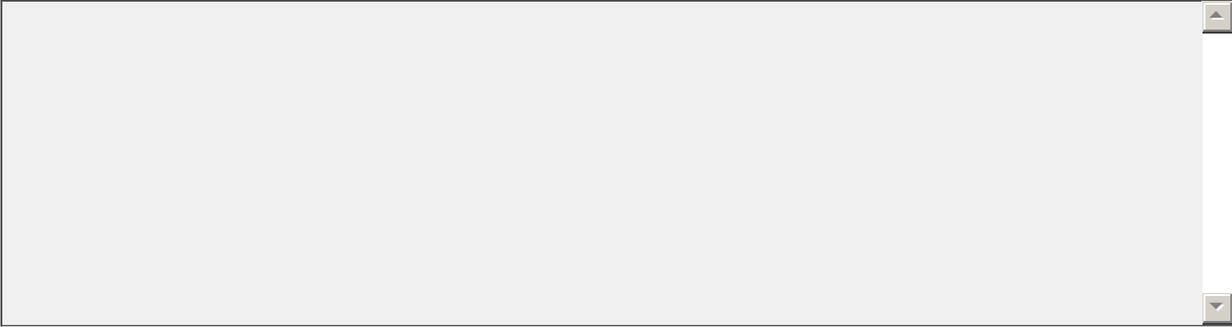
6. Has your Component or your Component field offices referred requesters to the Office of Government Information Services (OGIS) at the National Archives and Records Administration for assistance? (Check all that apply)

☐ FOIA Professionals have made such referrals

☐ The FOIA Public Liaison has made such referrals

☐ This information is posted on our web site

☐ We have included this in written correspondence (i.e. letter, email, etc.)

Please include any additional comments you would like to share

[ ]
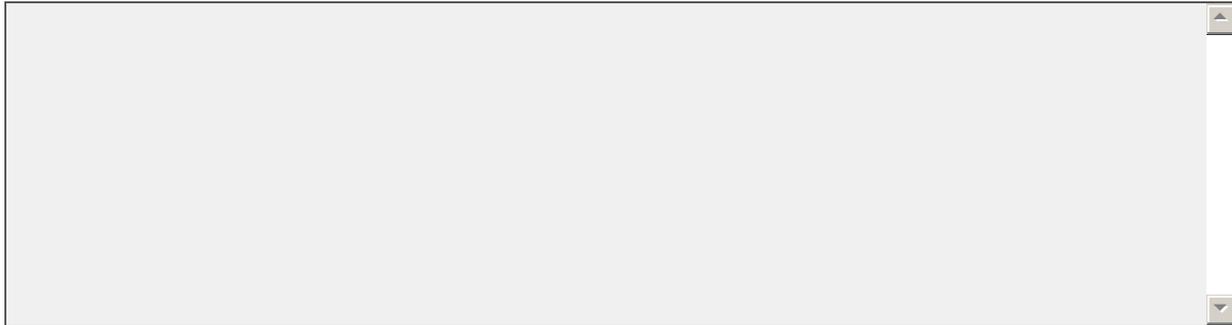
7. How are customer complaints/concerns handled within your Component? Choose all that apply.

☐ FOIA Caseworkers speak directly with requesters

☐ FOIA Requester Service Center Representatives handle complaints/concerns

☐ FOIA Public Liaisons handle complaints/concerns

☐ Requesters are referred to the DoD FOIA Policy Office

☐ Requesters are referred to OGIS

8. What actions have you taken within your Component to ensure that your FOIA professionals are handling FOIA requests/requesters in a customer friendly manner?
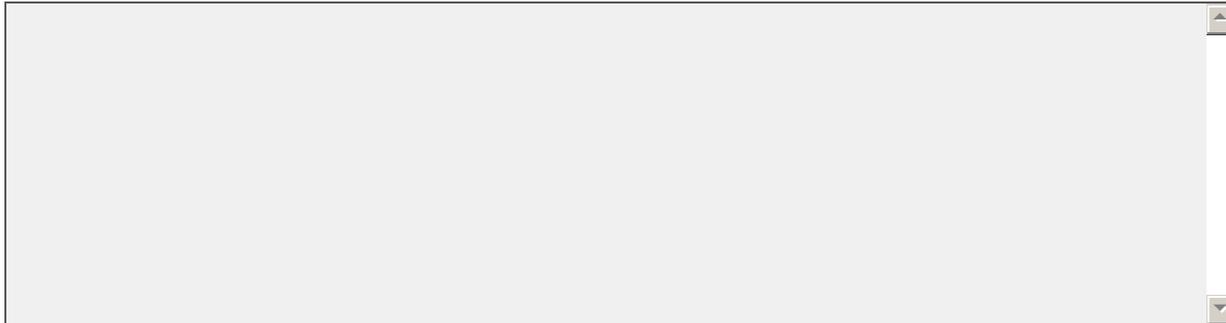
9. When assessing fees, does your Component provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your Component explain the amount of fees attributable to search, review, and duplication?

○ Yes

○ No

10. If estimated fees estimates are particularly high, does your Component provide an explanation for the estimate to the requester?

○ Yes

○ No

11. If there are any other steps your Component has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.
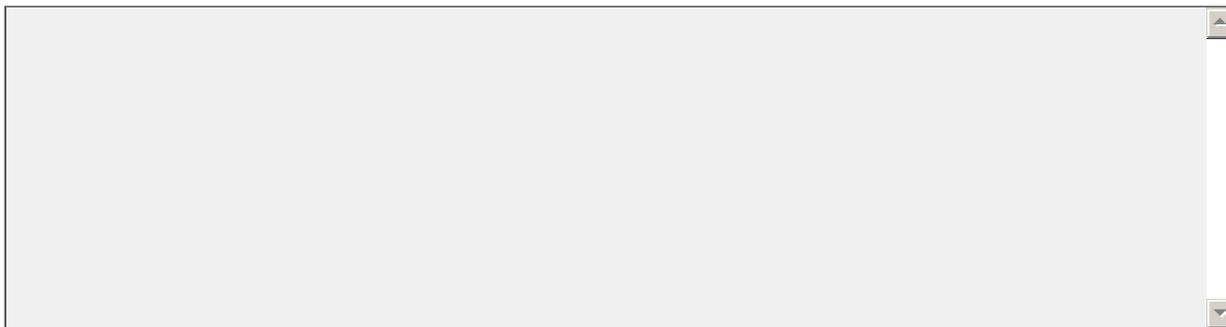
Section III: Steps Taken to Increase Proactive Disclosures

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.

Please answer the following questions to describe the steps your Component has taken to increase the amount of

material that is available on your Component websites. In addition to the questions below, you should also describe any additional steps taken by your Component to make and improve proactive disclosures of information.

1. Does your Component have a distinct process or system in place to identify records for proactive disclosure? Please explain why or why not.

◯ Yes

◯ No

Please explain your answer

2. Does your process or system involve any collaboration with staff outside the FOIA office? If so, describe this interaction.

☐ Yes

☐ No

If yes, describe the interaction.

3. Has your Component made any suggestions to other offices within your Component to proactively post information for the public.

○ Yes

○ No

If yes, please share the results of your suggestion(s)

4. Describe your Component's process or system for identifying "frequently requested" records that should be posted online.

5. Provide examples of material that your Component has proactively disclosed during the past reporting year, including links to the posted material.

6. If there are any other steps your Component has taken to increase proactive disclosures, please describe them here.

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.

Please answer the following questions to describe how your Component is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your Component's efforts in this area.

1. Can a FOIA requester track the status of his/her request or appeal electronically?
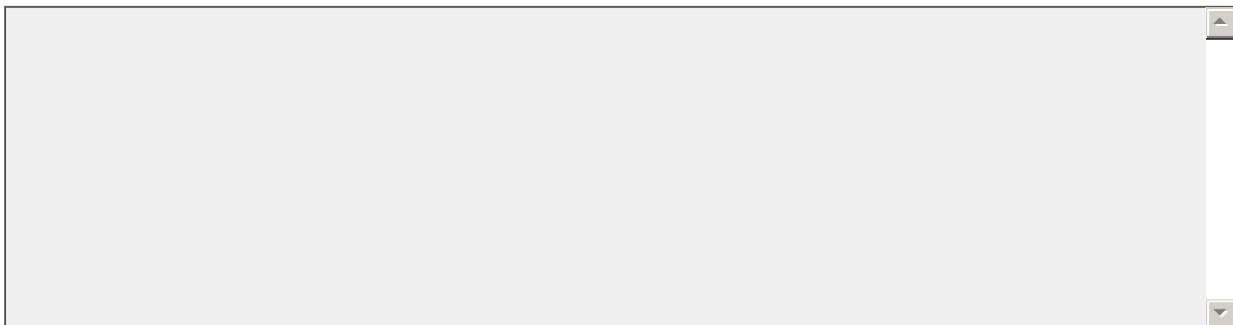
☐ Yes

☐ No

Other (please specify)

2. If yes, how is the tracking feature provided to the public? For example, is it being done through regular posting of status FOIA logs, an online portal, or through another medium?

○ Not applicable

○ The tracking featture is provided to the public as follows:

3. If your Component does provide online tracking, please describe the information that is provided to the requester through this feature. For example, some online tracking features may tell the requester whether the request is "open" or "closed," while others will provide further details throughout the course of the processing, such as "search commenced" or "documents currently in review."
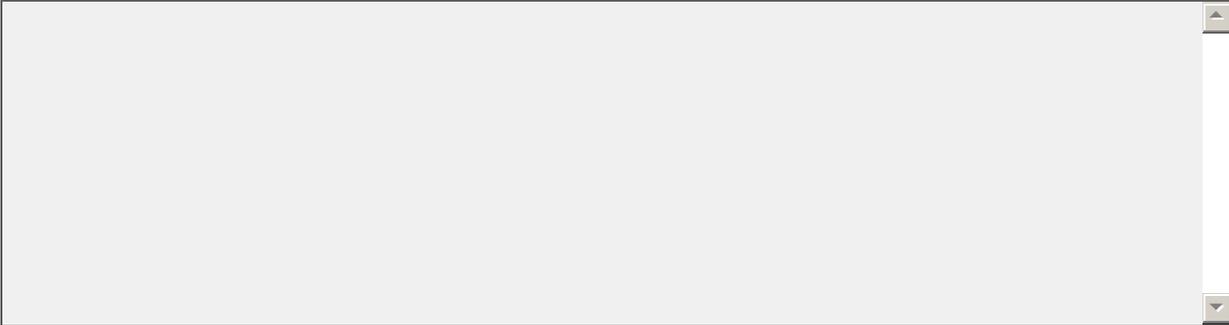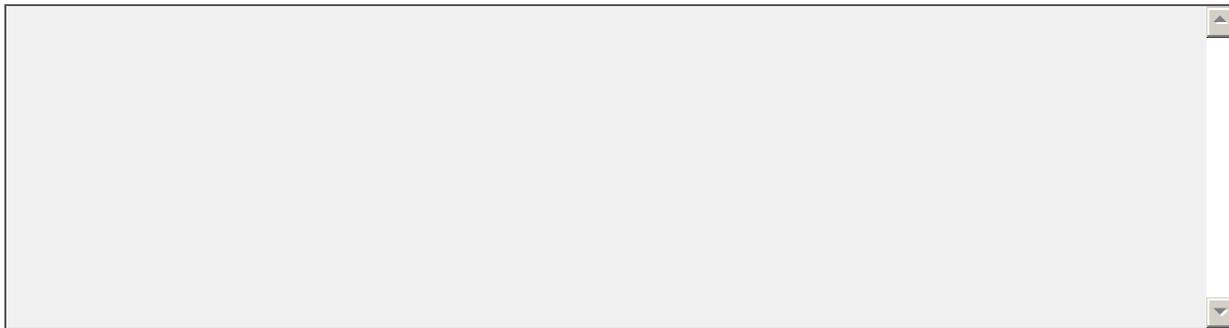
4. If your Component does provide online tracking for requesters, does this feature also provide an estimated date of completion?
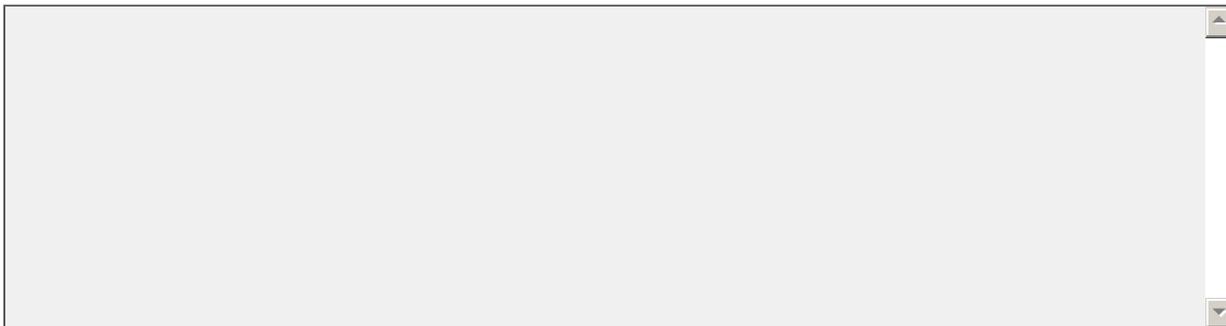
☐ Yes

☐ No

Provide any additional comments here

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

☐ Yes

☐ No (see comments below)

If you answered no to this question, please explain why you are not pursuing this capability here.

6. Beyond posting new material, is your Component taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your Component's website?

• Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

☐ Yes

☐ No

If so, please provide examples of such improvements. If your Component is already posting material in its most useful format, please describe these efforts.
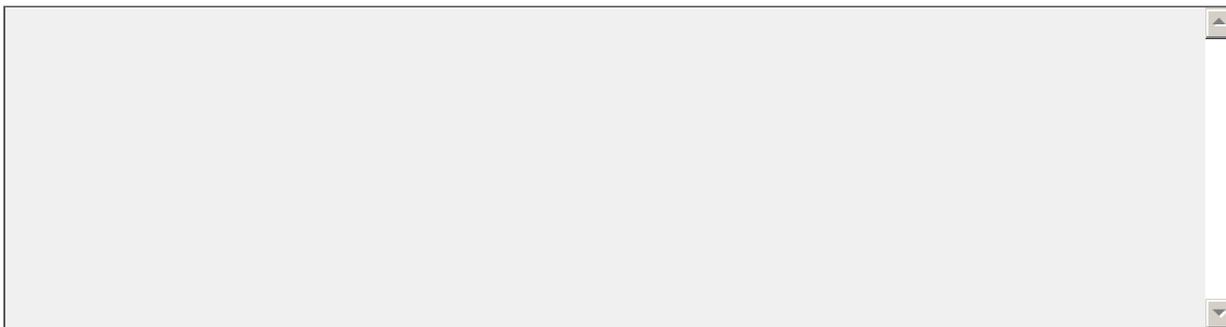
7. Have your Component's FOIA professionals interacted with other staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post information online?

⚪ Yes

⚪ No

Please share example(s)

8. Did your Component use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

• For example, this can be done through social media or with the offering of e-mail subscription services.

⚪ Yes

⚪ No

If yes, please describe those efforts here.

9. Has your Component encountered challenges that make it difficult to post records you otherwise would like to post?

○ Yes

○ No

If yes, please describe those challenges

10. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, describe the technological improvements being made.

○ Yes

○ No

If yes, please describe the improvements

11. Are there additional tools that could be utilized by your component to create further efficiencies?
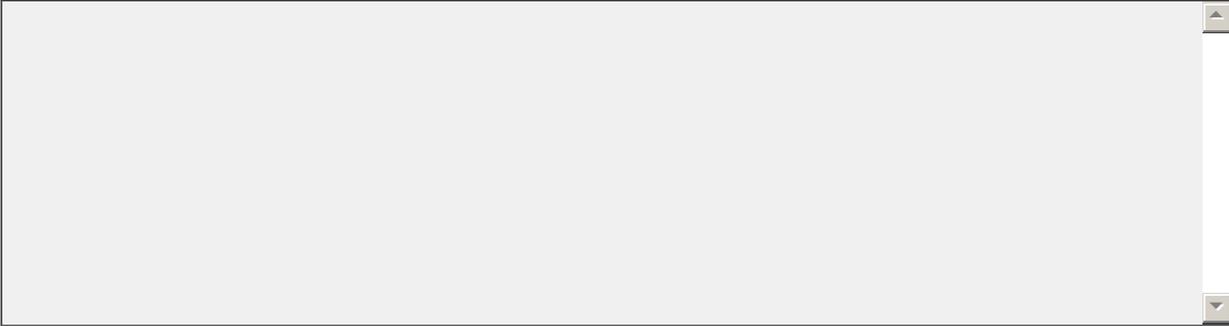
12. Do your Component's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible?

○ Yes

○ No

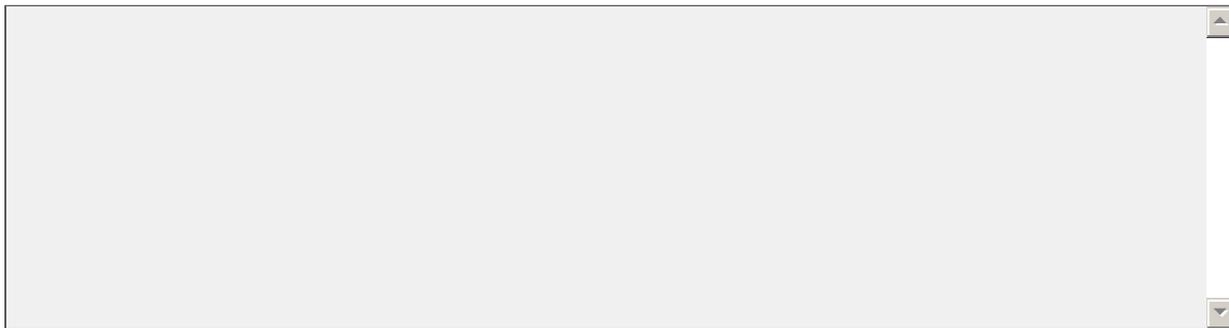If yes, what are the different types of electronic means are utilized by your Component to communicate with requesters?
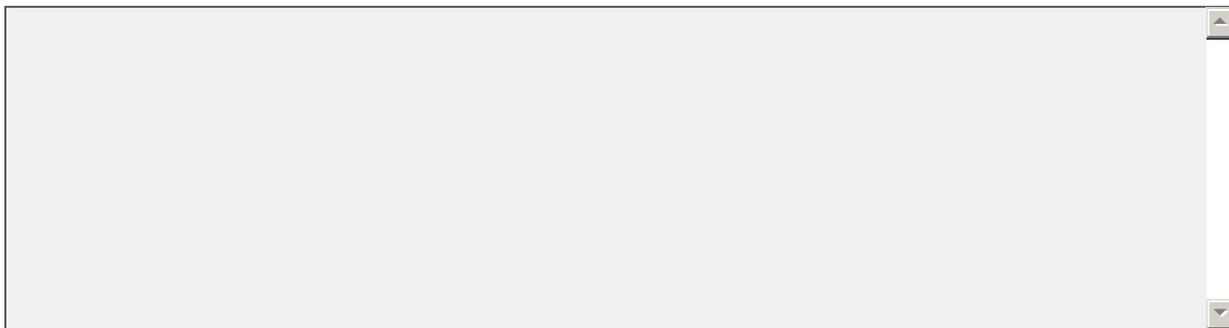
13. If your Component does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means?

○ Yes

○ No

If yes, does your Component inform requesters about such limitations?

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

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. For the figures required in this Section, please refer to your Component's 2014 Annual FOIA Report and, when applicable, your Component's 2013 Annual FOIA Report.

1. Does your Component utilize a separate track for simple requests?

○ Yes

○ No

Additional information you would like us to know:

2. For Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

☐ Yes

☐ No

3. Please provide the percentage of requests processed by your Component in Fiscal Year 2014 that were placed in your simple track.

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

○ Yes

○ No

Additional comments

5. If your Component had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

☐ Yes

☐ No

6. If your backlog did not decrease, please explain why and describe the causes that contributed to your Component not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

☐ An increase in the number of incoming requests

☐ A reduction of staff; to include a loss of contractors

☐ An increase in the complexity of the requests received

Include any other reasons that may apply

7. If your Component had a backlog of administrative appeals in Fiscal Year 2014, did that backlog decrease as compared to Fiscal Year 2013?

☐ Yes

☐ No

8. If your backlog of appeals did not decrease, please explain why and describe the causes that contributed to your Component not being able to reduce its backlog of appeals. When doing so, please also indicate if any of the following were contributing factors:

- ☐ An increase in the number of incoming requests

- ☐ A reduction of staff; to include a loss of contractors

- ☐ An increase in the complexity of the requests received

Include any other reasons that may apply

9. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your Component in Fiscal Year 2014.

To calculate your Component's percentage, you must divide the number of backlogged requests reported in your Fiscal Year 2014 Annual FOIA Report by the number of requests received in Fiscal Year 2014. Once divided, you can multiply that number by 100 to get the percentage.

10. If you had an appeals backlog please report the percentage of requests that make up the appeals backlog out of the total number of requests received by your Component in Fiscal Year 2014.

To calculate your Component's percentage, you must divide the number of backlogged appeals reported in your Fiscal Year 2014 Annual FOIA Report by the number of appeals received in Fiscal Year 2014. Once divided, you can multiply that number by 100 to get the percentage.

11. If you reported a backlog of FOIA requests in Fiscal Year 2013, did your Component implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2014?

- ○ Yes

- ○ No

- ○ Not applicable (We had no backlog in FY13)

If yes, please describe the plan here.

12. If your Component did not reduce its backlog of initial requests and/or administrative appeals, please describe the plan you have for reducing the backlog(s) during FY14.

○ Not applicable

○ See plan below

Please describe your plan here

13. In Fiscal Year 2014, did your Component close the ten oldest requests that were pending as of the end of Fiscal Year 2013?

☐ Yes

☐ No

If not, how many remain pending? If you had less than "ten" total "oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed two of them, you should note that you closed two out of seven "oldest" requests.

14. In Fiscal Year 2014, did your Component close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2013?

☐ Yes

☐ No

If not, how many remain pending? If you had less than "ten" total "oldest appeals to close, please indicate that. For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.E. and you closed two of them, you should note that you closed two out of seven "oldest" appeals.

15. In Fiscal Year 2014, did your Component close the ten oldest consultations that were pending as of the end of Fiscal Year 2013?

☐   Yes

☐   No

If not, how many remain pending? If you had less than "ten" total "oldest consultations to close, please indicate that. For example, if you only had seven consultations listed as part of your "ten oldest" in Section VII.E. and you closed two of them, you should note that you closed two out of seven "oldest" consultations.

16. Please explain the obstacles your Component faced in closing its ten oldest requests, appeals, and consultations from FY 2013.
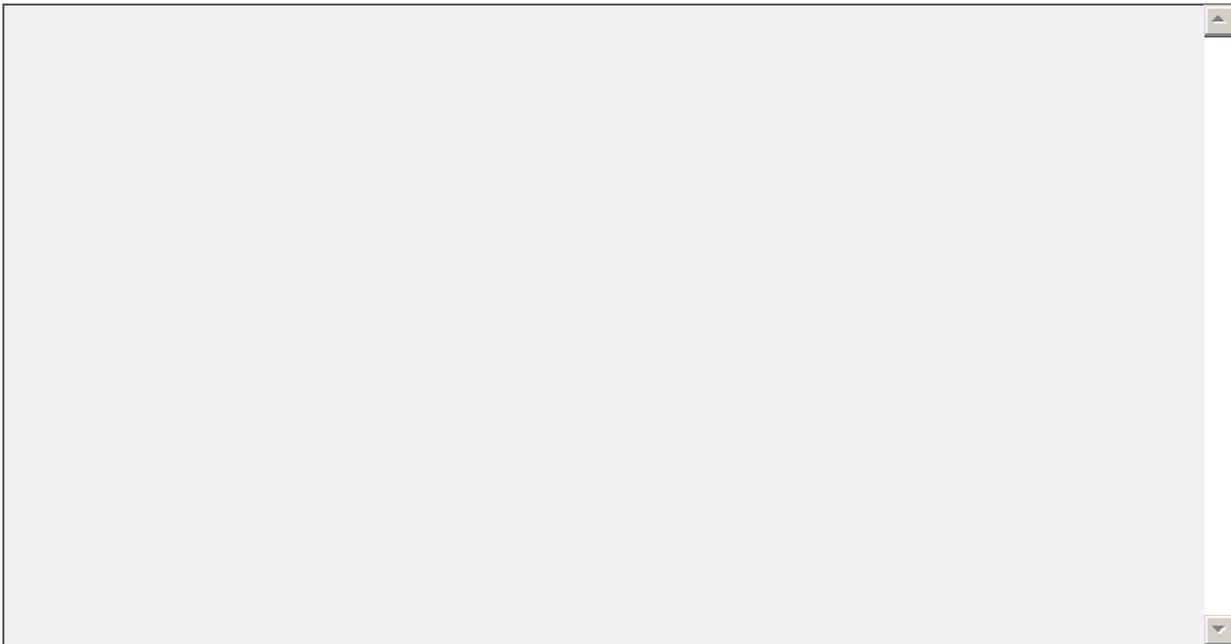
**17. If you were unable to close any of your ten oldest requests or appeals because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your Component, the date your Component sent the consultation, and the date when you last contacted the agency where the consultation was pending.**
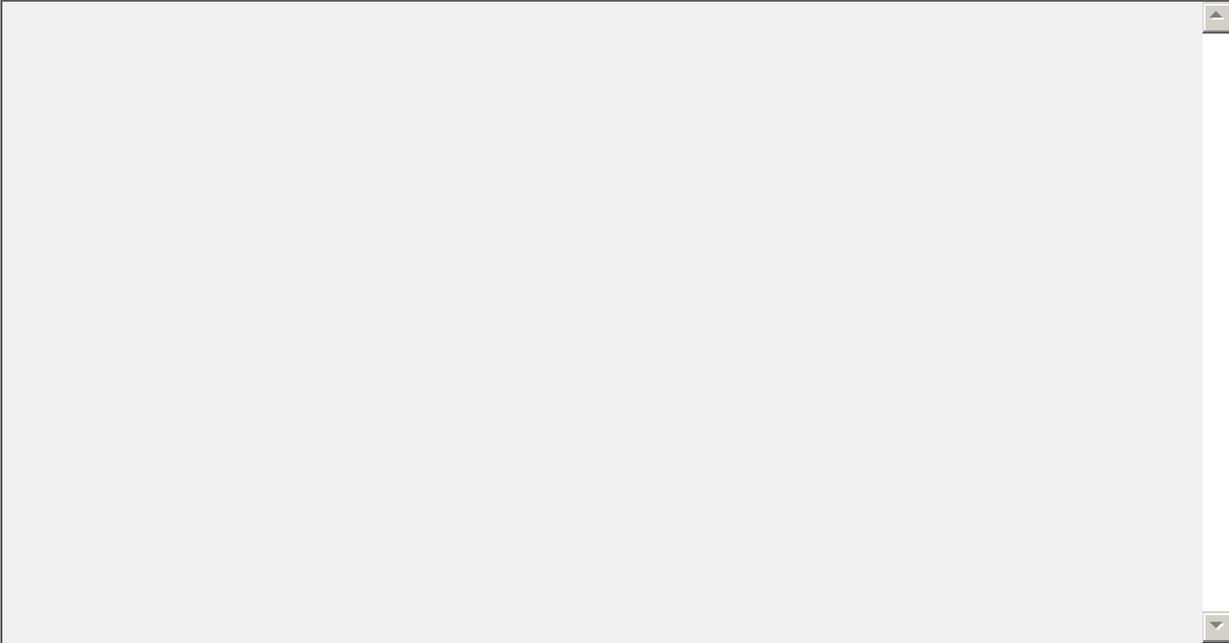
18. If your Component did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your Component intends to close those "ten oldest" requests, appeals, and counsultations during FY15.
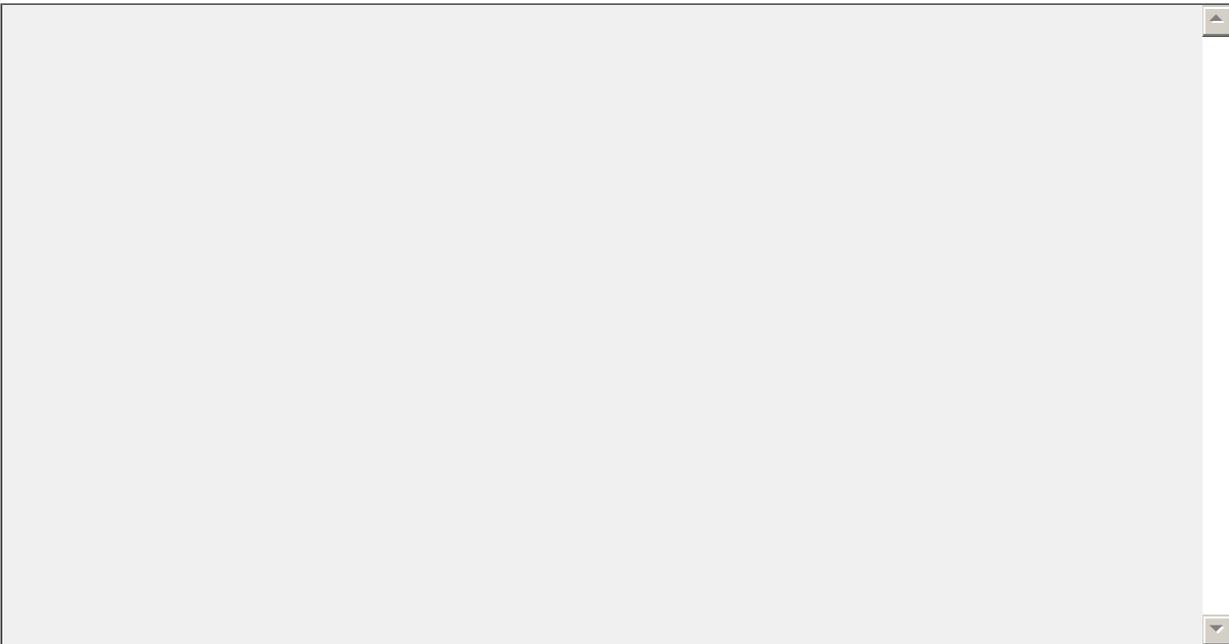
19. If your Component did not reduce its backlog of initial requests and/or administrative appeals in FY14, please describe the plan you have in place for reducing the backlog during FY15?
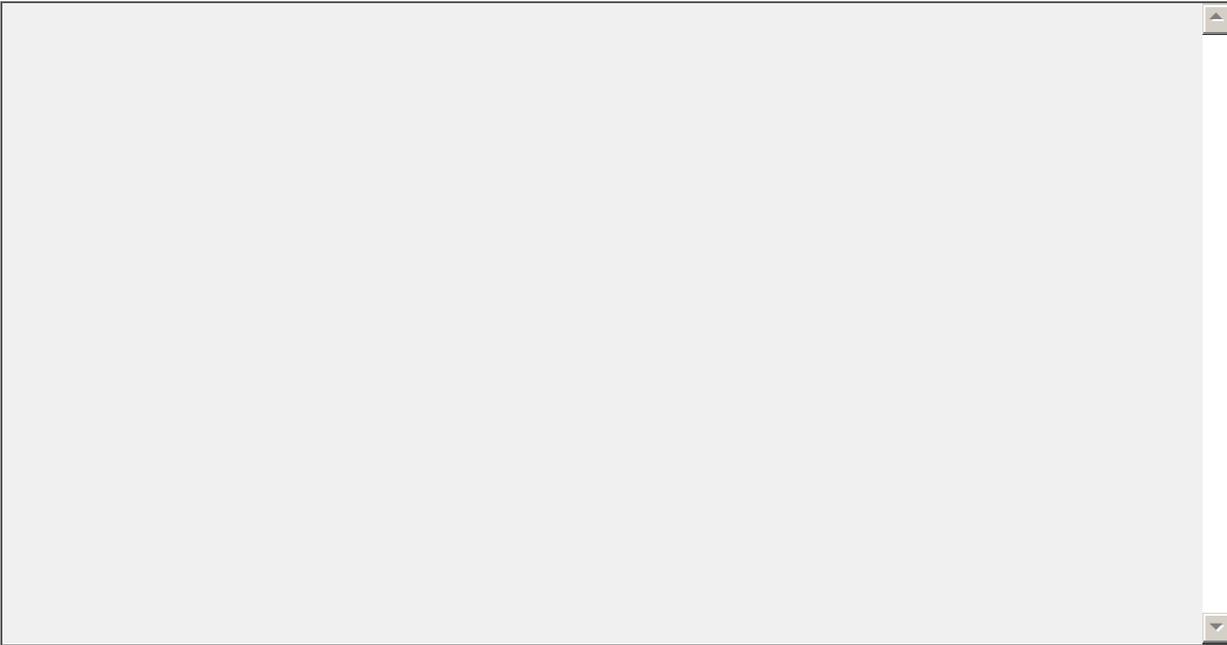
OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information.

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

- ○ Yes

- ○ No

Other (please specify)
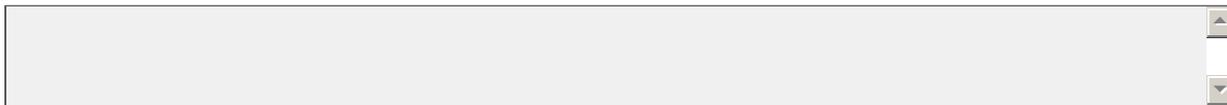
2. If your Component had a backlog in Fiscal Year 2013, please estimate the percentage of the backlog cases where a substantive, interim response was provided, even if the request was not finally closed.

3. Does your Component routinely set goals and monitor the progress of your FOIA caseload?

☐ Yes

☐ No

4. Has your Component increased or decreased its FOIA staffing in the previous three years?

☐ Increased

☐ Decreased

Please provide details

☐ No

5. Are there future plans to increase or decrease FOIA staffing within your Component?
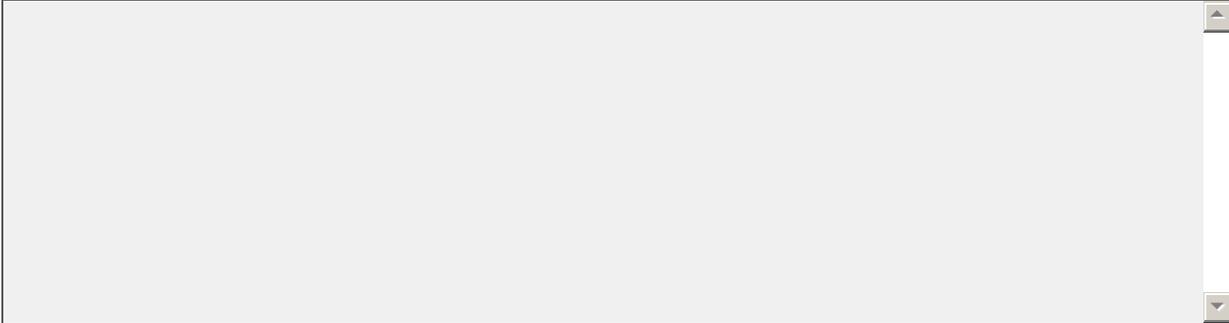
☐ Yes

☐ No

Please provide details

6. Has your Component made IT improvements to improve timeliness?

☐ Yes

☐ No

Provide any comments here.

Use of FOIAs Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

**1. Did your Component invoke a statutory exclusion during Fiscal Year 2014?**

☐ Yes

☐ No

If so, what is the number of times exclusions were invoked?
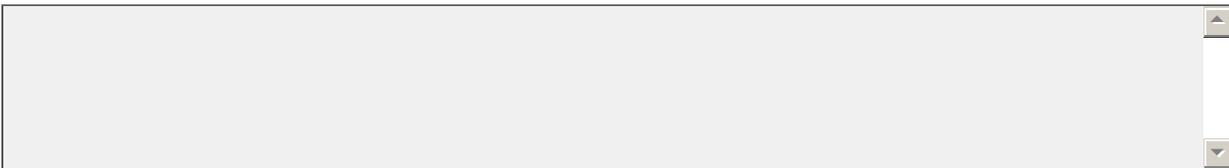
Spotlight on Success

1. Since submission of your last Chief FOIA Officer Report, out of all the activities undertaken by your Component to increase transparency and improve FOIA administration, describe success stories you would like to highlight as emblematic of your Component's efforts.
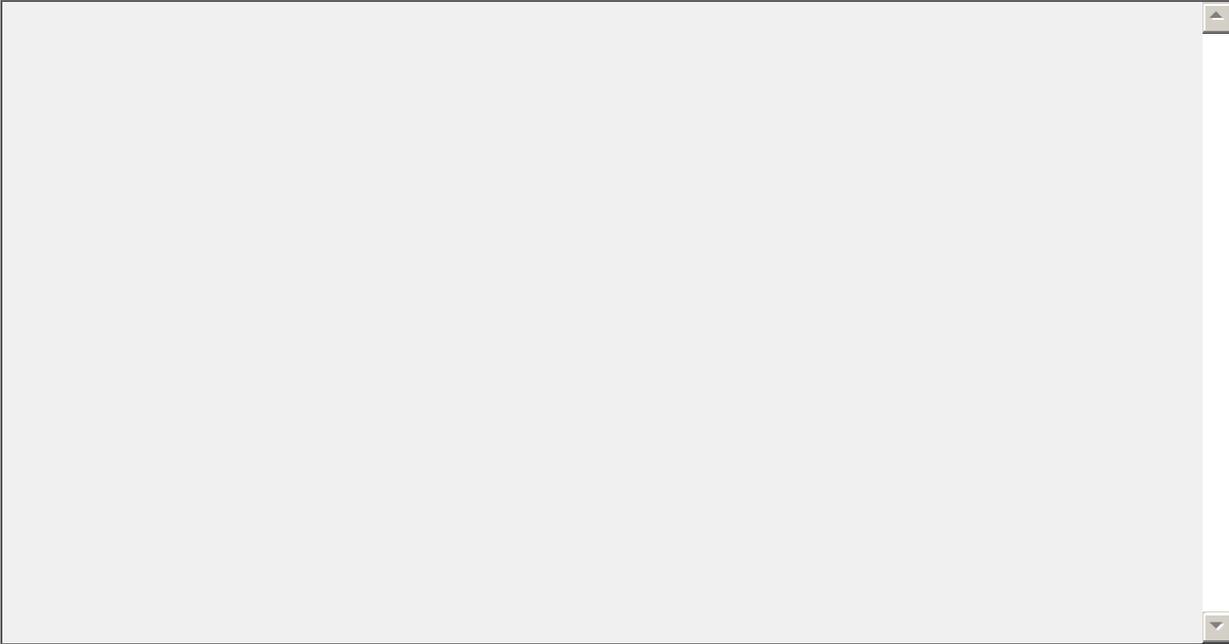
2. Please provide the total cost for compiling this Chief FOIA Officer Report submission, based on the time spent by subcomponents and your component in preparing the report. This would include communications regarding the report, writing emails, verbal, phone, etc, any internal presentations and preparations for presentations, technical support, contractor costs, etc.