

Department of Energy Report and Agency Improvement Plan For Fiscal Year 2006 and Fiscal Year 2007

The Department of Energy (DOE) has a decentralized Freedom of Information Act (FOIA) program. Requests are processed at DOE Headquarters and field offices. Each of the locations that process FOIA requests has a designated FOIA Officer who processes requests for documents that fall within the jurisdiction of their respective locations. The field FOIA Officers report to the Chief FOIA Officer of the Department about their programs and activities through the Headquarters FOIA Officer, who also reports to the Chief FOIA Officer.

To review the agency's compliance with the requirements of the FOIA, the Chief FOIA Officer established a FOIA Task Force. The Task Force, which was chaired by the Headquarters FOIA Officer, included representatives from the Office of Management, Office of General Counsel, Office of Hearings and Appeals, Office of Security and Safety Performance Assurance, Office of Chief Information Officer, National Nuclear Security Administration (NNSA), NNSA Service Center Albuquerque, and the Oak Ridge Operations Office.

The Task Force reviewed several aspects of the FOIA program to determine the agency's compliance with the statute's requirements. The elements of the FOIA program reviewed at the Department were:

- (1) Agency's processes and practices to assist and inform the public about the FOIA process;
- (2) Agency's policies and practices on availability of public information through websites;
- (3) Agency's administration of the FOIA, including the extent to which requests have not been responded to within the statutory time limits and agency expenditures on equipment; and
- (4) Agency's use of information technology to respond to requests and communications with requesters, practices on expedited processing, and implementation of multi-tracking process.

The review included a survey instrument sent to all FOIA Officers at DOE, interviews with FOIA Officers and program personnel, a review of DOE and other agency websites, and the review of DOE publications and material related to the FOIA. Using these methods the Task Force specifically addressed several process improvement areas of the DOE FOIA program. The process improvement areas were staffing, training, expedited processing, multi-tracking, use of information technology, processing of requests, agency backlog, proactive disclosure of information, overall website improvements, overall tracking capability, electronic FOIA requests, acknowledgement letters, purchase of equipment, and the handling of referrals and consultations.

The Task Force concluded that the DOE FOIA program could be improved by increasing awareness and knowledge of FOIA requirements among DOE program and contractor

personnel; improving the processing of FOIA requests and reducing the agency backlog, improving communications with FOIA requesters; and providing greater consistency in content and presentation on DOE websites about the FOIA program and the type of information available through web sites.

To accomplish these goals, the DOE will focus the agency plan for Fiscal Year 2006 and Fiscal Year 2007 on six improvement areas. These areas are training, processing of requests, communication with requesters, backlog reduction, electronic FOIA requests, and overall web improvements.

Training

GOAL: 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.

ACTIONS: To accomplish this goal, the Department will:

- (1) Issue a DOECAST announcement to all DOE employees on FOIA requirements and agency responsibilities. A reminder will be issued annually. (June 2006)
- (2) Develop a presentation on FOIA requirements and responsibilities to be included in the orientation program conducted for all new DOE employees. (September 2006)
- (3) Conduct monthly conference calls with DOE FOIA Officers, convened by the Headquarters FOIA Officer, to discuss the FOIA program, procedures and issues. (July 2006)
- (4) Develop a presentation on FOIA requirements and responsibilities for Headquarters Program Senior managers, to be presented by the Headquarters FOIA Officer. (September 2006)
- (5) Conduct an annual FOIA Training Conference for all Departmental FOIA Officers and DOE and contractor employees with FOIA responsibilities. (November 2006)
- (6) Develop an online FOIA training course for DOE employees. (April 2007)

Processing of Requests

GOAL: The Department will develop standard procedures and instructions for processing FOIA requests to create consistent and timely processing of requests throughout the agency.

ACTIONS: To accomplish this goal, the Department will:

- (1) Develop templates for FOIA responses to requesters that address the elements of a proper FOIA request, fee waivers, expedited processing, and responses withholding information pursuant to a FOIA exemption. The templates will be provided to all DOE FOIA Officers and program staff with FOIA responsibilities. (August 2006)
- (2) Develop a FOIA Procedures Manual for FOIA Officers and program staff with FOIA responsibilities that includes procedures for processing requests, decisions on fee waivers and expedited processing, reviewing documents, segregation of releasable information, and records management requirements. (December 2006)
- (3) Require Headquarters program offices to develop a plan for processing FOIA requests within their respective offices that conforms with and implements the FOIA Procedures Manual. (March 2007)

Communication with Requesters

GOAL: The Department will improve its communications with requesters by developing more consistent responses and creating opportunities for dialogue with requesters about the FOIA program.

ACTIONS: To accomplish this goal, the Department will implement the templates discussed above and will also have DOE FOIA Officers convene FOIA Dialogues with frequent requesters to discuss the DOE FOIA program and procedures and to seek the requesters' views on how to improve the program. (September 2006)

Backlog Reduction

GOAL: The Department will implement an initiative to reduce the number of pending FOIA cases over one year old by 50% by June 2007.

ACTIONS: To accomplish this goal, the Department will:

- (1) Provide monthly reports on pending FOIA cases from the Headquarters FOIA Officer to Headquarters senior program management for their respective offices to ensure greater accountability for case management. (Implemented April 2006)
- (2) Require Headquarters Program offices to provide status reports on pending FOIA cases to Headquarters FOIA Officer every two weeks. (Implemented in April 2006)
- (3) Require record holders in the Field organizations to provide status reports on pending FOIA cases in their respective offices every two weeks to the Field FOIA Officers. (July 2006)

- (4) Allocate additional resources in the Office of Security and Safety Performance to process FOIA cases that involve the review of classified information. (Implemented in February 2006)
- (5) Provide a monthly report from the Headquarters FOIA Officer to the Chief FOIA Officer on the number of FOIA cases pending that are more than a year old. (June 2006)

Receiving Electronic FOIA Requests

GOAL: The Department will develop a standard electronic FOIA form to facilitate the public's ability to submit FOIA requests to the Department, and will develop guidance for FOIA Officers to inform the public about records at each of the DOE locations through the DOE FOIA web sites.

ACTIONS: To accomplish this goal, the Department will:

- (1) Develop a standard FOIA request form that will be used on FOIA web pages maintained by Headquarters and field offices. (October 2006)
- (2) Provide standard information on DOE FOIA web sites on records maintained at DOE sites and to whom requests for information should be submitted. (January 2007)

Overall Web Improvement

GOAL: To provide information to the public on DOE FOIA web sites in a consistent manner.

ACTIONS: To accomplish this goal, the Department will:

- (1) Require all FOIA web sites to provide a link to Headquarters and other field FOIA web pages. (December 2006)
- (2) Require all FOIA web pages to use standard electronic FOIA request form. (December 2006)
- (3) Develop guidance to make information available on FOIA web pages about information available at DOE locations consistent throughout the Department. (January 2007)