

Defense Intelligence Agency 2012 Agency Chief FOIA Officer Reports

Executive Summary: The Defense Intelligence Agency has continued to decrease the FOIA and Appeals backlogs. The FOIA office deployed a Commercial-Off-the-Shelf redaction tool for subject matter experts to use when conducting review of responsive documents. This has significantly decreased the processing time of documents for the FOIA office.

Section I: Steps Taken to Apply the Presumption of Openness

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

- DIA conducted approximately 6 directorate level FOIA and Privacy Act training sessions (180 people) for subject matter experts during 2011
- Upon deployment of RedactXpress, desktop training sessions were conducted
- FOIA office conducted three in-house training sessions covering (b)(2) and (b)(3) training after the *Milner vs. Navy* decision; DIA equities; and other agencies equities
- Conducted 2 sessions with FOIA point of contacts for each directorate;

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

- Each FOIA professional is required to attend at least one training session from DOJ, ASAP, DOD, or USDA; a total of 16 people attended training during 2011
- Provided a DIA equities briefing at the FBI training facility

3. Did your Component make any discretionary releases of otherwise exempt information?

- N/A

4. What exemptions would have covered the information that was released as a matter of discretion?

- N/A

5. Describe your Component's process to review records to determine whether discretionary releases are possible.

- The responsive records are reviewed and exempt material is analyzed to weigh the harm the national security against the benefits of openness in government.

6. Describe any other initiatives undertaken by your Component to ensure that the presumption of openness is being applied.

- DIA has an attorney assigned to the FOIA office to provide constant advice to FOIA professionals and subject matter experts on general openness in government concerns.

7. Did your Component have an increase in the number of responses where records were released in full (from your FY2011 Annual Report input)?

Year	Released in Full	Released in Part
FY10	37	319
FY11	41	404
Number increased	+4	+85

8. Did your Component have an increase in the number of responses where records were released in part?

- Yes, please see table in question #7

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

1. Do FOIA professionals within your Component have sufficient IT support?

- Yes, we currently have an IT technician assigned to the FOIA office that works directly with IT directorate to resolve IT issues
- The FOIA office uses Commercial-off-the-Shelf (COTS) software to track request and redact documents
- Deployed COTS electronic redaction software to over 400 subject matter experts to process documents electronically. This has reduced the amount of time taken by the FOIA office to process responsive documents.

2. Do your FOIA professionals work with your Component’s Open Government Team?

- Yes, the FOIA office interact with the Open Government Team

3. Describe the steps your Component has taken to assess whether adequate staffing is being devoted to FOIA administration.

- Based on DIA backlog reduction goals, the FOIA office made recommendations to senior management at weekly FOIA meetings to increase the current contract staffing by 100 percent; management approved recommendations.

4. Describe any other steps your Component has undertaken to ensure that your FOIA system operates efficiently and effectively.

- Deployed COTS electronic redaction software to over 400 subject matter experts to process documents electronically. This has reduced the amount of time taken by the FOIA office to process responsive documents.
- Conduct several FOIA meetings with directorate point of contact
- Each staff must attend a formal training each fiscal year

Section III: Steps Taken to Increase Proactive Disclosures

1. Has your Component added new material to your website since last year?
 - Yes, DIA added over 3,200 pages of FOIA requested documents to the website.
2. Provide examples of the records, datasets, videos, etc., that have been posted this past year. (Don't forget to contact your Public Affairs and Open Government offices for their input.) Additionally, describe how your Component uses social media to proactively disclose information.
 - The type of documents posted to the website in 2011 were: Chief FOIA Officer Report 2011; FY11 DIA FOIA request log; DIA intelligence summaries; theses from the National Intelligence University; DIA press releases (6); testimonies and speeches (8) of the Director; and general news (16 articles posted) about the Agency like the 50th anniversary celebration (video presentation)
3. Describe the system your Component uses to routinely identify records that are appropriate for posting.
 - If a request is received for previously released document, documents are posted to website
 - Supervisory review of the FOIA case determines what documents are posted
4. Beyond posting new material, is your Component taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your Component's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc.?
5. Describe any other steps taken to increase proactive disclosures at your Component.

Section IV: Steps Taken to Greater Utilize Technology

Electronic receipt of FOIA requests:

1. Can FOIA requests be made electronically to your Component?

- FOIA requests are received by electronic mail and fax.
2. If your Component processes requests on a decentralized basis, do all Components of your Component receive requests electronically?
 - N/A

Online tracking of FOIA requests:

3. Can a FOIA requester track the status of his/her request electronically?
 - No, the database system used to process FOIA request and documents is located on a classified network
4. If not, is your Component taking steps to establish this capability?
 - No, due to security requirements

Use of technology to facilitate processing of requests:

5. Beyond using technology to redact documents, is your Component taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?
 - Yes, DIA has started processing more referrals electronically.
6. If so, describe the technological improvements being made.
 - Currently, we have a process set up with several agencies to send referrals electronically; this has improved processing time of referrals.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs (For questions 1 through 5, use the data from your Component's FY2011 Annual Report input)

1. Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?
 - Yes, simple requests were processed within 20 working days.

Backlogged requests

2. If your Component had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?

- Yes, DIA FOIA backlog decreased

Year	# of Requests Received	# of Requests Processed	Backlog of Requests
FY10	610	912	2305
FY11	730	1405	1630
Difference	+120	+493	-675

3. If your Component had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

- Yes, DIA FOIA appeals backlog decreased

Year	# of Appeals Received	# of Appeals Processed	Backlog of Appeals
FY10	50	57	209
FY11	76	82	203
Difference	+26	+25	-6

4. In Fiscal Year 2011, did your Component close the ten oldest requests that were pending as of the end of Fiscal Year 2010?

- No. DIA closed 9 of the 10 oldest FOIA requests. The remaining case is extremely complex consisting of technical information created by DIA's former Scientific Advisory Board, which disbanded over 10 years ago. The information within the documents is very technical and the equities belong to multiple agencies.

5. In Fiscal Year 2011, did your Component close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

- No. DIA closed 4 of 10 appeals.

6. If you answered "no" to any of the above questions (2 through 6), describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog:

- a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

- No. The remaining case is extremely complex consisting of technical information created by DIA's former Scientific Advisory Board, which disbanded over 10 years ago. The information within the documents is very technical and the equities belong to multiple agencies.
- b. Was the lack of a reduction in the request backlog caused by a loss of staff?
- Yes, the FOIA office had several employees leave during FY11.
- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?
- Yes, a large amount of DIA's backlog cases are complex that require consultations with other government agencies.
- d. What other causes, if any, contributed to the lack of a decrease in the request backlog?
- N/A

Administrative Appeal Backlog:

- e. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?
- Yes, the number of incoming appeals increased by 50 percent.
- f. Was the lack of a reduction in the appeal backlog caused by a loss of staff?
- No, however, additional manning has been assigned to work with the Appeals backlog.
- g. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?
- Yes, there is a backlog of complex cases that require consultations with other agencies
- h. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?
- N/A

Steps to improve timeliness

1. Does your Component routinely set goals and monitor the progress of your FOIA caseload?
 - Yes, directorate-level goals are established each year to reduce backlog
 - Reports are prepared for weekly FOIA meetings with senior leadership to analyze and discuss progress
 - FOIA statistics are reported monthly at the Agency-level meetings with directorate heads of the agency
2. Has your Component increased or decreased its FOIA staffing in the previous three years? Please provide details.
 - In FY09, the FOIA office had 17 employees; in FY10, 24 employees; FY11, 23 employees.
3. Are there future plans to increase or decrease FOIA staffing within your Component?
 - Yes, additional contractor support has been approved for FY12.
4. Has your Component made IT improvements to increase timeliness?
 - Yes, the deployment of COTS redaction software to the subject matter experts has increased timeliness of processing documents.
5. If your Component receives consultations from other agencies, has your Component taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?
 - Yes, we have a process set up with several agencies to send referrals electronically; this has improved processing time of referrals an consultations

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 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 2011?
 - N/A

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

- N/A

Spotlight on Success

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.

DIA has achieved the greatest FOIA backlog reduction it's ever had. This achievement was accomplished through various methods. First, the FOIA office partitioned senior leadership for additional resources. For a short-term solution, six employees from other offices were detailed to support the FOIA office. Three employees were placed on a full-time 90-day detail to conduct searches which allowed for FOIA professionals to process cases. Three employees were approved to support the FOIA office through overtime hours. For the long-term solution, additional contract support was approved. The FOIA office was also approved to work overtime hours during FY11 to reduce the Agency's FOIA backlog.

The FOIA office deployed a Commercial-Off-the-Shelf redaction tool to over 400 subject matter experts (SME). This tool allowed SMEs to conduct document reviews electronically. This effort has significantly decreased the processing time of documents for the FOIA office.

An emphasis on the training of Agency personnel on the FOIA process decreased response time of document reviews. Also, the advanced training of FOIA professionals has increased the number of cases the Agency was able to complete during FY11.