

May 30, 2008

**ATTORNEY GENERAL'S REPORT TO THE PRESIDENT
PURSUANT TO EXECUTIVE ORDER 13,392, ENTITLED
"IMPROVING AGENCY DISCLOSURE OF INFORMATION"**

Introduction

On December 14, 2005, the President issued Executive Order 13,392 on "Improving Agency Disclosure of Information." In the Order, the President stated that "[t]he effective functioning of our constitutional democracy depends upon the participation in public life of a citizenry that is well informed," and that "the Freedom of Information Act (FOIA) has provided an important means through which the public can obtain information regarding the activities of Federal agencies." Accordingly, the President established the policy that agency FOIA operations shall be "citizen-centered" and be "both results-oriented and produce results." As the President stated, "[a] citizen-centered and results-oriented approach will improve service and performance, thereby strengthening compliance with the FOIA, and will help avoid disputes and related litigation."

In the Executive Order, the President directed the head of each Executive Branch agency to designate a senior official (at the Assistant Secretary level or equivalent) to serve as that agency's Chief FOIA Officer. So as to ensure a citizen-centered approach to responding to FOIA requests, the Order also directed each agency to establish one or more FOIA Requester Service Centers and to designate one or more FOIA Public Liaisons. The Service Centers would "serve as the first place that a FOIA requester can contact to seek information concerning the status of the person's FOIA request and appropriate information about the agency's FOIA response." The Liaisons would "serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received from the Center." In addition, the Liaisons would "seek to ensure a service-oriented response to FOIA requests and FOIA-related inquiries," and would "assist, as appropriate, in reducing delays, increasing transparency and understanding of the status of requests, and resolving disputes."

In addition, the Executive Order directed each agency to conduct a review of its FOIA operations and, based on this review, to develop and issue a FOIA Improvement Plan, approved by the head of the agency, "to ensure that the agency's administration of the FOIA is in accordance with applicable law and the policies set forth" in the Order. These agency-specific plans, which would "address the agency's implementation of the FOIA during Fiscal Years 2006 and 2007," were to include "specific activities that the agency will implement to eliminate or reduce the agency's FOIA backlog, including (as applicable) changes that will make the processing of FOIA requests more streamlined and effective, as well as increased reliance on the dissemination of records that can be made available to the public through a Website or other means that do not require the public to make a request for the records under the FOIA."

Moreover, each agency's plan also needed to include "concrete milestones, with specific timetables and outcomes to be achieved," by which the agency "shall measure and evaluate the agency's success in the implementation of the plan."

A core element of Executive Order 13,392, in support of its "citizen-centered" and "results-oriented" policies, is the Order's emphasis on transparency and accountability. Under the Order, each agency was required by June 14, 2006, to submit to the Attorney General and the Director of the Office of Management and Budget (OMB), and to post on its Website, a report that summarized the results of the agency's review of its FOIA operations and enclosed a copy of the agency's FOIA Improvement Plan. In addition, the Justice Department's Website publishes all agency Improvement Plans, as well as a list of the Chief FOIA Officers for all the agencies.

Moreover, the Executive Order directed each agency to report periodically on the agency's progress in implementing its Improvement Plan. These agency progress reports were to be included as part of the agencies' Annual FOIA Reports for Fiscal Years 2006 and 2007, which under the FOIA were to be submitted to the Department of Justice by February 1, 2007 and 2008, respectively. As with the agency FOIA Improvement Plans, each agency's Annual FOIA Report is posted on both the agency's Website and on the Justice Department's Website.

Thus, the public is able to track the progress that agencies have made in meeting the goals that they established for improving their FOIA operations. In fact, the Executive Order directed each agency to identify in its FOIA report, and in a separate report to the President's Management Council (PMC), any agency deficiencies in meeting the milestones that the agency had established in its FOIA Improvement Plan. The Order also required the agency to explain "the reasons for the agency's failure to meet the milestone" and to outline "the steps that the agency has already taken, and will be taking, to address the deficiency."

Finally, the Executive Order directed the Attorney General to submit periodic reports to the President regarding the implementation of the Executive Order. The Attorney General submitted the first of these reports to the President on October 16, 2006. That report, which is posted on the Justice Department's Website, summarized the initial phase of the Executive Branch's implementation of the Order, with a focus on the reviews and FOIA Improvement Plans that the agencies had developed and issued.

The second report of the Attorney General was submitted on June 1, 2007. In accordance with the Executive Order, that report was based on agency Annual FOIA Reports for Fiscal Year 2006, and it provided "an update on the agencies' implementation of the FOIA and of their plans" for improving their FOIA operations. The 2007 report described the initial progress that agencies had made in the first months of implementing their FOIA Improvement Plans, as reported in their Fiscal Year 2006 Annual FOIA Reports.

This 2008 report is the last of the reports required by the Executive Order. In accordance with the Executive Order, it is based on agency Annual FOIA Reports for Fiscal Year 2007. Section I provides an Overall Assessment. Section II sets forth a more detailed discussion of

agency activities. Section III provides a discussion of the areas where agencies have encountered difficulties in meeting their milestones or goals, and Section IV provides recommendations.

In addition, as was done last year, to aid in the review of agencies' progress in implementing the Executive Order, the Department of Justice, in coordination with OMB, has focused on the progress that has been made by twenty-five key agencies, including all fifteen Cabinet departments.¹ For each of those key agencies, charts have been prepared and a color has been assigned to the progress the agency has reported in its Annual FOIA Report. For agencies that reported success in timely achieving the milestones that they established for themselves during the reporting period, the color dark green was assigned. For agencies that achieved their milestone or goal during this reporting period, but did so later than planned, the color light green was assigned. If the entire goal was reached during this reporting period, a check mark also was assigned.² For those agencies that reported progress, but not success, in timely meeting a milestone, the color yellow was assigned. For agencies that did not report progress, the color red was assigned.

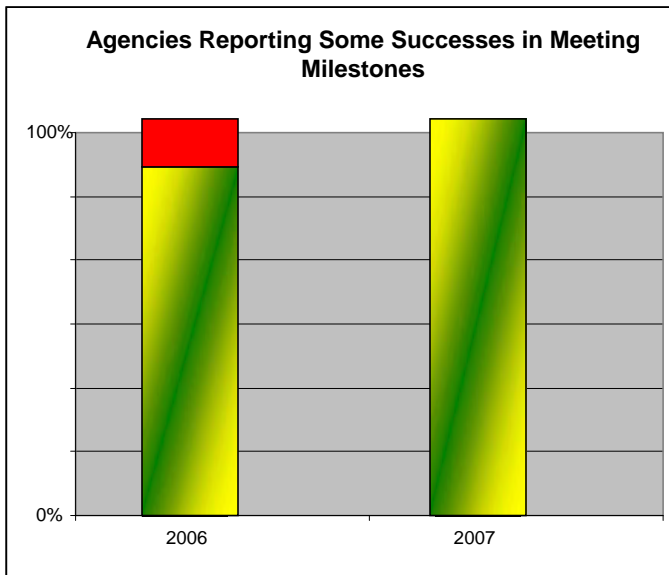
I. Overall Assessment of Agency Activities

Agencies Made Sustained and Measurable Progress. Overall, Federal agencies made sustained and measurable progress in implementing the Executive Order during the final reporting period, which reflected a year of implementation activity. Through a wide variety of initiatives, agencies addressed multiple aspects of FOIA administration within their agency and made remarkable improvements. Frequently, even when an agency missed completion of a particular milestone, that deficiency was offset by the successes the agency had achieved in meeting other milestones. The Executive Order brought renewed attention to the importance of proper administration of the FOIA within all agencies and that, in and of itself, has provided, and will continue to provide, great benefits to agencies and the public alike.

All Agencies Achieved Some Success In Implementing Their FOIA Improvement Plans. All eighty-nine agencies operating under FOIA Improvement Plans reported achieving success in meeting some or all of their milestones and goals. This represents a significant accomplishment.

¹ The key agencies are: Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of Veterans Affairs, U.S. Agency for International Development, Central Intelligence Agency, Environmental Protection Agency, General Services Administration, National Aeronautics and Space Administration, National Science Foundation, Nuclear Regulatory Commission, Office of Personnel Management, Small Business Administration, Social Security Administration.

² Because some agencies set goals that extended beyond the time period of the Executive Order, there are instances where an agency was assigned the color green because it had timely achieved its milestones during this reporting period, but no check was assigned because the overall goal itself was not yet met.



Moreover, in a number of cases, agencies did not simply meet but instead exceeded their various milestones and goals, either by reaching them ahead of schedule or by exceeding the benchmark for success. For example, the Department of Energy, as did other agencies, exceeded its backlog reduction goal. As reported in its Annual FOIA Report: "[I]n the area of Backlog Reduction, the Department successfully completed its initiative to reduce the number of pending FOIA cases that were more than one year old by 50%. The Department exceeded this goal by 10% and reduced that backlog to 89 cases."

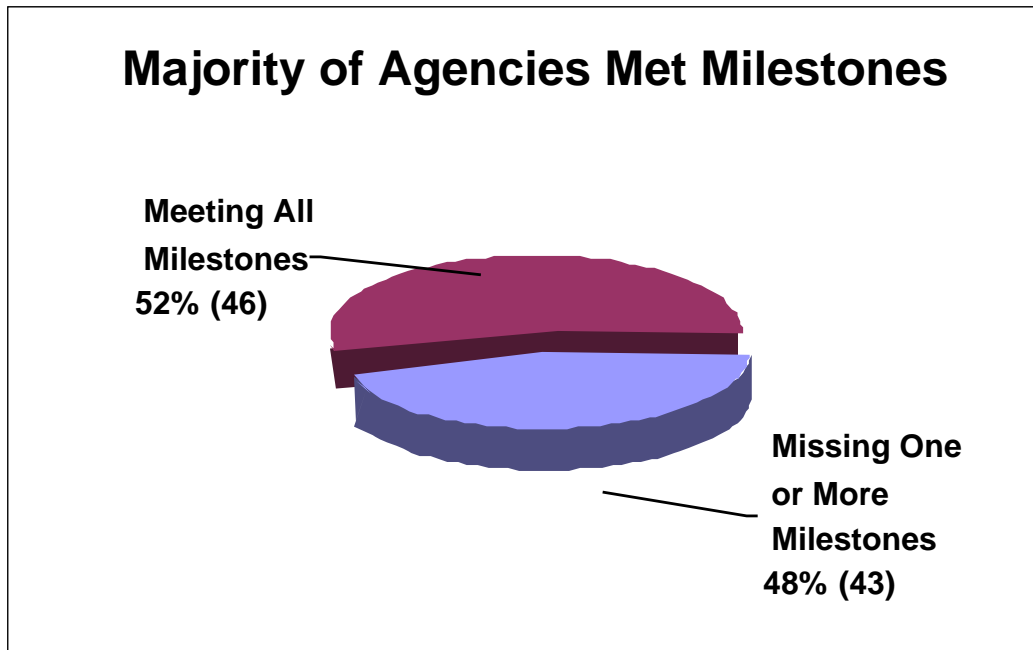
Similarly, the Office of Government Ethics exceeded its goal of achieving a 90% timeliness rate for responding to requests. As reported in its Annual FOIA Report the Office of Government Ethics maintained a 100% timely response rate throughout 2007 and into 2008.

Likewise, the Department of Defense met its training goal ahead of schedule. As reported in its Annual FOIA Report, a milestone that was scheduled for July 2008 which concerned creation of online training modules on its FOIA Website was met early, in 2007.

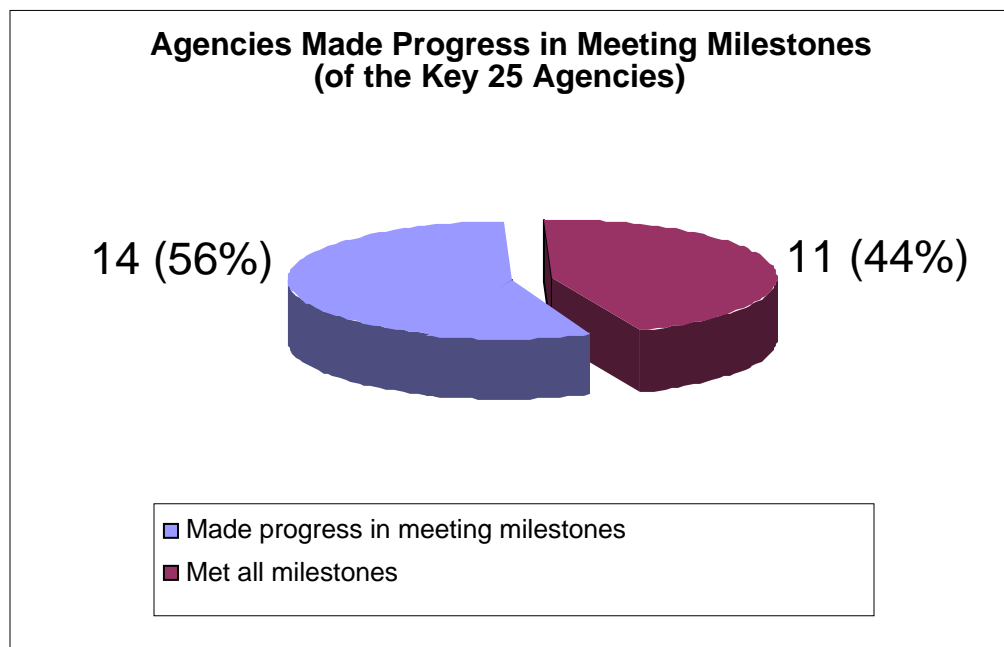
"[A] milestone that was scheduled for July 2008, 'Online training modules established on FOIA Website,' was met in 2007."

Department of Defense, 2007
Annual FOIA Report

More than Half of the Agencies Successfully Met All of Their Milestones and Goals Under The Executive Order and Reported No Deficiencies for this Reporting Period. A total of forty-six agencies reported achieving successes in timely meeting all their milestones and goals under the Executive Order and had no deficiencies for this reporting period.



Of the twenty-five key agencies, eleven reported success in timely achieving all their milestones for this reporting period. All twenty-five key agencies reported meaningful progress in FOIA administration.



Although forty-three of the eighty-nine total agencies reporting on milestones and goals under the Executive Order³ reported having failed to meet at least one of their milestones by the plan's timetable, many still made significant progress toward meeting the missed milestone or goal. In fact, six agencies remedied all deficiencies by the end of this reporting period and twelve others remedied at least some of the deficiencies. In those cases, the agency subsequently met the milestone or goal, but at a time later than originally planned.

For example, the Federal Maritime Commission reported that its goal of improving affirmative disclosure by posting frequently asked questions on the Commission's Website was completed, although the completion date was later than originally planned. A similar situation occurred with HHS which had milestones related to Website improvement which were completed, albeit later than originally planned.

"New FAQs were to be approved by February 2007 and posted to the Commission's website by April 2007. . . . A new staff person responsible for the tasks associated with implementing the Commission's FOIA Plan has been hired and trained [and] [f]inal FAQs were posted to Commission's website on January 17, 2008."

FMC, 2007
Annual FOIA Report

Agencies Reported Positive Achievements in FOIA Administration. As was reflected in last year's report, the Executive Order has had, and continues to have, a positive influence on the administration of the FOIA in a variety of ways.

For example, customer service and assistance to FOIA requesters has improved remarkably. Moreover, many agencies have realized meaningful backlog reductions. This, in particular, is quite significant given that the Executive Order specifically recognized the challenges facing agencies with backlogs by noting that agency plans to reduce or eliminate backlogs should be "consistent with available resources and tak[e] into consideration the volume and complexity of the FOIA requests pending with the agency." As was reported last year, agencies have also made significant progress in other areas, such as increasing their proactive disclosures of records and improving their FOIA Websites. Moreover, agencies have made great strides in seeking out technological solutions to improving FOIA administration overall. In all these areas, positive outcomes have been achieved.

³ For Fiscal Year 2007, there were ninety-two agencies subject to the FOIA. Eighty-nine of those agencies are included in the scope of this report. The three agencies not included are the Privacy and Civil Liberties Oversight Board which came into existence after the issuance of Executive Order 13,392, the United States International Boundary and Water Commission, which did not submit an improvement plan or annual report until February 2008, and the Tennessee Valley Authority, which set no improvement goals.

It is also worth emphasizing that each agency created its FOIA Improvement Plan to address its own particular FOIA situation, as was reflected in the range of areas agencies selected for improvement, as well as the manner in which they undertook to achieve their goals. Although there were deficiencies in meeting some milestones and goals, agencies were encouraged by both the Department of Justice and OMB to be aggressive in setting their goals. The fact that some agencies, for some improvement areas, were not able to achieve all that they had aimed for is in part a reflection of the fact that some agencies set high goals for themselves. As is discussed below, agencies also encountered difficulties, such as a shortage of staff and the need for greater IT assistance, which had an impact on their ability to meet their goals.

Continued Attention to FOIA Administration is Essential. Finally, the Executive Order was written to cover the first two years of an overall effort to improve the government's FOIA practices. At the conclusion of the 2007 report, a series of recommendations was made to provide further assistance to agencies in improving their FOIA administration. As a result of those recommendations, agencies had to submit Updated Status Reports to the President's Management Council concerning any deficiencies encountered in meeting FOIA Improvement Plan milestones as identified in their Fiscal Year 2007 Annual FOIA Report. Additionally, any agency that had a backlog of FOIA requests or appeals as of the end of Fiscal Year 2007 was required to establish, and post on its Website, backlog reduction goals for Fiscal Years 2008, 2009, and 2010.

In addition, the Department of Justice hosted a third conference of Chief FOIA Officers to emphasize the important role these agency officials fill in the administration of the FOIA. The Department also facilitated a follow-up meeting of the Inter-Agency Working Group on Technology to share information on technological improvements that can aid in FOIA processing and administration. Lastly, the Department of Justice conducted two specialized FOIA training sessions. The first emphasized the role and duties of FOIA Public Liaisons and emphasized their role in resolving disputes. The second training program focused on the content of agency FOIA Reading Rooms and Websites and addressed both the legal requirements for posting certain agency documents, as well as the advantages that greater accessibility of documents brings to the area of FOIA administration.

Continued attention must be paid to the administration of the FOIA. Such attention and focus by agency officials is essential to improving the FOIA process both for agency personnel and requesters alike.

The Executive Order's Designation of Key Personnel to Lead FOIA Activities and its Requirements Regarding Tracking of Requests Are Now Required by Statute. When Congress recently amended the FOIA by passing the OPEN Government Act of 2007, it incorporated into the FOIA a number of key provisions of the Executive Order. In many ways, this will be a lasting legacy of the Executive Order.

In particular, the FOIA now requires that agencies designate Chief FOIA Officers who shall have agency-wide responsibility for compliance with the FOIA, will monitor

implementation of the FOIA throughout the agency, and will report to the Attorney General as directed. Similarly, agencies are now required by statute to designate FOIA Public Liaisons who, among other duties, are to assist in reducing delays and resolving disputes. Moreover, starting in 2009 agencies will be required by the FOIA to assign individualized tracking numbers for all requests that will take longer than ten days to process and to establish a telephone line or Internet service to provide requesters with information about the status of their requests and an estimated time for completion of processing.

Going forward, those agencies which set any goals or milestones for future fiscal years, or which extended goals into future fiscal years, will continue to work on achieving those goals. In light of the statutory changes to the FOIA, the critical functions performed by agency Chief FOIA Officers and FOIA Public Liaisons will continue. To further encourage agencies to continue on the positive path they have taken, Section IV of this report proposes a series of additional recommendations.

II. Agency Progress in Meeting Plan Milestones and Goals

Across the government, agencies have reported meaningful improvements in FOIA administration, spanning a wide range of activity areas. This final reporting period covers the last full year of activity under the Executive Order.⁴ As mentioned above, the Department of Justice has created a chart for each of the twenty-five key agencies. Each chart lists the agency's goals that relate to milestones falling within the reporting period for the Fiscal Year 2007 Annual FOIA Report. For each improvement area where success was achieved, the improvement area is marked in green – dark green indicates the milestones were all met on time, light green indicates that at least one milestone was later than originally planned. As the attached charts demonstrate, although some agencies experienced some difficulties in meeting all of their planned milestones, overall agencies made quite significant progress towards meeting their FOIA Improvement Plan goals.

In last year's report, the Department of Justice highlighted six general categories of improvement areas that were chosen by agencies in their implementation of the Executive Order. These six areas are addressed again in this year's report and continue to stand out as areas in which agencies have made real progress in improving the operation of the FOIA across the government:

⁴ Annual FOIA Reports, which are required to be filed with the Department of Justice on February 1 of each year, contain a variety of statistical information for the preceding fiscal year. Section XII of the 2007 Annual FOIA Report, which addressed Executive Order implementation activities, extended beyond the end of the fiscal year, and included agency progress through January 2008.

1. Backlog Reduction: Despite an Overall Increase in the Number of Requests Received, Agencies Overall Processed More Requests and Decreased the Number of Pending Requests.

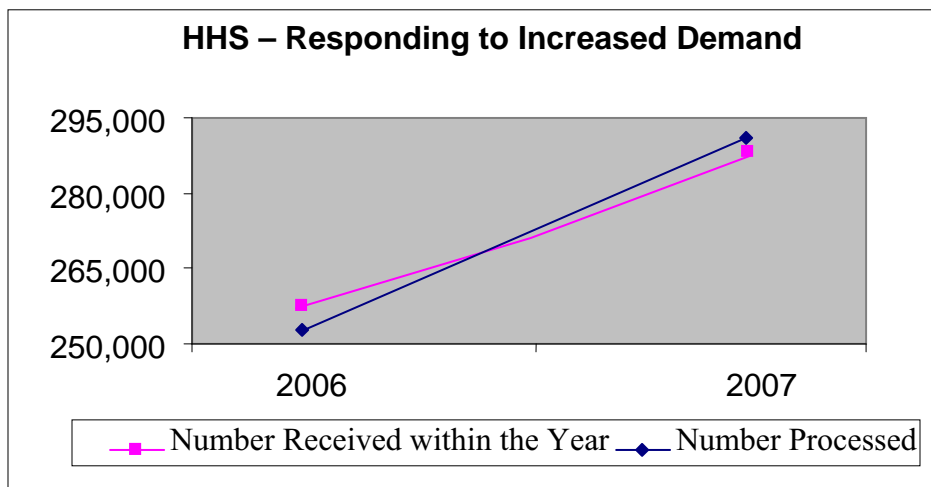
Backlog Reduction is the Single Most Significant Improvement Area Addressed by Agencies. As reported last year, perhaps the single most significant improvement area addressed by agencies in implementing Executive Order 13,392 is the challenge of eliminating or reducing FOIA backlogs where and when they exist. The agencies that have such backlogs of pending FOIA requests by and large are the biggest ones, especially those agencies that regularly deal with complex records containing especially sensitive types of information.

Increases in Numbers of Incoming Requests Compound Challenge of Backlog Reduction. The first step toward analyzing the issue of agency backlogs is to look at the number of requests received by agencies. For Fiscal Year 2007, forty-nine agencies, more than half, reported an increase in the number of incoming requests. Clearly, for those agencies facing the added burden of increased incoming requests, the challenge of backlog reduction is magnified. The increase in the number of incoming requests was quite significant for some agencies. Compared with Fiscal Year 2006, in Fiscal Year 2007:

- ▶ The Department of Health and Human Services (HHS) received 31,569 more requests.
- ▶ The Department of Defense (DOD) received 3,608 more requests.
- ▶ The National Archives and Records Administration (NARA) received 2,490 more requests.

Despite Overall Increases in Incoming Requests, Agencies Overall Processed More Requests in Fiscal Year 2007. Although there was an overall increase in the number of incoming requests, forty-seven agencies, again more than half, reported processing a greater number of requests during the last fiscal year as compared with the year before. For many agencies the increased number of processed requests was quite significant. For example, compared with Fiscal Year 2006, in Fiscal Year 2007:

- ▶ HHS processed 33,742 more requests.
- ▶ The Department of Homeland Security (DHS) processed 23,354 more requests.
- ▶ The Department of Labor processed 4,513 more requests.



This increase in the number of requests processed by agencies during the fiscal year is important. This higher rate of processing is a strong indicator that the increased attention brought to FOIA by the Executive Order, and the resulting improvements in FOIA administration, led to greater numbers of requests being processed during the course of the fiscal year, which is a concrete achievement.

Despite Overall Increases in Incoming Requests, Agencies Overall Reported a Decrease in the Number of Pending Requests. Although the overall number of incoming requests increased in Fiscal Year 2007, fifty-seven agencies, more than 60%, maintained or decreased the number of requests reported as still pending at the end of Fiscal Year 2007. Of these, thirty-five agencies reported a decrease in the number of pending requests. For some of those agencies, the decrease in the number of pending requests was significant. For example, compared with Fiscal Year 2006, in Fiscal Year 2007:

- ▶ DHS reduced the number of pending requests by 26,881.
- ▶ The Securities and Exchange Commission (SEC) reduced the number of pending requests by 3,494.
- ▶ The Department of Justice reduced the number of pending requests by 1,629.

Agencies Face Challenges in Reducing Backlogs. Although progress has been made in the area of backlog reduction, the challenge of reducing backlogs remains great. As mentioned above, many agencies reported an increase in the number of incoming requests. Not surprisingly, that directly affected many agencies' ability to reduce their backlog. Indeed, of the thirty-four agencies that reported an increase in the number of pending requests, twenty had received more incoming requests and so a corresponding increase in the number pending at the end of the fiscal year is not unexpected.

Moreover, even for those agencies that processed significantly more requests in Fiscal Year 2007, the number of requests that remain pending was often still significant. For example,

HHS, which processed more than thirty thousand more requests in Fiscal Year 2007 as compared with the previous fiscal year, and reduced its number of pending requests by nearly six hundred, still had over twenty-eight thousand requests pending at the end of the fiscal year.

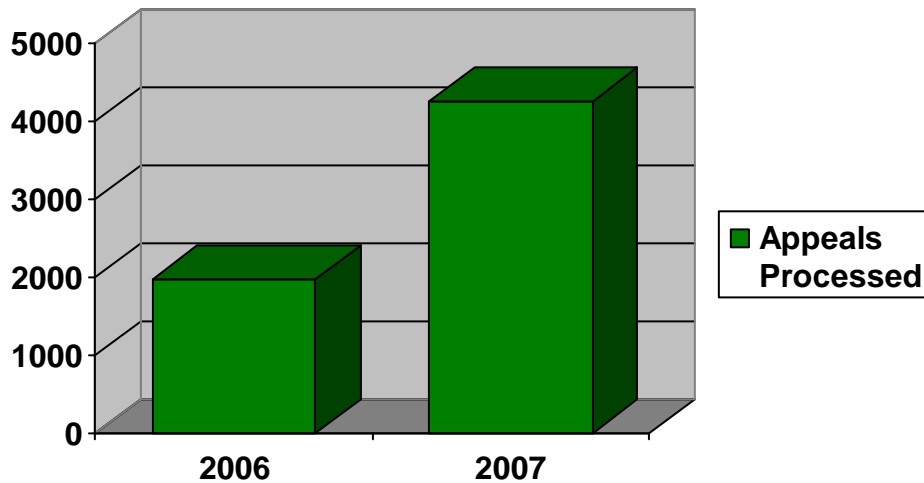
Certainly, there remains much work to be done in the area of backlog reduction. Still, the accomplishments of some agencies in this area are noteworthy and serve as illustrations of the positive outcomes that grew out of the Executive Order.

Agencies Focused on Backlog Reduction. In accordance with the Executive Order, virtually all agencies addressed the issue of backlog reduction in crafting their FOIA Improvement Plans. For Fiscal Year 2007, many agencies reported significant accomplishments in meeting their milestones and goals connected with backlog reduction.

For example, the Department of Commerce reported that its applicable Bureaus exceeded the backlog reduction goal of 30%, achieving 50% to 100% reduction in their backlog. Similarly, the Department of Energy exceeded by 10% its goal to reduce by 50% the number of requests pending more than one year. Likewise, the Departments of Education, Labor, Transportation, Agriculture, and Interior, as well as the VA, HHS, DHS, CIA, EPA, NSF, and SSA all reported improvements in the area of backlog reduction.

Within the Department of Justice, the Office of Information and Privacy continued to reduce its backlogs of both pending initial requests and pending appeals. For initial requests, the Office of Information and Privacy exceeded its 20% reduction goal and reduced the backlog of initial requests by more than 30%, including closing its ten oldest requests. The Office of Information and Privacy also greatly exceeded its parallel backlog reduction goal for administrative appeals, far surpassing its 30% reduction goal and achieving a 41% reduction in the number of pending administrative appeals, including the ten oldest. In so doing, OIP significantly increased the number of administrative appeals processed during the course of the fiscal year, up from 1,970 to 4,255.

DOJ – Processing More Appeals to Exceed Goal



Similarly, another Department of Justice component, the United States Marshals Service reduced its backlog of pending requests by 68%, and reduced its median processing times for both simple and complex requests by 50% and 49% respectively.

Many Agencies Have Taken Foundational Steps for Future Backlog Reduction Activities. As reported last year, several agencies identified a series of steps to be taken to reduce their backlogs, including foundational steps that were necessary to bring about reductions in the backlog, and those agencies were successful in accomplishing those steps. For example, DOD had three objectives in its overall backlog reduction goal: to determine the level of staffing necessary to reduce backlogs, to fund additional FOIA personnel, and to concentrate on a series of initiatives to reduce its FOIA backlog by 10% annually beginning in Fiscal Year 2008. DOD met its milestones in these areas and so is well on its way to achieving backlog reduction. Other agencies likewise completed their initial steps toward backlog reduction, including NSF, which identified the cause of delays in responding to requests and took steps in hiring personnel to address that problem. Similarly, NASA undertook additional hiring steps in order to better address its backlog.

Agencies Focused on Their Oldest Requests. One aspect of FOIA backlogs that frequently receives a great deal of attention is the age of the oldest requests pending at an agency. Although the age of the oldest request may be aberrational, the existence of any request that has been pending for years, sometimes decades, is so at odds with the concept of a timely response under the FOIA that it undermines the public's confidence in the agencies' administration of the Act. Many agencies included in their FOIA Improvement Plans a goal to close their ten oldest pending requests each fiscal year. To further encourage agencies to address their oldest requests, in 2007, the Department of Justice required agencies to list the dates of their ten oldest requests in their Annual FOIA Report. That requirement has now been codified by the OPEN Government Act. This increased transparency regarding the oldest pending requests at each agency will undoubtedly serve as an incentive to all agencies to work to close those ten oldest requests each year.

Agencies Still Face Challenges in Eliminating Backlogs. Although these examples of successes in the area of backlog reduction are encouraging, as mentioned above, there remain real challenges for agencies struggling to reduce or eliminate backlogs. Indeed, these challenges should not be underestimated. The numbers of requests agencies receive are not under their control. The complexities of the requests, the number of offices that must be searched, the number of consultations that must be made, and the levels of review that must be undertaken prior to responding to the request are all beyond the control of the agency. Yet all of these factors determine how long it can take an agency to respond to a request.

2. Proactive Disclosures: Agencies Anticipating the Needs of Requesters and Increasing the Amount of Government Documents Posted On-line.

Agencies Continued to Show Improvement in Proactive Disclosures. In an effort to reduce the need to file requests, and consistent with the Executive Order's focus on the issue, the area of improving proactive disclosures of information, i.e., making information available to the public on the agency's own initiative, continued to see significant improvement.

For example, the Department of Education increased the number of documents available in its Electronic Reading Room and made a series of other improvements in the area of proactive disclosure, including establishing a guideline for identifying documents to be posted to the Web prior to receipt of a FOIA request. Similarly, a component of the Department of Justice, the Office of Community Oriented Policing Services (COPS) reported accomplishing a series of steps designed to improve the availability of information on its Website. As reported by COPS: "Through the implementation of this area of improvement the COPS [FOIA] Office was able to continue to significantly increase the types and total amount of documents available through the FOIA electronic reading room."

Likewise, the Departments of Agriculture, and Labor, and the CIA, all reported success in the area of proactive disclosure.

3. FOIA Websites: Agencies Using the Internet to Inform the Public.

Agencies Recognize the Importance of Updating their Websites. Agencies have now widely recognized the importance of both refining and maintaining their sites on the Web that they use for purposes of FOIA administration.

For example, the Department of Defense reported that it had conducted an audit of all its components' Websites to ensure that all components followed a standardized approach to increase reader accessibility. The Department of Labor likewise redesigned the format of its Web page to enhance its readability and navigation capacities. The CIA reports that its Website is now more user-friendly and that it posts new documents to the Web each month. Within the Department of Justice, the Civil Rights Division reported making significant enhancements to its Electronic Reading Room, as did the Office of Federal Detention Trustee.

Similarly, the Departments of Education, and Agriculture, and the EPA, and the SBA all reported successes in the area of Website improvement.

4. Use of Technology/Automation: Agencies Enhancing FOIA Response Times Using Existing Information Technology.

Agencies Have Embraced IT to Improve FOIA Operations. As has been highlighted in both previous reports, agencies have widely embraced the subject area of technology and automation as a vital means of improving their FOIA operations. This has consistently been viewed as the improvement area that holds the most promise for agencies in improving both the speed and the quality of their responses to FOIA requests.

For example, the Department of Transportation has established a system to allow FOIA requesters to make electronic payment of their FOIA fees and reported making progress in adding additional components to that system. In the Department of Justice, the Office of Information and Privacy made extensive progress toward its goal of securing a comprehensive electronic processing and tracking software package by completing a feasibility study and a market assessment. In a related IT initiative, it also completed all the requirements necessary to install hardware and software for scanning documents and saving them directly into the computer network.

Similarly, other agencies, such as the Department of the Treasury, as well as the CIA and NRC reported progress and successes in the area of technology.

5. FOIA Request Status Tracking: Enhancing Agencies' Accountability to be Responsive to Requesters.

Agencies Have Met Milestones in Tracking the Status of Requests. One of the key features of the Executive Order is its emphasis on the importance of all agencies having the ability to effectively track the status of FOIA requests, both for increasing efficiency within the agency and in order to be better able to promptly respond to inquiries made by FOIA requesters about the status of their requests. As reported last year, many of the key agencies met milestones in this area.

For example, GSA reported that “[i]mplementing the new tracking system throughout GSA has been [the] most successful accomplishment” of its Plan. It explained that “[t]his system allows us to monitor all FOIA requests nationwide and provides us with outstanding internal control over the data being reported.” GSA explained that an “increase in staff in [its] Central Office, also an improvement area, allows GSA to perform daily spot checks on all the data entered into the tracking system to ensure accuracy and reliability.”

Within the Department of Justice, the Justice Management Division (JMD) reported that although it had completed its automated FOIA tracking system in 2006, it had continued to work on improving it in 2007. JMD reported that the “system has several features, including: a

complete tracking function that includes all the requirements to produce an annual report; an ability to track by both calendar and work days; a search function that quickly answers questions regarding FOIA requests that are both active and closed; a reporting system that can access individual FOIA reports or annual FOIA reports for all FOIA requests in the system and for multiple fiscal years; and an ability to identify where any specific FOIA request is in the FOIA process.”

Other agencies reporting improvements in the area of request tracking are the Departments of Labor, Treasury, and Agriculture, as well as the CIA, and SBA.

6. Customer Service: Improving Service to the Public.

Agencies Have Reported Strong Progress in Improving Customer Service. In accordance with the Executive Order's directive that FOIA requesters be treated courteously and recognized as customers of a service being provided by the government, agencies reported strong progress in this improvement area.

For example, NASA reported making “tremendous strides” in the area of customer service, addressing those areas that were seen as potential problems and maintaining a focus on them. NASA reported that this has included conducting “Customer Service Awareness” training during its Annual FOIA Conference, ensuring that its process remains decentralized, and focusing on “improving [its] customer relations at each center location.” The Department of Interior established a toll-free telephone number to facilitate the public’s communication with the agency regarding their FOIA requests. In the Department of Justice, the Executive Office for United States Trustees (EOUST) reported: "In the area of customer service, the new FOIA staff has created and implemented a system for tracking and summarizing all communications between each requester and EOUST so that a chronology of this information is readily available at any work station for all FOIA requests."

Similarly, the Department of State, as well as the VA, CIA and EPA all reported successes in the area of customer service.

III. Challenges Faced by Agencies in Meeting Certain Plan Milestones and Goals

The Executive Order required that agency annual FOIA reports for Fiscal Years 2006 and 2007 specifically identify and explain the reasons for any failure to meet a milestone or goal in the agency's FOIA Improvement Plan. These "deficiencies" were also required to be reported to the PMC. For this second and final reporting period, forty-six agencies met all of their milestones and goals established in their FOIA Improvement Plans and had no deficiencies. Eleven of the twenty-five key agencies completed all of their milestones and goals due this reporting period, even if their completion was after the target date for one or more of their milestones or goals.

A. Agency Deficiencies

Forty-three agencies reported deficiencies of some kind. Six of these agencies remedied all of those deficiencies during this reporting period. Twelve agencies remedied at least some of their deficiencies. As mentioned above, it is important to remember that agencies which had deficiencies still had other areas where they reported success. All agencies made some progress under the Executive Order. Thus, deficiencies must be viewed in that context.

Still, as part of the requirements imposed by the Executive Order, for any failure to meet a plan milestone or goal, the agency was required to explain why it had not met the milestone or goal, and it was also required to outline the steps it has taken or will be taking to address the deficiency. For some agencies, the deficiency was corrected during the reporting period and so has now been cured. For the twenty-five agencies whose progress is depicted on the attached charts, the deficiencies from this reporting period that have been cured are represented by the color light green. Other agencies have made some progress in addressing their deficiencies and they are indicated on the chart by the color yellow. For any agency that had a deficiency that was not at least partially corrected, the color assigned is red. For the twenty-five key agencies, none reported a deficiency for which no remedial action had been taken as of the end of the reporting period.

The explanations for the deficiencies generally fall into several categories. As with last year's reporting, five of the same categories continue to apply this year. They are: resource limitations, competing priorities, IT difficulties, milestone reassessment, and complexity problems. A sixth category, delays caused by impending passage of the OPEN Government Act, which amended the FOIA, was cited by several agencies this past year as the cause of a deficiency. Each of these six categories is discussed below.

Staffing and Other Unanticipated Limitations

As with last year's reporting, this was the most commonly cited reason for failure to meet a milestone or goal. These limitations arose in three related areas, staffing issues, funding problems, and facility-related factors. There was a slight increase from last year in the number of agencies that reported funding difficulties as a reason for missing a milestone or goal, rising from two to six agencies. For example, DHS was unable to hire additional FOIA personnel for some of its components, reach backlog reduction milestones on time, and have certain FOIA personnel attend training, due to resource constraints. Also, due to budgetary constraints, NARA was unable to meet its milestone to streamline its process of referring documents to agencies for declassification.

Again this year, two agencies encountered facility-related limitations that affected their ability to carry out milestones and goals. The Department of Transportation was unable to meet several milestones due to complications surrounding the Department's (including the entire FOIA office's) move to a new building. The FBI also encountered difficulties in a couple of

improvement areas that resulted from the move of its facilities from Washington, DC to Winchester, Virginia.

As reported last year, and again this year, difficulties encountered with staffing was a very common reason given for a deficiency. Indeed, thirteen agencies identified this as a reason for a deficiency. For example, a component of the Department of Justice was unable to meet a backlog reduction milestone and make improvements to its Website because of the loss of personnel during this reporting period. Also, the Executive Office of the President's Council on Environmental Quality was unable to meet its milestone of publishing new regulations and developing a new handbook, due to the loss of employees; as a result, the office was understaffed for the majority of this reporting period.

Competing Priorities

Again this year, the second most frequently cited cause for a deficiency was the existence of competing priorities. Fourteen agencies reported this as the cause of at least one deficiency. Competing priorities came from both other FOIA responsibilities and non-FOIA tasks performed by FOIA personnel. For example, the Department of Education reported that it was unable to meet a milestone toward its backlog reduction because devoting more resources would create an "undue negative impact on operational priorities" of the office. Similarly, work load considerations for employees were a concern at the National Transportation Safety Board, and "litigation, administrative, and operational demands" have delayed HHS's implementation of milestones connected with its improvement goal concerning increased public awareness of FOIA. Competing priorities was consistently identified by some agencies as a cause for a deficiency during the past two reporting periods. For instance, the American Battle Monuments Commission reported that as occurred last year, it was unable to load its database of Medal of Honor recipients on its Website due to other work priorities.

IT Difficulties

As also reported last year, several improvements in FOIA processing were delayed due to IT-related problems or because planned technological improvements were more complicated than anticipated. As seen in last year's annual reports, IT-related problems interfered with some agencies' abilities to meet improvement goals related to automated processing, Website development, and tracking capabilities. For example, the Inter-American Foundation hoped to post a revised Website by December 2007. While the revisions were submitted by December 2007, due to complications within the agency's IT department, they were not posted on the Website until February 2008.

Milestone Reassessment

As with last year's reporting, some agencies failed to meet certain milestones because the agency re-evaluated the benefit to be derived from what was originally planned. For example, the Department of Defense determined that its components were already "utilizing existing

information technology security standards," so the establishment of such standards for FOIA software would be redundant. At the Overseas Private Investment Corporation, the agency determined its goal of meeting a thirty-day average response time for voluminous requests was unrealistic in light of the nature of the requested records and the risk of violations of the Trade Secrets Act. At the U.S. Copyright Office, the agency has initiated an improvement effort that is more comprehensive than originally outlined in its FOIA Improvement Plan, so more time is needed for that effort.

Complexity Issues

Again this year, agencies identified both task complexity and coordination complexity as reasons they failed to meet certain milestones. For example, at the Department of Justice, the creation of the new National Security Division (which now includes the former Office of Intelligence Policy Review (OIPR)) resulted in a significant increase in the volume of incoming requests over and above what was received in OIPR in the prior year. As a result, the National Security Division had a backlog of fifteen requests at annual reporting time. Similarly, an unanticipated increase in the number of FOIA requests received at the Committee for Purchase from People Who Are Blind or Severely Disabled added to the complexity of that agency's backlog elimination efforts. As a result, that agency still had four backlogged requests when it filed its annual report. The complexity of coordinating Department of the Interior/Office of Management and Budget review of a proposed on-line FOIA request form has delayed a milestone at Interior.

Impending FOIA Amendments

This year, in light of the impending FOIA Amendments that were ultimately passed at the end of 2007, some agencies delayed milestones related to revising or publishing FOIA regulations or revising internal procedures. These agencies did so in order to make their work in these areas more comprehensive than originally planned by factoring in requirements from the FOIA amendments. Agencies that reported deficiencies connected with awaiting passage of the FOIA amendments include USDA, HHS, American Battle Monuments Commission, Executive Office of the President – U.S. Trade Representative, FCC, SEC, NLRB, and the Copyright Office.

B. Agency Reporting of Deficiencies to the President's Management Council

In Section 3(c) of the Executive Order, the President directed each agency in its annual FOIA report, and in a separate report sent to the PMC, to identify any agency deficiencies in meeting the milestones that the agency had established in its FOIA Improvement Plan. The Order also required the agency to explain "the reasons for the agency's failure to meet the milestone" and to outline "the steps that the agency has already taken, and will be taking, to address the deficiency."

In the recent annual reports, forty-three agencies reported deficiencies in meeting at least one of their milestones for this final reporting period. The agencies also explained the reasons for the deficiencies and outlined their corrective actions.

Remedial Steps Taken. Six of the forty-three agencies already took remedial action and were able to complete all of their deficient milestones within the reporting period. Twelve other agencies were able to complete some of their deficient milestones within the reporting period. Twenty-five agencies identified some measure of remedial action to cure their deficiencies at a later date.

Deficiencies Reported. As provided last year, agencies were required to report these deficiencies to the PMC. And, similar to last year's report, one of the recommendations in Section IV of this report is for each agency with remaining deficiencies to submit to the PMC, by August 1, 2008, an updated status report describing the progress that the agency has made in correcting its deficiencies, including any further corrective action that the agency has taken or will be taking.

IV. Recommendations

The Department of Justice, in coordination with OMB, has worked extensively with agencies to improve individual agency implementation of Executive Order 13,392 in furtherance of the principles behind the Order's policy direction. During the course of the Executive Order's implementation period, a series of recommendations have been made. The Department, in its October 2006 report, recommended holding a follow-up meeting of Chief FOIA Officers; streamlining FOIA correspondence; and increasing the use of advanced technology and automation to improve agency FOIA operations. In its June 2007 report the Department recommended additional reporting requirements for agencies with deficiencies; the setting of backlog reduction goals for Fiscal Years 2008, 2009, and 2010; a follow-up meeting of Chief FOIA Officers; the continuation of the Inter-Agency Working Group on Technology; and specialized training sessions focused on the role of FOIA Public Liaisons and on FOIA Website improvement. All these recommendations were offered to aid in the successful implementation of the Executive Order and were carried out with great success.

At this point, agencies are continuing to successfully implement the remaining stages of their FOIA Improvement Plans and ensure that any deficiencies identified in the earlier reporting periods are addressed and remedied. Moreover, many of the key elements of the Executive Order have been codified by the OPEN Government Act, and that serves as the touchstone for the recommendations being made now. These recommendations look forward beyond the end of the Executive Order's implementation period to ensure its policies continue to improve FOIA practice in the years to come.

1. Updated Status Report by Agencies That Reported Deficiencies. By August 1, 2008, each agency that reported in its Fiscal Year 2007 Annual FOIA Report a deficiency in

meeting one or more milestones in its FOIA Improvement Plan, that was not fully cured by the time of submission of the Annual FOIA Report, shall submit to the PMC an updated status report. This report shall describe the progress the agency has made in correcting the deficiency(ies), including any further corrective action that the agency has taken or will be taking. Additional guidance on this reporting requirement will be forthcoming by the Department of Justice's Office of Information and Privacy.

2. Continued Attention on Backlog Reduction. Agencies have shown substantial improvement in the area of backlog reduction. The emphasis on this critical area of FOIA administration by the Executive Order has had a significant impact. Nevertheless, reduction of FOIA backlogs is not something that is easily or quickly addressed. Much work remains to be done. One point that emerges from the last two years of implementation of the Executive Order is the necessity to continue to focus attention on backlog reduction. Accordingly, the Department of Justice has added a new requirement to agency Annual FOIA Reports that for the first time directs agencies to report the number of backlogged requests and backlogged administrative appeals (i.e., those pending beyond the statutory time limit). In addition, agencies will now be required to report how those figures compare to the numbers of backlogged requests and backlogged appeals from the previous year. To further assist in keeping this important topic at the forefront of FOIA administration, the Department of Justice recommends that any agency which has a backlog of requests and which has not made progress in backlog reduction over the last two years should develop a plan to reduce its backlog. In creating the plan, the agency should consider whether appropriate staffing and agency support is being given to FOIA activities. The plan should be provided to the agency's Chief FOIA Officer by September 8, 2008, for his or her approval. The Chief FOIA Officer of each such agency should, in turn, notify the Department of Justice and OMB once he or she has approved the plan. Such notification should be made no later than October 6, 2008.

3. Reading Room Review. Maintaining and improving FOIA Reading Rooms is an issue that requires continued attention. Again, while the Executive Order has prompted improvements to agency FOIA Reading Rooms, some agencies still need to devote more attention to ensuring that, at a minimum, their Reading Rooms contain all the material that is required by the FOIA to be included there. In last year's report, the Department recommended a specialized training session on the topic of Reading Rooms. Such a training session was conducted and it was well received. Since that time, the Department has added the topic of Reading Rooms to many of its training programs in order to ensure that government personnel are fully informed of the requirements for posting documents. The Department is also reaching out to those agencies that it has identified as having Reading Rooms in need of improvement. To build on this initiative of the Department, and in furtherance of the Executive Order's goals, the Department recommends that agency Chief FOIA Officers certify to both the Department and OMB, by no later than October 31, 2008, that an internal review of their agency FOIA Reading Rooms has been conducted, that any deficiencies in the content of the Reading Room have been addressed, and that the agency's Reading Rooms comply with the FOIA. Additional guidance on this reporting requirement will be forthcoming by the Department of Justice's Office of Information and Privacy.

V. Conclusion

In sum, the agencies of the Executive Branch have worked hard to implement Executive Order 13,392 in a vigorous manner. Overall, they have made steady and meaningful progress in meeting the milestones and goals they set. All agencies have made progress under their FOIA Improvement Plans and many have truly excelled. Agencies have reported meaningful improvement in the areas of backlog reduction, affirmative and proactive disclosure, and requester services. Additionally, agencies have improved their Websites and have embraced the subject area of technology and automation to improve FOIA administration.

All agencies face challenges in achieving improvements in FOIA administration. The Executive Order was designed to work over a two-year period, but many agencies face challenges that could not be remedied in that short amount of time. The Department of Justice, through its Office of Information and Privacy, will continue to advise and train agency personnel on all aspects of FOIA compliance. In the end, though, each agency must individually continue to devote sufficient attention, resources, and energy to this area. The recommendations contained in this report are designed to hold agencies more accountable and to make their actions more transparent.

The administration of the Freedom of Information Act throughout the government has been significantly improved as a result of the Executive Order. Going forward, agencies will need to continue their efforts to further improve the administration of the Act which is such a vital aspect of our democratic government. As the Executive Order states: “The effective functioning of our constitutional democracy depends upon the participation in public life of a citizenry that is well informed.” FOIA is “an important means through which the public can obtain information regarding the activities of Federal agencies.” The Department of Justice looks forward to providing continued leadership and guidance in these efforts.

Attachment A

Background

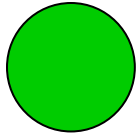
The October 16, 2006 Attorney General report describes in detail the history of the FOIA and the development of Executive Order 13,392. See Attorney General's Report to the President on Executive Order 13,392, available at http://www.usdoj.gov/oip/04_7.html. It also describes the many steps taken by the Department of Justice and OMB to assist agencies in implementing this important Presidential initiative. See id. Notably, since the issuance of the Executive Order, agencies have established FOIA Requester Service Centers and designated FOIA Public Liaisons. They have also conducted comprehensive reviews of their FOIA operations and developed FOIA Improvement Plans which set out specific goals in a wide range of improvement areas with concrete milestones and benchmarks to be achieved. Those plans took effect June 14, 2006.

The Department of Justice and OMB have now held three conferences for agency Chief FOIA Officers and have also conducted two special training conferences for FOIA Public Liaisons. The Department of Justice has worked with agencies, both in formal training sessions and on a one-on-one basis, providing guidance on proper Executive Order implementation. Importantly, the Department also provided extensive written guidance to all agencies concerning a wide range of issues connected with the Executive Order's implementation, including instructions for the content of the new Section XII of their Annual FOIA Reports.

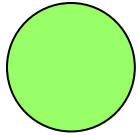
As the lead Executive Order implementation agency, the Department of Justice for the past two years has completed its own 2006 and 2007 Annual FOIA Report two weeks in advance of the February 1 deadline and posted it on the Department's FOIA Website to serve as a model for all other agencies. Agencies then submitted their Annual FOIA Reports to the Office of Information and Privacy at the Department of Justice, which worked with each agency to ensure that their reports met the technical requirements of the FOIA and the Executive Order. Once this process was completed, the reports were then posted on the Department's FOIA Website for public review. To date, all agencies have submitted their Annual FOIA Reports to the Department for review.

Attachment B: Progress Charts of Key Agencies

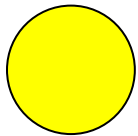
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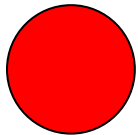
For agencies that reported timely achieving their milestones for this reporting period, the color green was assigned.



For agencies that reported achieving their milestones after the target dates, a light green color was assigned.



For agencies that reported achieving progress, but not success, in meeting a milestone, the color yellow was assigned.

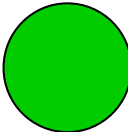
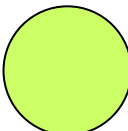
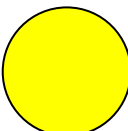
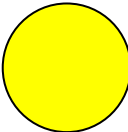



For agencies that did not report progress, the color red was assigned.

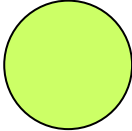
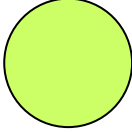
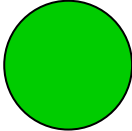
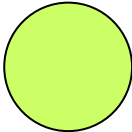





A check mark was placed in the "Goal Completed" column to indicate that the agency completed the entire goal associated with the milestone. For goals still in progress, the column is blank.

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	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Mr. Boyd K. Rutherford</p> <p>Public Liaison:</p> <p>25 (HQ)</p> <p>FOIA Requester Service Center:</p> <p>25 (HQ)</p>	<p>AGRICULTURAL MARKETING SERVICE (AMS)</p> <p><u>Backlog Reduction</u></p> <ul style="list-style-type: none"> To reduce the existing backlog of pending FOIA requests by 10% each year, by focusing on the backlog requests assigned to each program area. <p><u>FOIA Training</u></p> <ul style="list-style-type: none"> To encourage FOIA staff to take FOIA training yearly. <p>ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)</p> <p><u>Automated Tracking Capabilities</u></p> <ul style="list-style-type: none"> Purchase and implement the use of an automated tracking system. <p><u>Backlog Reduction/elimination</u></p> <ul style="list-style-type: none"> Employ detailees from periods of 60 – 120 days to assist in case processing and, thus, backlog reduction. Also detailees will perform clerical duties, which will allow the specialists more time to analyze documents. The APHIS Administrator has placed great emphasis on the FOIA backlog reduction. FOIA backlog reduction is one of 20 FY06 APHIS Operating Plan Initiatives. As part of the FOIA backlog reduction initiative, APHIS FOIA is expected to close the amount of FOIA requests received plus an additional 20%. APHIS FOIA averages a receipt of approximately 1,000 requests per year, thus, in theory if the goal is met every year for the next five years, the backlog will be depleted. 	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>	<p style="text-align: center;"></p>

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<p>ASSISTANT SECRETARY FOR CIVIL RIGHTS (ASCR)</p> <p><u>Electronic FOIA—Automated Tracking and Processing</u></p> <ul style="list-style-type: none">ASCR will research the available electronic FOIA tracking systems and redaction tools. <p><u>Purchase of New Equipment</u></p> <ul style="list-style-type: none">ASCR will look into the feasibility of acquiring a scanner or color copier to assist the FOIA specialist in the redaction process. <p>DEPARTMENTAL ADMINISTRATION (DA)</p> <p><u>Backlog Reduction</u></p> <ul style="list-style-type: none">The actual backlog (number of actual backlog requests) will be reduced by 20% by June 1, 2007, and by 40% by June 1, 2008. (Actual backlog requests existing on those dates.) In addition, no request will be greater than 3 months old by June 1, 2008. <p><u>Improvement of Agency's FOIA Guide</u></p> <ul style="list-style-type: none">DA will develop a DA FOIA Instruction/Manual to implement the USDA Departmental Regulation, and will make it part of the standard operating procedures to include a reference to the online Guide in all acknowledgement letters.	<p></p> <p></p> <p></p> <p></p>	<p></p> <p></p> <p></p>
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FARM SERVICE AGENCY (FSA)

Training of FOIA Staff and Program Staff

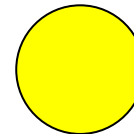
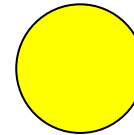
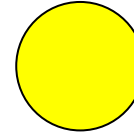
- Training of FOIA staff will help eliminate inconsistency in processing requests that are made to several CO or other STO offices for similar information.

FOIA Website Improvement

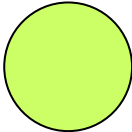

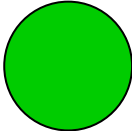
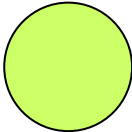

- National FOIA Office will work with FSA's Webmaster to improve existing FOIA website, which will include FOIA's link to FSA's System of Records, additional affirmative disclosures under subsection (a)(2), and contact information. Because FSA has changed servers and server applications, the FOIA website needs updating and improvement for the public.

Improvement of the Agency's FOIA Guide

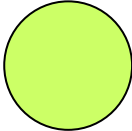
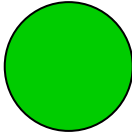
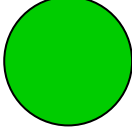
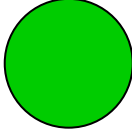
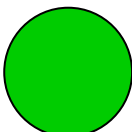




- FSA will review and amend the FSA FOIA Guide/Manual, 2-INFO, to include USDA Departmental Regulation, and provide guidance in processing Agency records due to new requirements mandated by court determinations and OGC recommendations following their review of Agency administrative appeals.



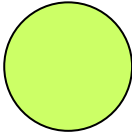
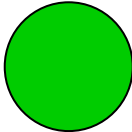
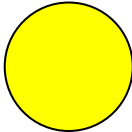
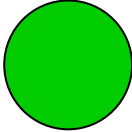
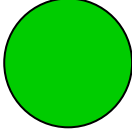




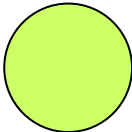

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<p><u>Development of Automated Tracking Capabilities</u></p> <ul style="list-style-type: none">The main National FOIA Office and KCAO FOIA Office both log onto database programs (ACCESS) to track FOIA requests. Some STOs and COs do not have electronic tracking and only track requests on paper. Because the FSA FOIA program is decentralized, it takes about three months to obtain the data required for the annual FOIA report. The data are collected from the COs and forwarded to the STO FOIA Offices for submission to the National Office. It is challenging to get the necessary information from COs for such reasons previously cited. Without a central FOIA tracking system, it is extremely difficult to obtain Agency-wide statistical data in a timely manner. FSA needs to implement an Agency-wide database or, at the very least, a centralized database for use by STOs, KCAO and the National FOIA Officers to track all requests, handle public inquiries regarding the status of their requests and prepare a more accurate annual FOIA report.		
<p>FOOD AND NUTRITION SERVICE (FNS)</p> <p><u>Backlog Reduction</u></p> <ul style="list-style-type: none">The actual backlog will be reduced by 90% by December 31, 2007, and by 95% by July 1, 2008.		
<p>FOOD SAFETY AND INSPECTION SERVICE (FSIS)</p> <p><u>Improvement of Agency's FOIA Reference Guide</u></p> <ul style="list-style-type: none">FSIS will revise the FOIA Directive to align it with EO 13392. The Directive will outline the role and responsibility of the ECIMS Director/Public Liaison Officer, Deputy Director, and FOIA staff and be posted on the Agency's Web site along with other FIOA reference guides.		

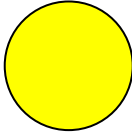
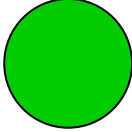
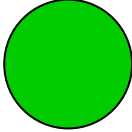
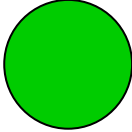
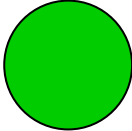
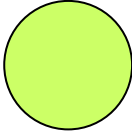


DEPARTMENT OF AGRICULTURE

<p><u>Automated Tracking Capabilities</u></p> <ul style="list-style-type: none">To enhance FSIS' existing automated system (E-FOIA) to produce various staff reports to improve case tracking; to assist with the Agency's submission of the Annual FOIA Report; and generate meaningful reports in compliance with Agency FOIA program requirements. <p><u>Backlog Reduction/Elimination</u></p> <ul style="list-style-type: none">To reduce/eliminate FSIS's current backlog of 147 cases on a monthly basis by 10 cases and quarterly by 15 cases. <p>FOREIGN AGRICULTURAL SERVICE (FAS)</p> <p><u>Proactive Disclosure of Information</u></p> <ul style="list-style-type: none">Encourage FAS program areas to increase the amount of information available electronically via the FAS Website. <p><u>Forms of Communications with Requesters</u></p> <ul style="list-style-type: none">Encourage FAS program areas to increase communications with FOIA requesters about their requests. <p><u>Process by Which Necessary Cooperation is Obtained from Agency Personnel</u></p> <ul style="list-style-type: none">Reinforce employees' understanding of FOIA legal requirements to ensure continued compliance.	<p></p> <p></p> <p></p> <p></p> <p></p>	<p></p> <p></p> <p></p> <p></p>
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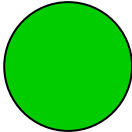

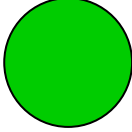

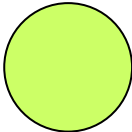

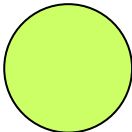

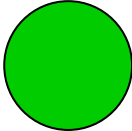

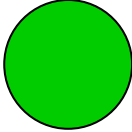
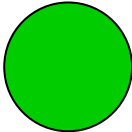
DEPARTMENT OF AGRICULTURE

<p>FOREST SERVICE (FS)</p> <p><u>Proactive Disclosure of Information</u></p> <ul style="list-style-type: none">• Establish Criteria to identify types of records that should be posted on the web. <p><u>Improvement of Agency's FOIA Reference Guide</u></p> <ul style="list-style-type: none">• Revise its FOIA Reference Guide currently found on the web. <p><u>Automated Tracking Capabilities</u></p> <ul style="list-style-type: none">• Procure a new electronic tracking/redacting system with enhanced features. <p><u>Overall FOIA Website Improvement</u></p> <ul style="list-style-type: none">• Improve FOIA Website. <p><u>Additional Training</u></p> <ul style="list-style-type: none">• Provide training needed (formal and/or on-the-job).	    	   
<p>GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION (GIPSA)</p> <p><u>Improvement of Agency's FOIA Reference Guide and Directive</u></p> <ul style="list-style-type: none">• Provide current and up to date information regarding GIPSA's FOIA program on the GIPSA website and Agency directive due to the Agency's reorganization.		

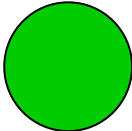

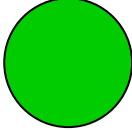
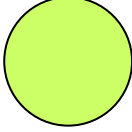

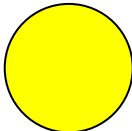
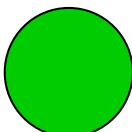
DEPARTMENT OF AGRICULTURE

<p><u>Proactive Disclosure of Information</u></p> <ul style="list-style-type: none">• Consider posting additional records to GIPSA’s website, such as P&SP registrant lists and other frequently requested records. <p>NATIONAL RESOURCES CONSERVATION SERVICE (NRCS)</p> <p><u>Affirmative Disclosure under Subsection (a)(2)</u></p> <ul style="list-style-type: none">• NRCS will provide monthly updates of disclosure required under (a)(2). <p><u>Proactive Disclosure of Information</u></p> <ul style="list-style-type: none">• NRCS will provide information on the FOIA website that is in the public’s interest without the need for a FOIA request. <p><u>Overall FOIA Website Improvement</u></p> <ul style="list-style-type: none">• NRCS will improve the design of the FOIA website. <p><u>Improvement of Agency’s FOIA Reference Guide</u></p> <ul style="list-style-type: none">• NRCS will review current guide and determine if guide should be revised. <p><u>Automated Tracking Capabilities and Expedited Processing</u></p> <ul style="list-style-type: none">• NRCS will develop a uniform national and state office FOIA Tracking System. Previously, NRCS also included the development of this tracking system under the goal related to expedited processing. With this revision we are now including the milestone of the expedited processing goal under the automated tracking capabilities and deleting the expedited processing goal.	<p></p> <p></p> <p></p> <p></p> <p></p> <p></p>	<p></p> <p></p>
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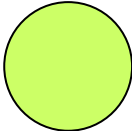

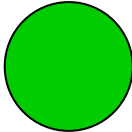

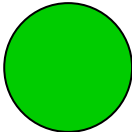

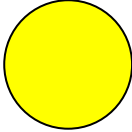
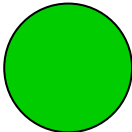

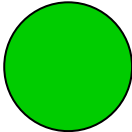

DEPARTMENT OF AGRICULTURE

<p><u>Electronic FOIA-Automated Processing</u></p> <ul style="list-style-type: none">• NRCS will research software with redacting elements.		
<p><u>Multi-track Processing</u></p> <ul style="list-style-type: none">• NRCS will develop an electronic multi-track processing system in a spreadsheet format to be used by all state offices.		
<p><u>Troubleshooting of Any Existing Problems (even minor ones) with Existing Request Tracking</u></p> <ul style="list-style-type: none">• NRCS will identify and address problems with the existing tracking system.		
<p><u>Backlog Reduction/Elimination</u></p> <ul style="list-style-type: none">• NRCS will address states' backlog through question and answer training quarterly teleconferences.		
<p><u>Politeness/Courtesy</u></p> <ul style="list-style-type: none">• NRCS will provide customer service training in quarterly regional teleconferences.		
<p><u>Forms of Communications with Requesters</u></p> <ul style="list-style-type: none">• NRCS will review current correspondence with requesters and update as necessary.		
<p><u>Process by Which Necessary Cooperation is Obtained from Agency "Program Personnel"</u></p> <ul style="list-style-type: none">• NRCS will issue a memorandum to the Deputy Chief for Programs as a reminder to staffs to review the FOIA Policy.		

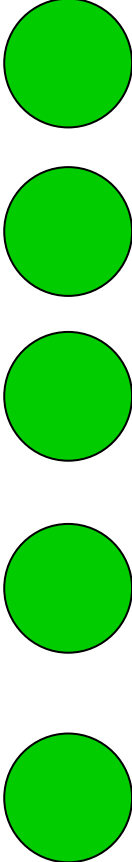

DEPARTMENT OF AGRICULTURE

<p><u>Additional Training Needed</u></p> <ul style="list-style-type: none">• NRCS will provide information about training to all State FOIA Officers through quarterly regional teleconferences.		
<p><u>Contracting Out/Hiring of Contract Employees</u></p> <ul style="list-style-type: none">• NRCS will hire subject to budget approval a contract employee/consultant at the national level to assist both national and state offices with FOIA processing and document review.		
<p><u>Recycling of Improvement Information Gleaned from FOIA Requester Service Centers</u></p> <ul style="list-style-type: none">• NRCS will develop an agenda item to have state offices share information on customer feedback.		
<p>OFFICE OF THE CHIEF INFORMATION OFFICER (OCIO)</p>		
<p><u>Implement an Automated Request Tracking and Monitoring Capability</u></p> <ul style="list-style-type: none">• Work with OCE to utilize their ECCM software to pilot and administer automated request tracking and monitoring capability.		
<p>OFFICE OF THE INSPECTOR GENERAL</p>		
<p><u>Backlog Reduction</u></p> <ul style="list-style-type: none">• Have a manageable backlog, with a goal of its elimination.		

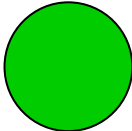

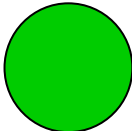

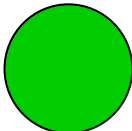

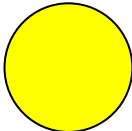
DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY (OSEC)		
<u>FOIA Website Improvement</u> <ul style="list-style-type: none">OSEC will update the USDA FOIA website to link to the other agency FOIA websites.		
<u>Electronic Tracking System</u> <ul style="list-style-type: none">Purchase new equipment that includes an electronic tracking system and electronic redaction capabilities to improve the response time in responding to FOIA requests and preparing the annual report.		
<u>Receive Electronic FOIA Requests</u> <ul style="list-style-type: none">Develop an electronic FOIA format to facilitate the public's ability to submit electronic FOIA requests to USDA.		
<u>Revise USDA FOIA Regulations</u> <ul style="list-style-type: none">OSEC will revise the USDA FOIA regulations.		
RISK MANAGEMENT AGENCY (RMA)		
<u>Automated Tracking Capabilities</u> <ul style="list-style-type: none">RMA will enhance its existing automated tracking system; parts will be accessible to RMA Staff Office Personnel.		
<u>Improvement of Agency's FOIA Guide</u> <ul style="list-style-type: none">RMA will develop a RMA FOIA Guide to implement the USDA Departmental Regulation, and will make it part of the standard operating procedures.		

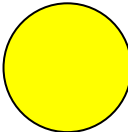
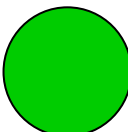
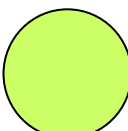
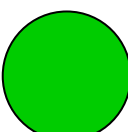





DEPARTMENT OF AGRICULTURE

<p>RURAL DEVELOPMENT</p> <p><u>Backlog Reduction/Elimination</u></p> <ul style="list-style-type: none">• Reduce the amount of time needed to search for information by maintaining an up-to-date listing of information available on the department's internet website. <p><u>Politeness/Courtesy</u></p> <ul style="list-style-type: none">• Maintain a minimum number of complaints from requesters. <p><u>Acknowledgement Letters</u></p> <ul style="list-style-type: none">• Issue acknowledgement letters within 2-3 business days upon receipt of the request. <p><u>Additional Training Needed</u></p> <ul style="list-style-type: none">• Complete the FIOA training presentation and have it loaded into the agency's website when approved. Continue to hold teleconferences. <p><u>System of Handling Referrals</u></p> <ul style="list-style-type: none">• Upon the decision to refer a request to another office, issue a notification to the requester within 2-3 business days.		
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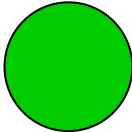

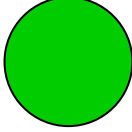

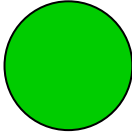

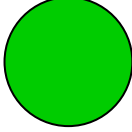

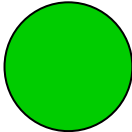

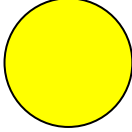
DEPARTMENT OF COMMERCE

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Mr. Otto J. Wolff</p> <p>Public Liaison:</p> <p>14</p> <p>FOIA Requester Service Center:</p> <p>14</p>	<p><u>Additional Training</u></p> <ul style="list-style-type: none"> Increase awareness of FOIA processing procedures and statutory requirements through web training. 		
	<p><u>Contracting Out/Hiring Contract Employees</u></p> <ul style="list-style-type: none"> Determine suitability of contractors to facilitate FOIA processing. 		
	<p><u>Use of Information Technology</u></p> <ul style="list-style-type: none"> Facilitate FOIA processing through enhanced electronic scanning and redacting capabilities. 		
	<p><u>Backlog Reduction</u></p> <ul style="list-style-type: none"> Close 10 oldest FOIA requests pending each year, per bureau for FY 07 and FY 08. Decrease existing backlog of pending FOIA requests by a % each year. 		

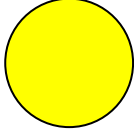
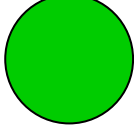
DEPARTMENT OF DEFENSE

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Mr. Michael B. Donley</p> <p>Public Liaison:</p> <p>17</p> <p>FOIA Requester Service Center:</p> <p>30</p>	<p><u>Organizational Structure and Manning</u></p> <ul style="list-style-type: none"> • Optimal organizational placement of FOIA Offices. • Standardized job series and GS levels for FOIA personnel. <p><u>Training</u></p> <ul style="list-style-type: none"> • Develop a DoD FOIA online training capability within a newly created DFOIPO Website. (Scheduled to be completed in FY2008). <p><u>Technology</u></p> <ul style="list-style-type: none"> • Analyze FOIA software for expanded use in streamlining DoD FOIA processes. • Standardize DoD FOIA Websites to enable better public access. • Conduct a feasibility study for a DoD wide electronic network to expedite FOIA processing. <p><u>Resources/Backlog</u></p> <ul style="list-style-type: none"> • Fund additional FOIA personnel staffing required to reduce backlogs in FY 08 and beyond. • Capitalize on the successful achievement of Objectives 1 and 2; specifically concentrate on initiatives that will reduce DoD FOIA Backlog by 10% annually beginning in fiscal year 2008. 	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>

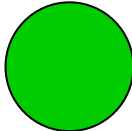

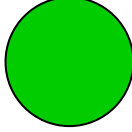

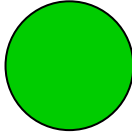

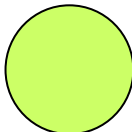

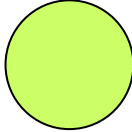

DEPARTMENT OF EDUCATION

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Mr. Chris Marston</p> <p>Public Liaison:</p> <p>4</p> <p>FOIA Requester Service Center:</p> <p>202-401-8365</p>	<p><u>Affirmative Disclosure Under Subsection (a)(2)</u></p> <ul style="list-style-type: none"> • Serve the interests of the public through the proactive release of information likely to be of widespread interest and ease the administrative processing burdens by reducing the need for requests submitted under the Freedom of Information Act. 		
	<p><u>Proactive Disclosure of Information</u></p> <ul style="list-style-type: none"> • Make records available to the public on own initiative so that there is less likelihood that records will become the subjects of FOIA request filed by persons who are interested in obtaining them. 		
	<p><u>Overall Website Improvement</u></p> <ul style="list-style-type: none"> • Implement web enhancements as a result of a review of its current structure. 		
	<p><u>Electronic FOIA – Automated Processing</u></p> <ul style="list-style-type: none"> • Improve the automation of FOIA submissions and tracking process by utilizing the full functionality of FOIAXpress. 		
	<p><u>Multi-Track Processing</u></p> <ul style="list-style-type: none"> • Establish three tracks for processing FOIA requests. 		
	<p><u>Backlog Reduction/Elimination</u></p> <ul style="list-style-type: none"> • Reduce the backlog of requests (480 as of June 2, 2006). In addition, the Department will implement a "10-Oldest" Backlog Reduction Effort. 		

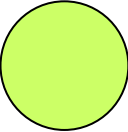

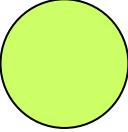
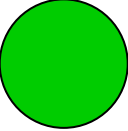

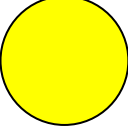
DEPARTMENT OF EDUCATION

	<p><u>Improvement Ideas from Field Office Personnel</u></p> <ul style="list-style-type: none">• Implement FOIAXpress software in Office for Civil Rights Regional Offices. <p><u>Training and Guidance</u></p> <ul style="list-style-type: none">• Develop a strategic outreach training/guidance program for all ED employees.	 	
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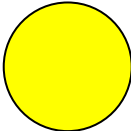
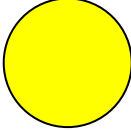
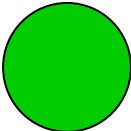

DEPARTMENT OF ENERGY

	Improvement Area	Progress	Goal Completed
FOIA OPERATIONS	<u>Training</u>		
Chief FOIA Officer:	<ul style="list-style-type: none"> Develop and implement a FOIA training program to ensure that DOE employees are aware and knowledgeable about the requirements of the FOIA and their responsibilities under the statute. The training program will be available to all DOE employees, but will be targeted to those individuals with FOIA responsibilities. 		
Ms. Ingrid A.C. Kolb			
Public Liaison:			
21	<u>Processing of Requests</u>		
FOIA Requester Service Center:	<ul style="list-style-type: none"> Develop standard procedures and instructions for processing FOIA requests to create consistent and timely processing of requests throughout the agency. 		
21	<u>Backlog Reduction</u>		
	<ul style="list-style-type: none"> Implement an initiative to reduce the number of pending FOIA cases over one year old by 50% by June 2007. 		
	<u>Receiving Electronic FOIA Requests</u>		
	<ul style="list-style-type: none"> Develop a standard electronic FOIA form to facilitate the public's ability to submit FOIA requests to the Department, and develop guidance for FOIA Officers to inform the public about records at each of the DOE locations through the DOE FOIA web sites. 		
	<u>Overall Web Improvement</u>		
	<ul style="list-style-type: none"> Provide information to the public on DOE FOIA Web sites in a consistent manner. 		

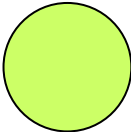

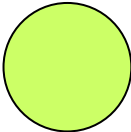

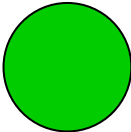

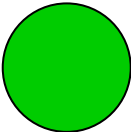

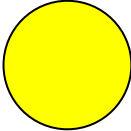
DEPARTMENT OF HEALTH AND HUMAN SERVICES

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Ms. Christina H. Pearson</p> <p>Public Liaison:</p> <p>13</p> <p>FOIA Requester Service Center:</p> <p>13</p>	<p><u>Reduce Backlog</u></p> <ul style="list-style-type: none"> The majority of the Department's FOIA requests are received by a handful of FRSCs – OS, FDA, NIH, CDC, and CMS. In particular, these agencies will focus on implementing strategies to substantially reduce their request backlog. By concentrating on staffing resources, verifying older FOIA requests, and internal accountability, the goal is to reduce the current Department backlog by 5% in CY 2006. 		
	<p><u>Improve Processing</u></p> <ul style="list-style-type: none"> Reduce steps or time needed to perform various procedures. Potential strategies include greater utilization of electronic processing and development of standardized response letters. Specifically, the Department will increase utilization of electronic processing/tracking capabilities. 		
	<p><u>Improve Resources</u></p> <ul style="list-style-type: none"> FRSCs will better allocate staff resources as well as increase FOIA knowledge. The Department will do so by revising staff guidance, training staff, and concentrating on staffing resources. 		
	<p><u>Improve Public Awareness</u></p> <ul style="list-style-type: none"> The Department is seeking to provide a greater emphasis on customer service in its FOIA system. Through updating public guidance and increasing use of the Web, HHS seeks to better inform the public about FOIA and its processes as well as improve access to agency records. 		

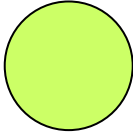

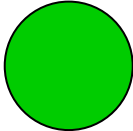

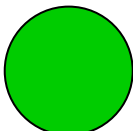

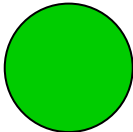

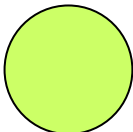

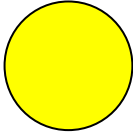
DEPARTMENT OF HOMELAND SECURITY

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Mr. Hugo Teufel, III</p> <p>Public Liaison:</p> <p>Mr. William H. Holzerland</p> <p>FOIA Requester Service Center:</p> <p>19</p>	<p><u>Backlog Reduction</u></p> <ul style="list-style-type: none"> • Backlog eliminated by December 31, 2007. <p><u>Education and Training</u></p> <ul style="list-style-type: none"> • Improve DHS employee FOIA training and customer service by December 31, 2007. • Increase public knowledge and awareness of DHS FOIA by December 31, 2007. <p><u>Technology Improvements to Enhance FOIA Processing and Information Delivery</u></p> <ul style="list-style-type: none"> • Identify, implement and encourage Department-wide use of FOIA tracking and processing technology by December 31, 2007. • Enhance component web sites to improve customer service. 	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>	<p style="text-align: center;"></p>

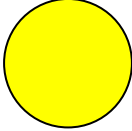
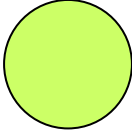
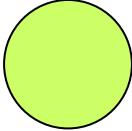
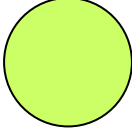
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Mr. Keith A. Nelson</p> <p>Public Liaison:</p> <p>11</p> <p>FOIA Requester Service Center:</p> <p>80</p>	<p><u>Affirmative and Proactive Disclosure of Information</u></p> <ul style="list-style-type: none"> Improve the quantity and quality of information that is affirmatively and proactively made available to the public, without the necessity of a FOIA request. 		
	<p><u>Improvement of HUD's FOIA Reference Guide</u></p> <ul style="list-style-type: none"> Post index of all major information systems on the FOIA website. Make complete summary of categories and types of information available from HUD, both within and outside of the FOIA process. 		
	<p><u>Automated Tracking Capabilities</u></p> <ul style="list-style-type: none"> Update automated tracking system and improve its functionality. 		
	<p><u>Backlog Reduction</u></p> <ul style="list-style-type: none"> Reduce existing backlog of over 500 pending Headquarters FOIA requests that exceed the statutory 20-day period of response. 		
	<p><u>Politeness/Courtesy</u></p> <ul style="list-style-type: none"> Improve customer service by eliminating complaints regarding non-responsiveness, lack of courtesy and lack of a citizen-centered customer service focus to FOIA requests. 		

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

<p><u>Process for Obtaining Cooperation from HUD "Program Personnel"</u></p> <ul style="list-style-type: none"> (1) Raise the priority of FOIA processing within program areas to eliminate untimely program responses to FOIA search requests. (2) Require routine affirmative and proactive disclosure of publicly available documents. 		
<p><u>Additional Training</u></p> <ul style="list-style-type: none"> Ensure adequate training of both FOIA field personnel and program personnel conducting program area searches. 		
<p><u>Increased Staffing or Staffing Reallocation</u></p> <ul style="list-style-type: none"> Complete analysis of existing staff resources and allocation, and increase staffing or reallocate, as appropriate. 		
<p><u>Contracting Out/Hiring of Contracting Employees</u></p> <ul style="list-style-type: none"> Hire contract employees on a temporary basis or procure contract servicer to address backlog until staffing analysis is complete. Analyze option of contracting out FOIA processing operations. 		
<p><u>Communications with Requesters</u></p> <ul style="list-style-type: none"> Shorten response time and increase use of electronic communications. 		
<p><u>Organizational Realignment</u></p> <p>Change existing, decentralized structure to better integrate Headquarters and field operations.</p>		

DEPARTMENT OF THE INTERIOR

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Mr. Michael Howell</p> <p>Public Liaison:</p> <p>13</p> <p>FOIA Requester Service Center:</p> <p>11</p>	<p><u>Improve Customer Service</u></p> <ul style="list-style-type: none"> • Ensure FOIA web sites are in compliance, accurate, up to date, and functional, employing user-friendly formats with easy, consistent and logical navigation. • Improve customer service using customer feedback where appropriate. 		
	<p><u>Eliminate FOIA Backlogs</u></p> <ul style="list-style-type: none"> • Reduce and/or eliminate FOIA backlogs in compliance with FOIA and Executive Order 13392. 		
	<p><u>Build and Retain a Highly Skilled FOIA Workforce</u></p> <ul style="list-style-type: none"> • Apply consistent personnel standards for FOIA Officers/Coordinators and Designated FOIA Attorneys, and provide a DOI-wide recognition program. • Develop a comprehensive FOIA training and awareness program to meet the needs of all DOI-FOIA employees, at various levels of proficiency, using different media to accommodate personnel located in headquarters and the field. The objective is to assist FOIA employees in acquiring and having access to the knowledge and skills they need to perform their jobs effectively, emphasizing the importance of customer service, and ensuring statutory and regulatory compliance. 		
	<p><u>Improve and Streamline FOIA Processing</u></p> <ul style="list-style-type: none"> • Identify solutions to improve and streamline FOIA processing by evaluating the human resource management, training, communication and technology relationships and other 		

DEPARTMENT OF THE INTERIOR

sources of processing obstacles.

Improve Departmental Communication and Consistency

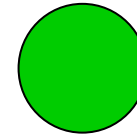
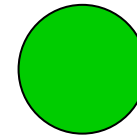
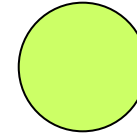
- Enhance effective FOIA stakeholder collaboration considering challenges faced by the Office of the Chief Information Officer (OCIO), Solicitor's Office (SOL), bureaus/offices and upper management.
- Provide consistent Department-wide FOIA policy, guidance, and standards to facilitate compliance and accountability, and improve customer service.

Optimize FOIA Structure Organization

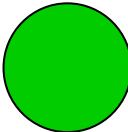
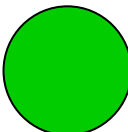
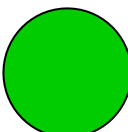


- Adopt the most appropriate DOI FOIA structural organization.

Employ Viable Technical Solutions

- Apply appropriate technology to scan, redact, and streamline the FOIA process and improve quality control.



DEPARTMENT OF JUSTICE

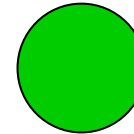
	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>DOJ Chief FOIA Officer:</p> <p>Mr. Kevin O'Connor</p> <p>Public Liaison:</p> <p>40</p> <p>FOIA Requester Service Center:</p> <p>40</p>	<p>OFFICE OF INFORMATION AND PRIVACY (OIP)</p> <p><u>Recruitment</u></p> <ul style="list-style-type: none"> To hire and maintain a highly qualified staff of analysts so that requests will be processed accurately in the shortest time possible. <p><u>Use of Information Technology</u></p> <ul style="list-style-type: none"> To purchase electronic FOIA processing system to include updated tracking and redacting functions as well as the ability to receive requests electronically. To increase efficiency in handling FOIA litigation support and coordination with other FOIA offices through integration of scanning copier into office computer network. <p><u>Backlog Reduction</u></p> <ul style="list-style-type: none"> To close the ten oldest FOIA requests pending each year. 	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>	<p style="text-align: center;"></p> <p style="text-align: center;"></p>

DEPARTMENT OF JUSTICE

ANTITRUST DIVISION

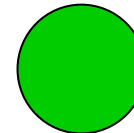
Electronic FOIA/Clarity of FOIA requests and responses

- Permit the use of e-mails to submit FOIA requests and to provide FOIA requesters information that will foster clarity of e-mailed and written requests and the Unit's questions about responses to FOIA requests.



Backlog Reduction

- Reduce the existing backlog of pending initial FOIA requests by a substantial percentage each year (i.e., minimum of 10% for Fiscal Year 2006, and 20% per fiscal year thereafter, as measured by number of requests pending) by periodically and consistently focusing on the existing backlog.



DEPARTMENT OF JUSTICE

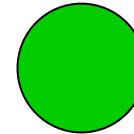
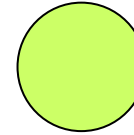
BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES

ATF's FOIA Web site

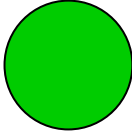
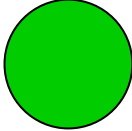
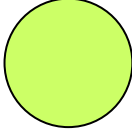
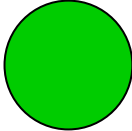
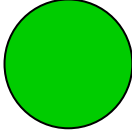
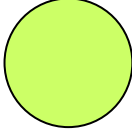
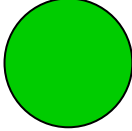






- Improve the design and information disseminated on the ATF FOIA Web site.

Backlog Reduction

- Reduce the existing backlog of pending FOIA requests by 10% each year.



DEPARTMENT OF JUSTICE

<p>CIVIL DIVISION</p> <p><u>FOIA Web Site Function and Content</u></p> <ul style="list-style-type: none">• Maintain fully operating FOIA website with current information. <p><u>Electronic Receipt/Response for FOIA Requests</u></p> <ul style="list-style-type: none">• Consider receiving and responding to FOIA requests electronically via the Internet. <p><u>Acknowledgment Letter Responses</u></p> <ul style="list-style-type: none">• Review adequacy and timing of request acknowledgment letters. <p><u>Customer Service</u></p> <ul style="list-style-type: none">• Review the Executive Order and train personnel to improve customer service. <p><u>Cross-Training</u></p> <ul style="list-style-type: none">• Cross-train back-up personnel. <p><u>E-FOIA Publication Requirements</u></p> <ul style="list-style-type: none">• Review E-FOIA publication requirements and post additional records on the Internet as required. <p><u>FOIA Requester Service Center Complaints</u></p> <ul style="list-style-type: none">• Review, respond to, and resolve complaints to the FOIA Requester Service Center.	      	     
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DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION (CRT)

Funding to Develop Electronic FOIA Processing/Purchase Related (New) Equipment

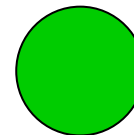
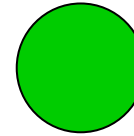
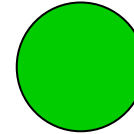
- Bring CRT's need for electronic equipment into discussion for upcoming budget plans.

Improvements in Timeliness for the 15% Segment of Workload with a Substantially Higher Level of Processing Time

- Reduce the turnaround time for complex FOIA/PA requests.

Affirmative Disclosure Compliance Under Subsection (a)(2)/Proactive Disclosure Web Site/Electronic Reading Room Enhancement

- Provide additional documents/information to the public and other CRT customers via CRT's Electronic Reading Room.



DEPARTMENT OF JUSTICE

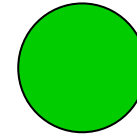
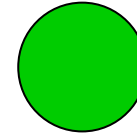
COMMUNITY RELATIONS SERVICE (CRS)

FOIA Manual

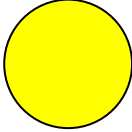
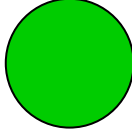
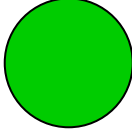
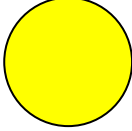
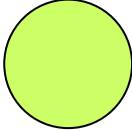



- Develop a FOIA manual that will be current and up-to-date.

Electronic FOIA

- Determine if CRS has a legitimate need for an Electronic FOIA system for receiving and responding to FOIA requests in light of having received only two FOIA requests during FY05.



DEPARTMENT OF JUSTICE

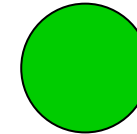
<p>CRIMINAL DIVISION</p> <p><u>Backlog reduction</u></p> <ul style="list-style-type: none">• Reduce our backlog from 875 pending requests to approximately 525. <p><u>Consultation/Concurrence Process</u></p> <ul style="list-style-type: none">• Improve our follow-up on consultations and concurrences to decrease processing time, thereby reducing our backlog. <p><u>Automatic Tracking</u></p> <ul style="list-style-type: none">• Enable our system to be able to report all of our tracks accurately for the annual FOIA report and other reporting purposes. <p><u>Web Site</u></p> <ul style="list-style-type: none">• Ensure that subsection (a)(2) materials are posted in a timely manner and the prompt removal of out-of-date material, with Unit Chief taking responsibility for full subsection (a)(2) compliance. <p><u>Declassification process</u></p> <ul style="list-style-type: none">• To shorten the length of time it takes to receive classified material back from the Declassification Officer, in order to reduce overall processing time of requests involving classified materials.	<p></p> <p></p> <p></p> <p></p> <p></p>	<p></p> <p></p> <p></p>
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DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT AGENCY

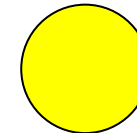
Affirmative Disclosure Under Subsection (a)(2); Proactive Disclosure of Information

- Improve customer satisfaction with accessible information without the necessity of the FOIA process. (These two areas were grouped together because the steps required to reach the goal follow the same path.)



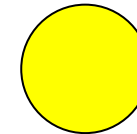
Automated tracking capabilities; Electronic FOIA; Multi-track processing

- Increase efficiency in tracking and redacting functions as well as the ability to receive/send requests electronically. (These areas are grouped together because the steps required to reach the goal follow the same path.)



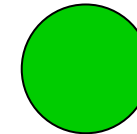
Backlog Reduction/Elimination

- Reduce the existing backlog of pending FOIA requests by a proportional ratio of a percentage each year to include a quarterly reduction of 2% of existing pending cases more than twenty days old.



Customer Relations/Communications

- Ensure that requesters have the capability to submit requests to DEA electronically.



DEPARTMENT OF JUSTICE

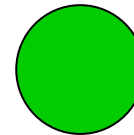
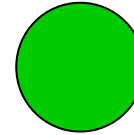
ENVIRONMENT AND NATURAL RESOURCES DIVISION (ENRD)

Backlog Reduction

- Reduce ENRD's backlog by 10% each year by meeting on a quarterly basis to evaluate the backlog.

Personnel

- Convene all ENRD FOIA staff (including all section FOIA processors and FOIA managers) on an annual basis (or more often, when necessary), in order to relay any new FOIA procedures or guidance to all FOIA staff and to brainstorm about improvements that can be made to the ENRD FOIA process.

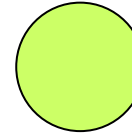


DEPARTMENT OF JUSTICE

EXECUTIVE OFFICE OF IMMIGRATION REVIEW (EOIR)

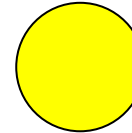
Improve Customer Satisfaction

- Improve customer satisfaction by creating a tracking mechanism to capture public comments.
- Improve customer satisfaction by reviewing and revising acknowledgment letters to ensure that the public is aware of the new public information officers. All FOIA letters will be reviewed and whenever possible templates will be updated to include the telephone number to the FOIA Request Service Center and proper listing of respondents.



Increase Efficiency and Reduce Backlogs

- To reduce the existing backlog of pending initial FOIA requests by a substantial percentage each year (i.e., 30% by 1/15/08, as measured by number of requests pending), by periodically and consistently focusing on the existing backlog.
- Establish a list of desired status reports to be produced on a regular schedule.
- Work with the IRM staff to modify the tracking system to allow the FOIA staff to run reports directly.
- Evaluate current staffing levels and production and, where possible, increase staffing levels.
- Increase efficiency through additional training at headquarters and in field offices/immigration offices.
- Improve response time for the field office/immigration courts.
- Include FOIA compliance in court-evaluation reviews.
- Increase efficiency by improving channels with DHS FOIA personnel, through politeness and courtesy.
- Reduce response time for expedited requests.
- Centralize filings of FOIA records and evaluate the feasibility of expanding bar coding to manage files.

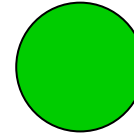


(completed
9 of 10 goals
in this area)

DEPARTMENT OF JUSTICE

Monitor and Expand Public Access to Recurring Information

- Web site review.
- Maximize affirmative disclosure under subsection (a)(2), through the prompt use of EOIR's electronic reading rooms.

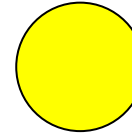


DEPARTMENT OF JUSTICE

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (EOUSA)

Backlog Reduction/Efficiency

- Set up a database that will periodically provide notices to the USAOs of all their pending requests.
- Reduce the existing backlog of pending requests by substantial percentages, by periodically and consistently focusing on existing backlogs.
- Provide training to all new FOIA contacts in the USAOs as they arrive. Send out notices to the new contacts informing them that we can provide individual training at EOUSA or where feasible. Provide guidance by telecommunication devices, training manuals, or travel to our office.

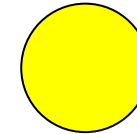


DEPARTMENT OF JUSTICE

EXECUTIVE OFFICE FOR U.S. TRUSTEES (EOUST)

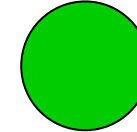
Disclosure/FOIA Reading Room Web Site

- EOUST will make affirmative disclosures through the FOIA reading room Web site, as required under 5 USC § 552(a)(2), and will make additional improvements to the Web site as needed.



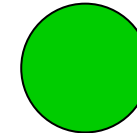
Automated Systems

- EOUST will investigate the availability of a suitable copy machine with scanning and Bates-stamping capabilities for processing FOIA requests and determine the cost. EOUST will also investigate the availability of a suitable automated FOIA tracking system and determine the cost.



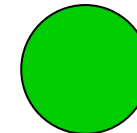
Processing Procedures and Times

- EOUST will make improvements in processing procedures and times. Greater efficiency will be achieved with delegation to the FOIA Privacy/Counsel to sign designated final letters.



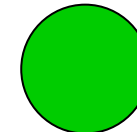
Recycling of Improvement Information Gleaned From FOIA Requester Service Center

- Establish a formal process to document and make use of requester-provided information regarding improvements to our FOIA process.



Staff Training

- EOUST will investigate suitable formal FOIA training and will conduct in-house training for FOIA staff.



DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

FBI Record System

- Develop Central Record Complex.
- Development of FBI Sentinel Project, including a FBI Records Management Application, electronic case files, and new search capabilities.

Human Resources

- Fill vacant employee positions.
- Develop and implement formal, in-house training programs.

FOIA Process Policies and Design

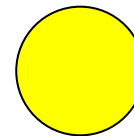
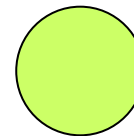
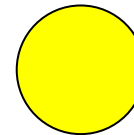
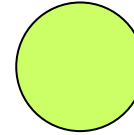
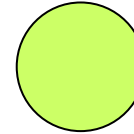
- Develop within the automated processing system OCR capability parallel with scanned images to identify duplicate documents.
- Develop within the automated processing system enhanced recognition of similar requests.
- Continue emphasis on completing requests over two years old.

Improvements in Customer Ability to Determine the Status of a Request

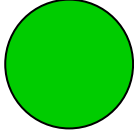
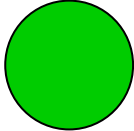
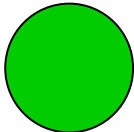
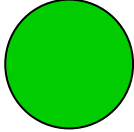
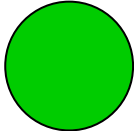





- Review FOIA Requester Service Center logs.
- Determine feasibility of automatic generation of status letters as requests move through FOIA/PA sub-process.

Improvements to the FBI's FOIA Web Site Reading Room

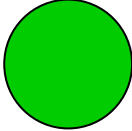
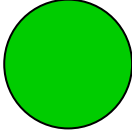


- Update the FBI's general reading room and its FOIA/PA Web site's electronic reading room.



DEPARTMENT OF JUSTICE

<p>FEDERAL BUREAU OF PRISONS (BOP)</p> <p><u>Public Web Site</u></p> <ul style="list-style-type: none">• Ensure that information on the public website is consistently up-to-date and accurate. <p><u>Affirmative Disclosure</u></p> <ul style="list-style-type: none">• Establishing and implementing periodic review of subsection (a)(2) by ensuring continuous statutory compliance with posting frequently requested records, policy statement, staff manual and instructions to staff, and final agency opinions on the web site. <p><u>Proactive Disclosure of Information</u></p> <ul style="list-style-type: none">• Reduce the number of requests filed by increasing dissemination of records that can be made available to the public without the necessity of a FOIA request. <p><u>Expedited Processing Procedures</u></p> <ul style="list-style-type: none">• Ensure compliance with time limits related to expedited processing. At the close of FY08, compliance with time limits for expedited processing should be no less than 80%. <p><u>Recycling of Improvement Information Gleaned From FOIA Requester Service Center</u></p> <ul style="list-style-type: none">• Cull, compile and use suggestions, concerns, and ideas received via the FOIA Requester Service Center, with a goal of recorded assistance showing no less than 90% of appropriate customer-service standards (random review rated as acceptable/unacceptable/exemplary by supervision staff).	    	    
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DEPARTMENT OF JUSTICE

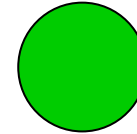
	<p><u>Centralization/Decentralization Structure</u></p> <ul style="list-style-type: none">• Review BOP FOIA administration to determine effectiveness of FOIA administration structure in relation to centralization/decentralization. <p><u>Backlog Reduction Project</u></p> <ul style="list-style-type: none">• Reduce the number of requests pending for more than twenty days to no more than 5% (in three staged intervals, <i>i.e.</i>, 15%, 10%, and then 5%) of the total number of requests received for the fiscal year.	 	 
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DEPARTMENT OF JUSTICE

FOREIGN CLAIMS SETTLEMENT COMMISSION

FOIA Web Site Improvement

- Improve the FCSC FOIA Web site in order to provide more information to the public more promptly pertaining to current decisions on individual claims.



DEPARTMENT OF JUSTICE

INTERPOL – U.S. NATIONAL CENTRAL BUREAU

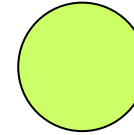
This component had no milestones due for this reporting period.

DEPARTMENT OF JUSTICE

JUSTICE MANAGEMENT DIVISION

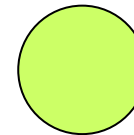
Backlog Reduction

- To reduce the backlog, focus primarily on the oldest FOIA requests.



Customer Relations/Communications

- Improve forms of communications with FOIA requesters.



DEPARTMENT OF JUSTICE

NATIONAL DRUG INTELLIGENCE CENTER

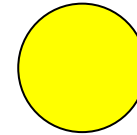
This component had no milestones due for this reporting period.

DEPARTMENT OF JUSTICE

NATIONAL SECURITY DIVISION (formerly OFFICE OF INTELLIGENCE POLICY AND REVIEW)

Backlog Reduction/Elimination

- Reduce backlog of ten requests by two requests quarterly.



DEPARTMENT OF JUSTICE

OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)

This component had no milestones due for this reporting period.

DEPARTMENT OF JUSTICE

OFFICE OF THE FEDERAL DETENTION TRUSTEE (OFDT)

Affirmative Disclosure

- Institute an initiative to ensure full implementation of the requirements of subsection (a)(2) for all records subject to public disclosure in an easy-to-access format on the OFDT Web site.

Overall FOIA Web Site Improvement

- Improve the OFDT FOIA Web site by making it more prominent and user-friendly.

Automated Tracking Capabilities

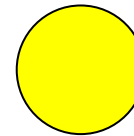
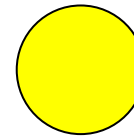
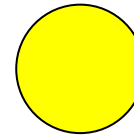
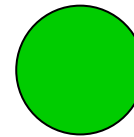
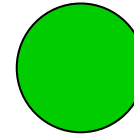
- Improve FOIA operations by implementing an automated system which, among other things, has the capability to track FOIA requests.

Electronic FOIA – Automated Processing

- Implement an automated system which transforms the manual labor of processing a hard-copy FOIA request to an automated system using menus and icons.

Electronic FOIA

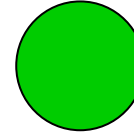
- Implement an automated system which prepares and delivers the requested documents to the requesters.



DEPARTMENT OF JUSTICE

Contracting Out/Hiring of Contract Employees

- Because there currently is only one staff member assigned to process FOIA requests at OFDT and that staff member also serves as legal counsel to the office, OFDT proposes to hire one contract employee to assist in OFDT's FOIA operations.



DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

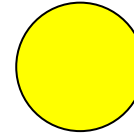
This component had no milestones due for this reporting period.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

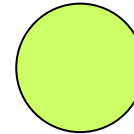
Backlog Reduction/Elimination

- Reduce the processing time for FOIA requests to twenty days as provided by the statute.



Improve Response Time From the OJP Bureaus and Offices

- To receive responses from the OJP bureaus and offices within five days of receipt of the OGC search letter.



DEPARTMENT OF JUSTICE

OFFICE OF LEGAL COUNSEL

This component had no milestones due for this reporting period.

DEPARTMENT OF JUSTICE

OFFICE OF THE PARDON ATTORNEY

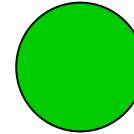
This component had no milestones due for this reporting period.

DEPARTMENT OF JUSTICE

OFFICE OF PROFESSIONAL RESPONSIBILITY

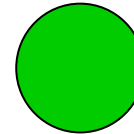
Affirmative Disclosure of Subsection (a)(2) Material

- Institute an initiative to ensure full implementation of the requirements of subsection (a)(2).



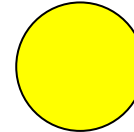
Proactive Disclosure of Information

- Provide the public with access to information pertaining to or utilized by OPR in carrying out its responsibilities.



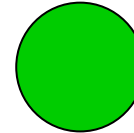
Conduct Review of Expedited Processing

- Ensure that OPR is properly handling requests for expedited processing.



Politeness/Courtesy

- Provide training for FOIA Requester Service Center personnel to ensure that calls from FOIA requesters and the public are handled accurately and in a professional and courteous manner.

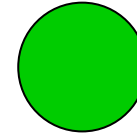


DEPARTMENT OF JUSTICE

OFFICE OF THE SOLICITOR GENERAL

FOIA Web Site Improvement

- Improve OGS's FOIA Web page in order to provide more information to the public.

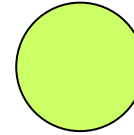


DEPARTMENT OF JUSTICE

OFFICE ON VIOLENCE AGAINST WOMEN

Additional Training

- Provide FOIA training to two additional staff members in order to develop and enhance understanding of the FOIA process.



DEPARTMENT OF JUSTICE

PROFESSIONAL RESPONSIBILITY ADVISORY OFFICE

This component had no milestones due for this reporting period.

DEPARTMENT OF JUSTICE

TAX DIVISION

This component had no milestones due for this reporting period.

DEPARTMENT OF JUSTICE

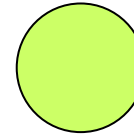
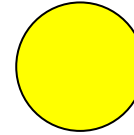
UNITED STATES MARSHALS SERVICE

Reducing Backlog and Improving Efficiency

- Determine automated processing system to be implemented.
- Reduce median processing time for each track by twenty-five percent.
- Ensure receipt of FOIA and information technology training by FOIA personnel.
- Review FOIA operations and recommend additional staffing where appropriate.

Electronic Access and Affirmative Disclosure

- Take initiative to ensure full implementation of the requirements of subsection (a)(2).

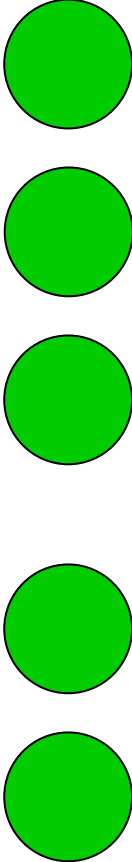



DEPARTMENT OF JUSTICE

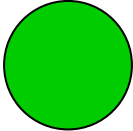
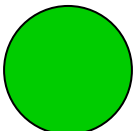
U.S. NATIONAL CENTRAL BUREAU (USNCB) – INTERPOL

This component had no milestones due for this reporting period.

DEPARTMENT OF JUSTICE

<p>UNITED STATES PAROLE COMMISSION</p> <p><u>Improving Multi-Track Processing</u></p> <ul style="list-style-type: none">• Create an additional track to improve efficiency and reduce backlog. <p><u>Improve Written Communications With Requesters</u></p> <ul style="list-style-type: none">• Issue new model letters to be used on a regular basis. <p><u>Training</u></p> <ul style="list-style-type: none">• Provide training to FOIA processors and conduct quarterly meetings with staff. <p><u>Recordkeeping</u></p> <ul style="list-style-type: none">• Implement a schedule for disposal of old records and preparing for new records. <p><u>Backlog Reduction</u></p> <ul style="list-style-type: none">• Reduce the number of backlogged requests by fifty percent.		
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DEPARTMENT OF LABOR

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Ms. Carol A. De Deo</p> <p>Public Liaison:</p> <p>Ms. Barbara Bingham</p> <p>FOIA Requester Service Center:</p> <p>19</p>	<p><u>Improve Communication with Requesters</u></p> <ul style="list-style-type: none"> • Outreach to the Requester community and Solicitation of Input: The Department of Labor will seek to improve its FOIA programs by encouraging members of the requester community to offer any suggestions that they may have to improve the quality and efficiency of the Department's FOIA efforts. • Communications Practices with Requesters: DOL and its components will provide clear guidance to potential FOIA requesters on how to obtain information from the Department, including through FOIA requests, and will clearly communicate responses to FOIA requests. <p><u>Increase Web Presence and Proactive Disclosure</u></p> <ul style="list-style-type: none"> • Improve DOL Web site Information on FOIA: The Department and individual agencies should provide clear and up-to-date information on how and where to submit FOIA requests and appeals to the Department and its various components. Links should be available to current versions of guidance from the Department of Justice on FOIA and other information sources. • Required Affirmative Disclosure: Agencies will develop and implement a plan to ensure that they will systematically review their FOIA requests to identify frequently requested records, as well as agency decisions, policies, and guidance, and ensure that, where require by law, appropriate documents are posted on the web. 	<p style="text-align: center;"></p> <p style="text-align: center;"></p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>

DEPARTMENT OF LABOR

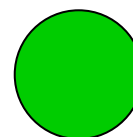
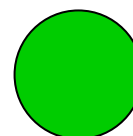
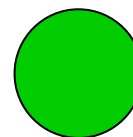
- Proactive Disclosure: In some cases, agencies can avoid FOIA requests and the resulting burdens and administrative costs by increased posting of documents on the web that are likely to be of interest to the public, even though the posting of such documents is not legally required. Under appropriate circumstances, these postings may include, for example, program statistics or other information about enforcement or claims activity, information about Department grantees or contractors, certain portions of existing internal case tracking systems, Departmental budget and audit information, and other releasable information of interest to the public. Agencies should review their posting of such documents and seriously consider increasing their web postings. It is recognized, however, that the posting of these documents raises some difficult issues because of the volume of these materials and their diversity and complexity.

Improve FOIA Tracking and Control Systems

- The Department needs to examine systematically the special needs of FOIA and the special requirements of DOL agencies to see whether it can improve its methods of tracking FOIA requests and more fully meet the needs of FOIA requesters and DOL agencies.

Consider Increased Use of Electronic Tools in FOIA Processing

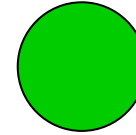
- Each agency, with respect to initial requests, and the Office of the Solicitor, with respect to appeals, should review the principal areas where they may benefit from automation, drawing, in part, upon any information that may be developed in the study under Section III. To the extent that an agency already has resources or equipment for automation (i.e., scanners, redacting software, etc.), it should consider whether these resources can be shared or used more systematically and effectively.



DEPARTMENT OF LABOR

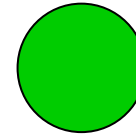
Encourage and Improve Multi-track Processing and Expedited Processing

- Agencies that do not currently multi-track should determine if a multi-track process should be established and what number of tracks would be sufficient. If a multi-track system is in place, the agency should review its functionality, determine if the tracks are sufficient and whether the delineation between tracks is clear, and develop the changes it deems appropriate to maximize fairness and efficiency. Agencies should also review their handling of expedited requests.



Increase Appeals Processing Capacity, Backlog Reduction and Improve Timeliness

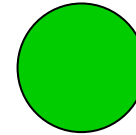
- Initial Requests: Agencies will develop and implement a system to monitor backlogs on a real-time basis. They will report to the Chief FOIA Officer the steps they have taken to assure the early detection of growing backlogs and the development of any timeliness issues. They will regularly report their backlogs to the Chief FOIA Officer.
- Appeals: To increase the number of appeals adjudicated by the Department's FOIA appeals unit (273 appeals pending for more than 30 days as of April 30, 2006 with an average of 17 appeals closed each month for CY 2005), the Department will systematically increase from its 2005 baseline the number of appeals completed and closed.



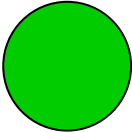


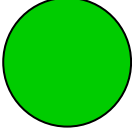

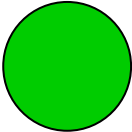

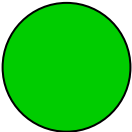

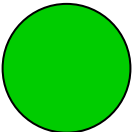

DEPARTMENT OF LABOR

Enhance Staff Expertise and Training

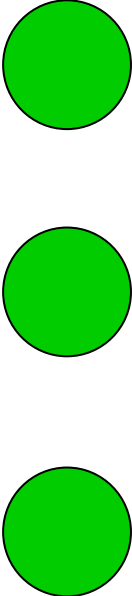

- Formal Training and Meetings: Each agency shall establish a plan to ensure that 100 percent of its identified FOIA staff has the opportunity to receive adequate FOIA training. Where agency resources are limited, the agency will work with the Chief FOIA Officer to identify low-cost options, such as FOIA training DVDs. In addition, regular meetings of DOL FOIA Service Center Staff will be held so that there will be an opportunity to share lessons learned and help identify best FOIA practices.



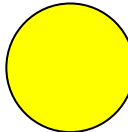
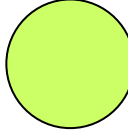
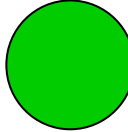
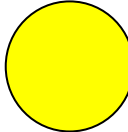
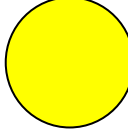

DEPARTMENT OF STATE

FOIA OPERATIONS	Improvement Area	Progress	Goal Completed
Chief FOIA Officer: Mr. Rajkumar Chellaraj	<u>Customer Service</u> <ul style="list-style-type: none"> Develop customer service standards. Improve content of and response times for acknowledging requests and answering status inquiries. 		 
Public Liaison: Mr. Patrick D. Scholl	<u>Informing Public About FOIA Process</u> <ul style="list-style-type: none"> Find ways to improve website based on customer preferences. 		
FOIA Requester Service Center: 202-261-8484	<u>Use of Information Technology (IT)</u> <ul style="list-style-type: none"> Examine methods for disclosing information in electronic format according to customer request. 		
	<u>Expedited Processing</u> <ul style="list-style-type: none"> Ensure: consistency in applying expeditious processing criteria; that requests are granted expedition in accordance with statutory requirement and published regulations (22 C.F.R. § 171.12); that requests determined to warrant expedition are processed ahead of all others except for requests already determined to warrant expedition; that case tracking database accurately reflects expeditious processing determinations. 		
	<u>Multi-Track Processing</u> <ul style="list-style-type: none"> Ensure: consistency in applying multi-track criteria; multi-track system remains effective; that requests are processed first-in, first-out within each track; that case tracking database accurately reflects expeditious processing determinations. 		

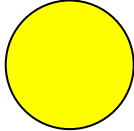
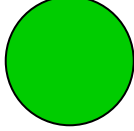

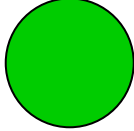

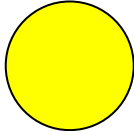

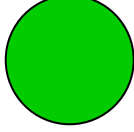

DEPARTMENT OF STATE

<p><u>Affirmative Disclosure Under Subsection (a)(2)</u></p> <ul style="list-style-type: none">• Improve overall compliance with FOIA (a)(2) requirements.• Post frequently requested documents on website. <p><u>Backlog Reduction</u></p> <ul style="list-style-type: none">• Evaluate production rates in order to identify what a reasonable backlog of requests is, and then determine the specific resources needed to reduce and maintain the backlog at that level. <p><u>Troubleshooting Other Problems – Improving Data Integrity and Business Processes</u></p> <ul style="list-style-type: none">• Streamline and standardize FOIA business processes, and ensure that all employees and supervisors are trained on processes and their proper implementation.	 Three green circles are arranged vertically in the center of the column. Each circle is solid green with a thin black outline.	 A black checkmark is positioned in the center of the column.
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DEPARTMENT OF TRANSPORTATION

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Ms. Rosalind A. Knapp</p> <p>Public Liaison:</p> <p>13</p> <p>FOIA Requester Service Center:</p> <p>13</p>	<p><u>Affirmative disclosure under subsection (a)(2) and proactive disclosure of information</u></p> <ul style="list-style-type: none"> Conduct a review of the Department's policies and procedures as they relate to making public information available. Educate the OA's about the requirements of 5 U.S.C. Sec. 552 regarding public documents. <p><u>Electronic FOIA – electronic payment of fees</u></p> <ul style="list-style-type: none"> Determine feasibility of (and time-frame for) adding remaining two components to pay.gov for FOIA fee payment purposes. <p><u>Electronic FOIA – receiving requests electronically</u></p> <ul style="list-style-type: none"> All DOT FOIA offices (HQ and field) will offer the opportunity to send in FOIA requests electronically. This is already being done by all of the primary FOIA offices within the Department (HQ offices). However, our goal is to extend this to all field locations in the OAs where FOIA responsibilities and activities are decentralized – FAA and FHWA. <p><u>Multi-track processing</u></p> <ul style="list-style-type: none"> The Department FOIA office will conduct an in-depth review to glean best practices regarding (a) the different types of tracks used, (b) the distinctions between the tracks, and (c) educating requesters about the same. <p><u>Expedited Processing</u></p> <p>Improve expedited processing.</p>	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>	<p style="text-align: center;"></p>

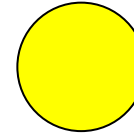
DEPARTMENT OF TRANSPORTATION

<p><u>Backlog reduction/elimination</u></p> <ul style="list-style-type: none"> Schedule for closing out FOIA requests from previous fiscal years (FY 2005 and earlier). 		
<p><u>System of handling referrals and consultations</u></p> <ul style="list-style-type: none"> Confirm proper routing prior to referrals, monitor routing, and assess effectiveness. Provide deadline dates for consultations, and monitor effectiveness. 		
<p><u>Process by which necessary cooperation is obtained from agency "program personnel"</u></p> <ul style="list-style-type: none"> Department-wide FOIA meeting / brainstorming session to discuss best practices for obtaining necessary cooperation; implement best practices as appropriate, and monitor. 		
<p><u>Training</u></p> <ul style="list-style-type: none"> Departmental FOIA Officer will arrange various training "mini-sessions" for FOIA and program staff. Meeting notes will be sent out within 1 week of each training session to all FOIA contacts throughout the Department. 		
<p><u>Centralization/decentralization – organizational structure</u></p> <ul style="list-style-type: none"> Two OAs (FHWA and PHMSA) should examine the organizational structure of their FOIA programs to ensure maximum effectiveness, including consistency in administering the FOIA throughout the OA. 		

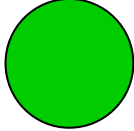
DEPARTMENT OF TRANSPORTATION

Recycling of Improvement Information gleaned from FOIA Requester Service Centers and FOIA Public Liaisons

- The Departmental FOIA Office will meet with the FOIA Requester Service Centers to see what information they have learned from requesters that could be helpful to other OAs.
- The DOT Chief FOIA Officer will meet with the FOIA Public Liaisons to review and discuss the types of calls being placed to the Public Liaisons.
- Based on that meeting, the DOT Chief FOIA Officer and Public Liaisons will meet with the Departmental FOIA Office to discuss and suggest potential improvements needed at the various FOIA Requester Service Centers.



DEPARTMENT OF THE TREASURY

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Mr. Peter B. McCarthy</p> <p>Public Liaison:</p> <p>3</p> <p>FOIA Requester Service Center:</p> <p>11</p>	<p><u>Backlog Reduction</u>¹</p> <ul style="list-style-type: none"> • Department Offices: reduce backlog by 10%. • Other Treasury Bureaus: reduce backlog by 10%. 		

¹ The Treasury Department focused on backlog reduction as the only improvement area for its Plan.

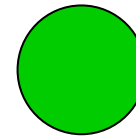
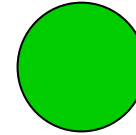
DEPARTMENT OF VETERANS AFFAIRS

FOIA Backlog Reduction

- A number of organizations within VA have FOIA officers that perform FOIA functions as a collateral duty. This may be a contributing factor to the backlog. If a determination is made that the workload would justify converting a FOIA Officer's duties from a collateral assignment, a decision may be made to authorize staff to perform the FOIA function full-time.
- Inadequate training of newly appointed FOIA Officers may contribute to the backlog as well. VA enhanced training plan is described in paragraph 3 above.
- Affirmative disclosure of public information that does not fall under subsection (a)(2) of the FOIA, is permitted. VA policy statements, staff manuals and instructions to staff, and final agency opinions provide for such proactive disclosures to be made readily available to the public, including through posting on the web-site. A centralized FOIA tracking system, as discussed in the Automation & Technology section below, would permit easy identification of frequently requested materials properly posted in the FOIA electronic reading room. This may reduce the backlog by permitting FOIA officers to direct the customers to the web-site.

FOIA Training

- VA FOIA office staffs needs consistent, organization specific training to ensure that a well-informed staff is in place. FOIA Officers and staff need to have an updated handbook that addresses how to process FOIA requests, and training that will teach them to determine which organization is the custodian of specific records and/or files being sought. VA will request that DOJ provide customized training as they have offered to do for other agencies. VA will also explore developing component-specific training to address those issues that individual administrations of offices face, including the distinction between

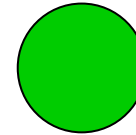


DEPARTMENT OF VETERANS AFFAIRS

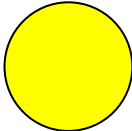
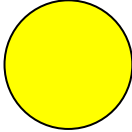
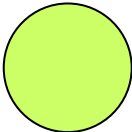

“sensitive” and “exempt.”

FOIA Customer Service and Communications

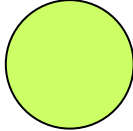

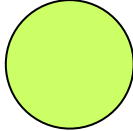

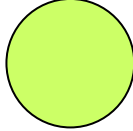

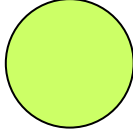

- VA is evaluating information that is posted on the FOIA website to: 1) educate the public about the FOIA generally; 2) explain the requirements that the request be in writing, over the signature of the requester, and must contain a reasonable description of the requested record; 3) describe the agency’s FOIA operations so that requesters have a better understanding of the their requests are processed.
- VA is evaluating ways to improve: 1) communications with FOIA requesters; 2) public accessibility to FOIA staff; and 3) responsiveness.



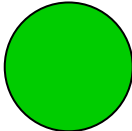
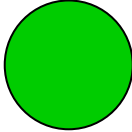


AGENCY FOR INTERNATIONAL DEVELOPMENT

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Mosina Jordan</p> <p>Public Liaison:</p> <p>J.M. Paskar</p> <p>FOIA Requester Service Center:</p> <p>202-712-0960</p>	<p><u>Backlog Reduction/Elimination</u></p> <ul style="list-style-type: none"> Eliminate the backlogged pre-FY 2005 cases. Eliminate the backlogged FY 2005 and later cases. <p><u>Improvement of the Agency's FOIA Regulations/Directives</u></p> <ul style="list-style-type: none"> The new requirements of EO 13392 need to be incorporated into USAID's FOIA regulations and directives. In order to make the regulations and directives easier to read and understand, they will be written in the "Plain English" writing style. <p><u>Training and Implementation of FOIA System</u></p> <ul style="list-style-type: none"> USAID currently maintains limited FOIA tracking information in an ACCESS-based database. FOIA redactions use a labor intensive manual process. Systems currently exist that will assist in request tracking, case management, redaction and developing interim response letters among other functionalities. Based upon a requirement analysis performed in 2006 and pending appropriated funding, USAID plans to train users and implement a FOIA COTS Program prior to December 31, 2007. 	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>	<p style="text-align: center;"></p>

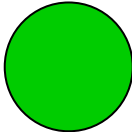

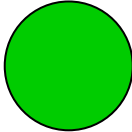

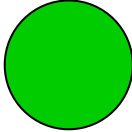
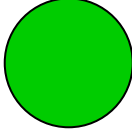

CENTRAL INTELLIGENCE AGENCY

	Improvement Area	Progress	Goal Completed
FOIA OPERATIONS Chief FOIA Officer: Mr. Adolfo Tarasiuk, Jr.	<u>The current state of CIA's automated electronic FOIA tracking and documentation system</u> <ul style="list-style-type: none"> The CIA goal is to have a more stable and functional electronic system for processing FOIA cases. 		
Public Liaison: Mr. Scott A. Koch	<u>Reducing the backlog</u> <ul style="list-style-type: none"> The CIA goal is to reduce the overall backlog of cases, and within that goal, to address the oldest cases. 		
Ms. Delores Nelson	<u>Forms of communication with requesters</u> <ul style="list-style-type: none"> The CIA will revise its correspondence with requesters to make its responses easier to understand. 		
FOIA Requester Service Center: 703-613-1287	<u>Tracking the progress of cases</u> <ul style="list-style-type: none"> The CIA will institute more intensive monitoring of the status of each FOIA case by implementing new procedures and technologies. 		

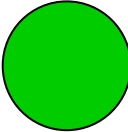
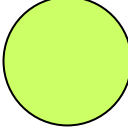
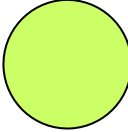
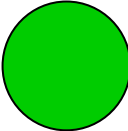



ENVIRONMENTAL PROTECTION AGENCY

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Ms. Molly O'Neill</p> <p>Public Liaison:</p> <p>Ms. Deborah Williams</p> <p>FOIA Requester Service Center:</p> <p>202-566-1667</p>	<p><u>FOIA Web Site Improvement</u></p> <ul style="list-style-type: none"> The Agency will undertake a comprehensive review of its FOIA web site to make it more user-friendly and informative. <p><u>Backlog Reduction</u></p> <ul style="list-style-type: none"> The Agency has determined that its present backlog of FOIA request responses is not acceptable, in spite of the fact that EPA reduced the backlog of 23,514 overdue requests in July 2001 by over 90 percent, to approximately 2,000 overdue requests. The Agency will continue to identify additional ways to further reduce the backlog. 	<p style="text-align: center;"></p> <p style="text-align: center;"></p>	<p style="text-align: center;"></p> <p style="text-align: center;"></p>

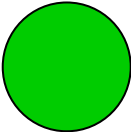
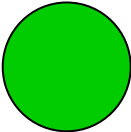
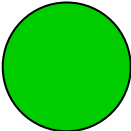



GENERAL SERVICES ADMINISTRATION

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Mr. John F. Phelps</p> <p>Public Liaison:</p> <p>Mr. Donald T. Jodrie</p> <p>FOIA Requester Service Center:</p> <p>202-501-2262 202-219-1603</p>	<p><u>Affirmative disclosure of information by creating a Webpage to store common requests</u></p> <ul style="list-style-type: none"> Reduce the number of FOIA requests by creating an area on gsa.gov to store documents that are repetitively requested. 		
	<p><u>Proactive disclosure of information to reduce the number of Task Order FOIA requests</u></p> <ul style="list-style-type: none"> Reduce the number of Task Order Purchase Agreement FOIA requests by posting greater information on gsa.gov about the limitations on what the agency can, or cannot, release. 		
	<p><u>Implement an automated tracking system to capture all agency-wide FOIA information</u></p> <ul style="list-style-type: none"> Implement a tracking system to create a centralized location to collect information on all of GSA's FOIA requests, and then establish baselines for processing times, fees collected, and uniformity among responses. 		
	<p><u>Increase informal training for employees by providing better online resources</u></p> <ul style="list-style-type: none"> Create an educational campaign for GSA employees to educate them on FOIA. 		

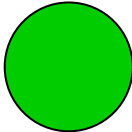
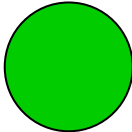
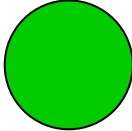
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer: Mr. David Mould</p> <p>Public Liaison: Mr. Stephen McConnell</p> <p>FOIA Requester Service Center: 13</p>	<p><u>FOIA Staffing</u></p> <ul style="list-style-type: none"> This improvement is based on several factors: (a) eliminating single point failures at our NASA Centers; (b) ensure that all FOIA positions are primary jobs; (c) seek adequate administrative support for higher volume Center offices; (d) standardize staff personnel practices concerning series and grades. <p><u>Web Site Improvements</u></p> <ul style="list-style-type: none"> Redeveloping NASA's FOIA Web page to enhance the public's knowledge of our FOIA process. Redesign all subordinate FOIA web pages to incorporate the 'portal' design. Finally, consolidate the NASA Electronic Reading Room from 13 sites into one. <p><u>FOIA Database</u></p> <ul style="list-style-type: none"> Replace current FileMaker Pro database with an established commercial-based system which will allow the public to access and track the current status of its FOIA request. <p><u>Backlog Reduction</u></p> <ul style="list-style-type: none"> To reduce the existing backlog of pending FOIA requests by a substantial number each year, by periodically and consistently focusing on the existing backlog. We will identify the agency five (5) oldest FOIA requests at the beginning of each FY quarter and close those by the end of that FY quarter. 	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>

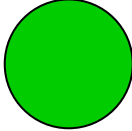

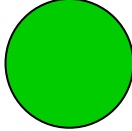

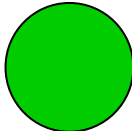

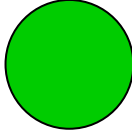

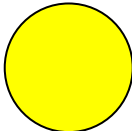
NATIONAL SCIENCE FOUNDATION

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Mr. D. Matthew Powell</p> <p>Public Liaison:</p> <p>Ms. Leslie Jensen</p> <p>FOIA Requester Service Center:</p> <p>703-292-5065</p>	<p><u>Logging and Tracking</u></p> <ul style="list-style-type: none"> FOIA log and tracking system. NSF currently utilizes an Excel document to log and track FOIA requests. We will investigate the purchase of a state of the art FOIA logging and tracking system. <p><u>Backlog Reduction</u></p> <ul style="list-style-type: none"> NSF will monitor any requests pending for longer than the statutory time limit for responding to a request for records. We will analyze any such requests to determine whether there are any systematic changes in addition to these focus areas that might be made to reduce processing time. <p><u>Web site/Handbook</u></p> <ul style="list-style-type: none"> Review and improve the NSF FOIA web page/handbook. 	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>

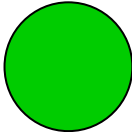

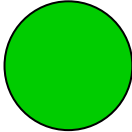

NUCLEAR REGULATORY COMMISSION

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer: Mr. Darren Ash</p> <p>Public Liaison: Mr. Russell A. Nichols Ms. Margie Janney</p> <p>FOIA Requester Service Center: 301-415-7169</p>	<p><u>Backlog reduction</u></p> <ul style="list-style-type: none"> The purpose of this improvement area is to reduce the processing time for FOIA requests. Improvements in areas 2 through 4 will also contribute to backlog reduction. 		
	<p><u>Leverage the use of information technology</u></p> <ul style="list-style-type: none"> The purpose of this improvement area is to acknowledge receipt of FOIA requests via email to the maximum extent possible, process requested records electronically by performing onscreen redactions, and provide final responses to requesters via email when they agree to receive them in electronic form. 		
	<p><u>Training of FOIA initial processors</u></p> <ul style="list-style-type: none"> The purpose of this improvement area is to develop and provide training for NRC staff who conduct initial reviews of records in response to FOIA requests to enhance the accuracy of their application of FOIA exemptions to the information. This should minimize the amount of coordination required and shorten the processing time. 		

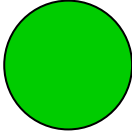

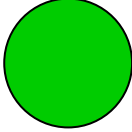

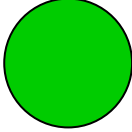

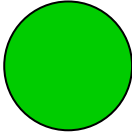

OFFICE OF PERSONNEL MANAGEMENT

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Ms. Janet L. Barnes</p> <p>Public Liaison:</p> <p>Ms. Margaret A. Miller</p> <p>FOIA Requester Service Center:</p> <p>202-606-2150</p> <p>FOIA Coordinator:</p> <p>Mr. Paul Carr 202-606-2150</p>	<p><u>Improvement of agency's FOIA reference guide</u></p> <ul style="list-style-type: none"> Annually review and update OPMs FOIA Reference Guide as needed. 		
	<p><u>Expedited processing</u></p> <ul style="list-style-type: none"> Documents handling procedures for expedited processing of FOIA requests in FOIA Reference Guide. 		
	<p><u>Forms of communication with requesters</u></p> <ul style="list-style-type: none"> Improve the quality of denial letters. 		
	<p><u>Additional training needed (formal and/or on-the-job)</u></p> <ul style="list-style-type: none"> Increase FOIA and Privacy Act knowledge of the OPM Program Office FOIA contacts. 		
	<p><u>Development of OPM FOIA Regulations</u></p> <ul style="list-style-type: none"> Update OPM FOIA Regulations 		

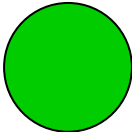
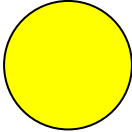
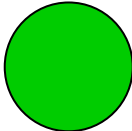



SMALL BUSINESS ADMINISTRATION

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer:</p> <p>Ms. Deloris Price Ford</p> <p>Public Liaison:</p> <p>128</p>	<p><u>Review Disclosure Determinations</u></p> <ul style="list-style-type: none"> The FOI/PA Office will conduct a review of offices with high volumes of FOIA requests to determine whether the SBA properly applied FOIA exemptions to deny a written request for information. The goal is to determine whether the Agency improperly withheld information when the information should have been completely or partially provided to the requester under FOIA and to ensure that we provide maximum allowable disclosure of agency records as appropriate. 		
<p>FOIA Requester Service Center:</p> <p>128</p>	<p><u>FOIA Training for Agency Personnel and Contractors</u></p> <ul style="list-style-type: none"> The FOIA/PA Office will provide online FOIA training designed to provide employees and contractors with a basic understanding of FOIA and specific procedures for processing routine requests. The training will be posted on SBA's website and access will be unlimited to all employees and contractors. The course will consist of four modules with several self-paced lessons. It will use a step-by-step format to present information about FOIA in a clear, simple manner and reinforce the appropriate process for responding to a FOIA request. Completion of the course will be mandatory for all employees. <p>In addition to the online training, the in-house specialized training provided by the U.S. Department of Justice for Management Board and FOIA Public Liaisons and FOIA/SCRs will be available on compact disk.</p>		

SMALL BUSINESS ADMINISTRATION

<p><u>FOIA Case Tracking System Training for all Public Liaisons and Service Center Representatives</u></p> <ul style="list-style-type: none">The FOI/PA Office will conduct a FOIA Case Tracking System training session at Headquarters to ensure that all SBA personnel assigned with FOIA duties have access to and expertise with the FOIA Case Tracking System. The training will be simulcast to field Public Liaisons and FOIA/SCRs. The training will also be made available on compact disk to all SBA personnel offices. One-on-one specialized assistance will be provided on an as needed basis.		
<p><u>Redesign the FOIA Webpage</u></p> <ul style="list-style-type: none">The FOIA/PA website represents an increasingly important service that the Agency provides to the public. The website will continue to evolve in years ahead as technology advances, as public information expands, and as the government continues to develop its online services, capabilities, and personnel. The FOI/PA Office will enhance and update the FOIA Homepage. Through this process, we will refine existing features and incorporate new features, as appropriate.		
<p><u>Affirmative FOIA Disclosure</u></p> <ul style="list-style-type: none">The FOI/PA Office will review the FOIA webpage to update and/or delete dated materials to ensure that information posted is current and available to the public.		
<p><u>Revision of SBA's FOIA Reference Guide</u></p> <ul style="list-style-type: none">The FOI/PA Office will update the Agency's FOIA Reference Guide which is available on the Homepage.		

SOCIAL SECURITY ADMINISTRATION

	Improvement Area	Progress	Goal Completed
<p>FOIA OPERATIONS</p> <p>Chief FOIA Officer: Mr. David Black</p> <p>Public Liaison: Mr. Jonathan Cantor Mr. Vince Dormarunno</p> <p>FOIA Requester Service Center: 410-966-6645 410-965-1727</p>	<p><u>Training</u></p> <ul style="list-style-type: none"> Ensure that new FOIA analysts and new liaisons in other offices are trained in FOIA and older staff members receive update and enrichment training. <p><u>Backlogs</u></p> <ul style="list-style-type: none"> Reduce the existing backlog of initial FOIA requests by a substantial percentage each year (<i>i.e.</i>, 5% by 1-15-07, another 5% by 1-15-08, and another 5% by 12-31-08, as measured by number of requests pending beyond the statutory time frames), by periodically and consistently focusing on the existing backlog. Close at least 90% of the ten oldest FOIA requests pending each year. <p><u>Staffing</u></p> <ul style="list-style-type: none"> Hire and maintain a highly qualified staff of analysts so that requests will be processed accurately in the shortest time possible. 	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>	<p style="text-align: center;"></p> <p style="text-align: center;"></p> <p style="text-align: center;"></p>