INTRODUCTION

In accordance with the provisions of Executive Order 13,392, NARA's Chief FOIA Officer and General Counsel, Gary M. Stern, authorized staff, representing the major NARA staff components, to conduct a review of NARA's FOIA operations to determine if NARA's existing practices are consistent with the policies set forth in the EO. Using the results of that review, NARA has established a NARA specific improvement plan aimed at improving FOIA Administration at NARA.

ABOUT THE NATIONAL ARCHIVES

The National Archives and Records Administration (NARA) ensures, for citizens and Federal officials, ready access to the essential records of the United States Government that document the rights of American citizens, the actions of Federal officials, and the national experience. NARA's principal mission is to make these archival records available to the public as quickly and effectively as possible, while protecting sensitive information for as long as necessary.

NARA also establishes the policies and procedures for managing U.S. Government records and assists Federal agencies in documenting their activities, administering records management programs, scheduling records, and retiring non-current records; accessions, arranges, describes, preserves, and provides access to the archival records of the three branches of Government; manages the Presidential libraries system; and publishes the laws, regulations, Presidential and other public documents in the Federal Register. NARA also contains the Information Security Oversight Office, which manages Federal classification and declassification policies, and the National Historical Publications and Records Commission, which makes grants to help non-profit organizations identify, preserve, and provide access to materials that document American history.

Records in the custody of the National Archives date from revolutionary times to the present. It is estimated that NARA has up to 9 billion pages of textual records among its holdings. But archival records also come in a wide variety of other media, including microfilm, maps and charts, architectural and engineering plans, aerial photographs, motion picture reels, video recordings, sound recordings, still pictures, and an ever growing amount of computer generated information.

The National Archives was established in 1934, and the largest portion of our records are housed in the National Archives buildings in Washington, DC, and College Park, MD. In 1939 the Presidential Library system was established which holds the donated Presidential papers and Presidential records from President Hoover forward in eleven Presidential libraries managed by NARA throughout the country. Since 1969 NARA has managed a system of regional archives that hold the permanent federal records of regional origin and significance. Archival records are also maintained in a few non-NARA repositories that, by special agreement with the Archivist of the United States, are affiliated participants in the federal archival network.

Most, but not all, of these massive holdings are executive branch agency records and Presidential records that are now subject to the Freedom of Information Act (FOIA). However, the National Archives has been responding to public access requests for government information since long before the FOIA was enacted. Through its core statutory mission, NARA has been making the vast majority of its records available to the public without the use of or need for the FOIA.

During Fiscal Year 2005, for example, NARA answered 1,124,066 written non-FOIA reference requests for access to NARA's archival and operational records. These requests seek access to records that are publicly available and have no restrictions to access. Of the over 1.1 million requests processed, NARA answered 694,758 within 10 working days.[1] NARA also furnished 537,044 items to researchers in NARA's research rooms, and responded to an even greater number of telephone and email inquiries. Those numbers do not take into account the automated research tools and informational products available via the NARA website www.archives.gov.

In sharp contrast, during Fiscal Year 2005 NARA received a total of only 9,494 requests for archival records under the FOIA. Of that total, NARA processed 8,617 requests, and completed 7,308 within 20 working days, an overall completion rate of 76% (and a 15% increase over the number of FOIA requests completed within 20 days in FY 2004).

Significantly, these figures do not include the separate program that NARA has for the operational records that NARA creates as an executive branch agency. During FY 2005, NARA processed 255 FOIA requests for operational records, and completed 237 within 20 workdays, a completion rate of 92.94%.

Thus, the roughly 10,000 total FOIA requests that NARA processed last year represents less than 1% of the total number of public access requests addressed by NARA.

Nonetheless, even though FOIA requests comprise just a tiny fraction of how NARA responds to public requests for records, NARA recognizes that it still faces certain unique challenges in implementing the FOIA. Most significantly, the Presidential Records Act of 1978 established a special process for accessing the Presidential records of each President starting with Ronald Reagan. The high level of interest in Presidential records and the high volume of electronic records, coupled with the complex review procedures for such modern and sensitive records and the relatively limited staff resources available to Presidential libraries, have resulted in disproportionate FOIA backlogs at the Presidential libraries containing records subject to the Presidential Records Act. In addition, NARA has no classification authority and very little delegated declassification authority under Executive Order 12958, as amended, and must therefore defer to the originating agencies in responding to FOIA requests for classified information.

OVERALL NATURE OF NARA's FOIA PROGRAM

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[1] NARA tracks 10 days, rather than FOIA's 20 days, as part of our performance goal for responding to non-FOIA reference requests, including requests for military service records, described below.

Accessioned archival records/Presidential records subject to the Presidential Records Act and FOIA

NARA receives FOIA requests for access to archival records at facilities operating under the auspices of three major staff divisions within NARA's organizational structure: the Office of Records Services for Washington, DC; the Office of Regional Records Services; and the Office of Presidential Libraries. Initial requests for access to records are tracked and processed by the components of NARA having custody of the records. This process allows requests to be handled by the individuals who are most familiar with the records and who are best suited to talk with FOIA requesters about those records.

The Office of Records Services – Washington DC (NW): In addition to providing leadership in the areas of records management, preservation, exhibits, and public outreach, this office is responsible for: planning, directing, and coordinating a comprehensive program to review, and wherever possible, declassify, security classified materials in the two archival facilities in the Washington, DC, area: the National Archives Building in downtown Washington (Archives I) and the National Archives at College Park, MD (Archives II). NW processes FOIA requests for some of NARA's most sensitive historical records. NW also participates in interagency programs to develop and to promulgate Government-wide regulations for the declassification of security classified materials. In addition, NW conducts numerous "special reviews" to facilitate research of restricted materials for visiting researchers.

NW has invested in the Archives Declassification, Review and Redaction System (ADRRES), which automates case tracking and the process of reviewing and redacting sensitive and classified materials in response to FOIA and other legal mandates. ADRRES is an automated records repository that allows staff to scan records into a FOIA case, conduct online redaction and tracking. The system also contains a search function which facilitates the production of statistical information concerning FOIA requests used for regulatory and compliance reporting. NW also uses the Unclassified Redactions and Tracking System (URTS), which is the unclassified version of ADRRES. Both systems have automated the FOIA review process by allowing staff to conduct automated reviews of requested documents. While NW has the advantage of automated FOIA processing, it still has to overcome the challenge of an ever increasing work load in comparison to available resources to process incoming requests.

As noted above, NARA has no original classification authority; therefore, NW cannot make independent determinations on classified records and has limited authority to downgrade or declassify classified documents in NARA's legal custody. Thus, the declassification referral process prohibits NARA from responding to many FOIA requests within the statutory time limits. While in some instances agencies have provided NARA with declassification guidelines, which allow appropriately cleared NARA staff to implement declassification decisions on behalf of the equity holding agency, the guidelines only apply to a very limited category of documents.

Accordingly, when the responsive records contain classified information, NARA must identify the equity holding agencies and refer those documents for declassification review. NARA cannot control the review process of other agencies and often requests for declassification review remain pending for months, often years, before the originating agency makes a determination. Currently NW has 90 FOIA requests that are over 10 years old, because the records remain under review by the classifying agency.

During FY 2005, NW hosted 1,103,991 visitors (mostly to museum exhibits in Archives I); provided 412,190 items to researchers in the A1 and A2 research rooms; received 38,137 non-FOIA reference requests; and 1,196 FOIA requests. NW completed 679 FOIA requests, including 540 within 20 work days, for an overall FOIA completion rate of 45% within 20 workdays. Since 1999, when NARA started to measure FOIA performance, NW answered on average 48% of the FOIA requests it received within the statutory time limit. NW's completion rate appears to fluctuate in accordance with how many simple FOIA requests it receives that do not require complex treatment for declassification review and referrals to other agencies.

The Office of Presidential Libraries (NL): This office administers NARA's nationwide network of Presidential libraries. The Presidential libraries are not traditional libraries, but rather archival repositories for preserving and making available the papers, records, and other historical materials of U.S. Presidents since Herbert Hoover. Until the Presidential Records Act went into effect with President Reagan, most of the materials at the earlier libraries were donated personal property, and not subject to the FOIA. (The Nixon Presidential Historical materials are governed by a special statute, the Presidential Recordings and Materials Preservation Act, and are not subject to FOIA.) These libraries also contain a small volume of executive branch agency records that are subject FOIA.

Presidential records at the Ronald Reagan, George Bush, and William Jefferson Clinton Libraries are subject to the provisions of the Presidential Records Act, which incorporates the FOIA with several variations. The Presidential Records Act applies to the official records of Presidents, Vice Presidents, and their staffs. The Act, however, restricts all public access to Presidential records for the first five years after the end of a Presidential administration. For the first twelve years, the Act allows the President to invoke as many as six specific Presidential restrictive categories, along with eight of the nine FOIA exemptions to public access, and there is no judicial review of denied requests. After twelve years, regular FOIA procedures apply, except that the (b)(5) exemption is not available. In addition, the Presidential Records Act establishes procedures for Congress, courts, and the incumbent Administration and the former President to obtain special access to records that remain closed to the public.

Requests for records under the Presidential Records Act are also subject to the requirements of Executive Order 13233, Further Implementation of the Presidential Records Act (issued November 1, 2001). This order replaced E.O. 12667, and similarly requires that NARA inform both the incumbent and former Presidents of our intent to release any Presidential records in response to a pending FOIA, or any other, request. This notification gives the incumbent and former Presidents an opportunity to decide

whether or not to invoke executive privilege over the records. The review period authorized by EO 13233 begins only after all review decisions have been resolved and reviewed records are proposed for opening to the public.

Each library has a data base that is linked to the NARA Performance Management and Reporting System (PMRS). These tracking systems collect statistical information concerning incoming FOIA requests for performance and annual reporting purposes. In addition, the staffs at the Clinton, Bush and Reagan Presidential Libraries have the Presidential Electronic Records Library (PERL) system, which consists of both Presidential electronic records and finding aids into some of the main Presidential series. The databases in PERL include document-level metadata for incoming and outgoing correspondence that was tracked during each administration by the White House Office of Records Management, which is of particular use to archivists in identifying documents responsive to FOIA requests.

During FY 2005, Presidential libraries and museums hosted 1,865,884 visitors; provided 68,963 items to researchers in the library research rooms across the country; received 14,783 non-FOIA reference requests; and received 281 Presidential Records Act/FOIA requests, including highly visible and time sensitive FOIA requests for Reagan and Bush Presidential records relating to Judge Roberts and Judge Alito. NL completed 85 FOIA requests, including 39 within 20 work days, for a completion rate of 14% within 20 work days.

It should be noted that the Clinton Library just started processing Presidential Records Act/FOIA requests on January 20, 2006. As of May 2006, they have a backlog estimated at 9 million pages for review in response to pending FOIA requests. In just four months, the Clinton Library has already received in excess of 280 FOIA requests.

Given the substantial queues of Presidential Records Act/FOIA requests for Presidential records and the corresponding small size of the Presidential library staffs, NL will not meet the statutory time limits for answering FOIA requests. NL's inability to respond to FOIA requests within 20 working days also reflects the difficulties inherent in the application of FOIA to Presidential records. NL continues to emphasize the importance of responding to FOIA requests within 20 working days and in fact does acknowledge requests within 20 work days, providing information concerning expected processing times. However, with current backlogs of four or more years at the Reagan, Bush and Clinton libraries and the increasing numbers of initial FOIA requests, it will be extremely difficult to meet the statutory time limits or reduce the current backlog. Finally, E.O. 13233's requirement that NARA provide the former and incumbent President an opportunity to conduct a privilege review before releasing any Presidential records further removes from NARA's control our ability to respond to FOIA requests within 20 days. Under this EO, the former President is allowed 90 days to complete a privilege review and the incumbent President's review has no time limitations.

As with the Office of Records Services, the Office of Presidential Libraries has been delegated very limited declassification authority for classified Presidential records in our

legal custody. Therefore, we must identify the equity holding agencies and refer those documents for declassification review. Additionally, a significant number of classified Presidential records contain multiple equities and have to be referred, either concurrently or subsequently, to more than one agency. This further slows the declassification review process.

The Office of Regional Records Services (NR): NR consists of 18 regional facilities throughout the United States with responsibility for implementing NARA's archival, records management, and records center programs outside the Washington, DC, area. These facilities are divided into nine regions. Each region operates a program encompassing the full life cycle of records, including records management activities with records creators, disposal, archival accessioning, records processing, and access to records by the public. These activities center on records created by field offices of Federal agencies. Each region is responsible for tracking and processing FOIA requests received for records among their holdings.

Among NR's facilities is the National Personal Records Center (NPRC) in St. Louis, which maintains both the civilian and military personnel records for the entire federal government. Official Military Personnel Files (OMPF) comprise the single most requested group of records at NARA. Veterans, former civilian employees, and their families make over 1 million requests a year for service related records.

While all regional facilities receive and process their own FOIA requests, over time it has been noted that the vast majority of FOIA requests received by NARA are received in the NPRC. Accordingly, NARA has invested in a Case Management Reporting System (CMRS), which allows for electronic tracking of all requests for OMPFs received at the NPRC. At the NPRC, all requests pertaining to specific military veterans are entered into CMRS. The CMRS database tracks and processes, in digital form, both electronic and mail-based records inquiries from receipt through closure. All new cases are received electronically or converted to electronic images upon receipt.

CMRS makes it possible to obtain various kinds of analytical data about FOIA requests. Since the implementation of CMRS at NPRC, FOIA performance has drastically improved. In FY 2003, 60% of FOIA requests for military records were completed in 20 workdays. In FY 2005, the completion rate was 83.74%, and, as of May 2006, the rate is 93%.

In spite of the innovations and the steady increase in processing times, some FOIA's for military records take considerably longer than the 20 day standard if the request is for a record that was lost in the 1973 fire at the NPRC and the data must be reconstructed from other sources, or if the record has been borrowed by another agency.

During FY 2005, all NR facilities (including NPRC) received 1,031,825 non-FOIA reference requests, including 864,548 requests for military records; provided 55,891 items in NR research rooms; and received 8,017 FOIA requests. Of the 8,017 FOIA

requests received, NR facilities processed 6,729 within 20 work days, a completion rate of 83.93%.

Operational Records

FOIA requests for NARA's operational records include those requests processed by the Office of General Counsel, the Office of the Federal Register and the Office of the Inspector General. To process this relatively small volume of FOIA requests NARA has developed an automated tracking system. Tracking is done in a Microsoft Access database, which allows NARA to maintain control over the FOIA workload and capture statistical information necessary to comply with annual reporting requirements related to FOIA processing. These offices still process records using manual redaction methodology; however, because of the volume of requests and the nature of the information contained in NARA operational records that is the most feasible method at this time. All NARA staffs have access to electronic redaction technology when needed for processing voluminous requests.

NARA performs extremely well with regard to processing FOIA requests for its operational records within 20 working days. During FY 2005, NARA received 255 FOIA requests for access to operational records. NARA completed processing 259 requests in that same time period. NARA completed 237 within 20 workdays; a completion rate of 92.94%. Since 1999 NARA has answered on average 90% of all FOIA requests received for operational records within 20 work days. When compared to other executive branch agencies, with similar FOIA workloads, NARA does an exceptional job in processing FOIA requests within the statutory time limits.

Please see the charts below which compare NARA's FOIA work load to its much larger non-FOIA reference request workload. As mentioned above, FOIA's represent a very small number of the total requests for public access that NARA addresses each fiscal year. A review of the charts shows that NARA performs exceptionally well when providing access to its own operational records and those accessioned records over which we have total control. In sharp contrast, NARA's FOIA performance is often hindered by the special circumstances encountered when processing requests for the disclosure of classified records (NW/NL), damaged records (NR), and/or Presidential records (NL).

FY 2005 FOIA Workload

Component	# of FOIA's Received	FOIA's Completed	Completed within 20 work days	% Completed within 20 work days
Operational	255	261	239	96.72%
NW	1,196	679	540	45.81%
NR	8,017	7,853	6,729	83.93%
NL	281	85	39	13.87%
All NARA	9,749	8,878	6,316	77.41%

FY 2005 Non-FOIA Reference Workload

Component	# of Non-FOIA Requests Received	Completed Within 10 Work Days	% Complete within 10 work days
Operational	938	835	89.01%
NW	38,173	36,091	94.54%
NR	1,058,753	632,329	59.72%
NL	26,202	25,503	97.33%
All NARA	1,124,066	694,758	61.80%

AREAS SELECTED FOR REVIEW

In accordance with the provisions of EO 13,392 and guidance issued by the Office of Information Privacy of the Department of Justice and the Office of Management and Budget, NARA selected the following areas for review: affirmative disclosures; proactive disclosure of information; improvements of agency's FOIA Reference Guide; multi-track processing; forms of communication with requesters; acknowledgment letters; system of handling referrals; additional training; backlog reduction; automated processing; and expedited processing.

SUMMARY OF REVIEW RESULTS

Executive Order 13,392 requires agencies to review their processes to determine what can be done to make them more efficient and customer focused. NARA has and continues to be an agency that strives to make records available to meet the needs of its growing customer base. However, in light of the mandate of the Executive Order, NARA has conducted an overall review of its existing FOIA processes. NARA has several initiatives already underway that are focused on the needs of our customers. In our current Strategic Plan, we have nine specific customer service goals aimed at improving the services we provide to customers. In most instances we continually meet or exceed our stated performance targets. NARA is focused on the needs of our customers and we are continually looking for ways of improving the services that we provide to the public.

As noted above, NARA has made investments in automated tracking and redaction systems to facilitate access to records among our holdings. This has allowed our staff to track FOIA cases, have an electronic repository of reviewed documents, conduct electronic redaction, and electronic reporting functions for compliance reporting. These initiatives have had a positive impact on the work of our staff having regular or recurring FOIA duties. NARA does not have any designated FOIA staff. Rather, FOIA services are conducted by Archivists, Archives Specialists and Archives technicians, all of whom are primarily engaged in providing a wide range of reference and customer service duties. At the time of this report, no additional resources are available for FOIA processing at NARA. As noted above, FOIA comprises a tiny fraction of how NARA makes records available to the public. This report is written in awareness of the fact that NARA must meet the ever increasing needs of its customers/researchers with its existing resources.

NARA's review focused on three major FOIA program areas: NARA's operational records; historical records transferred to NARA from executive branch agencies; and Presidential records subject to the Presidential Records Act and FOIA.

AREAS CHOSEN AS IMPROVEMENT AREAS FOR NARA

Based on the results of the review of NARA's FOIA operations, NARA will use the following areas as the bases for our FOIA improvement plan: affirmative disclosures; proactive disclosure of information; improvements of agency's FOIA Reference Guide; multi-track processing; forms of communication with requesters; acknowledgment

letters; system of handling referrals; additional training; backlog reduction; and automated processing. Although we studied NARA FOIA operations at they relate to expedited processing, we have decided that the process is operating appropriately and does not require improvement at this time.

Improvement Areas - anticipated to be completed by December 31, 2007 with ongoing implementation.

AFFIRMATIVE DISCLOSURES

SUMMARY OF REVIEW

As required by the Electronic FOIA amendments of 1996, NARA has established, in addition to its conventional reading room, an electronic reading room that provides ready access to some NARA policy statements and administrative staff manuals that affect the public. As a part of our efforts to ensure a customer focused FOIA process, we reviewed the NARA website to make sure that we are offering our requesters appropriate types of information in our reading room and determined that many policy documents were created after the statutory deadline that should be added to the inventory of available (a)(2) records. (As the (a)(2) requirement only applies to records created after November 1, 1996, accessioned historical records were not included in this review.)

In addition to the traditional categories of reading room records, NARA looked toward a review of the affirmative disclosure of what are commonly referred to as "frequently requested" records. With regard to NARA's operational records, we conducted a review of the FOIA requests received over the course of the last three fiscal years and determined that we have posted all appropriate documents that have been requested three times or more and continue to be the subject of recurring FOIA requests. We attempted to conduct the same type of review for NARA's accessioned records, but noted that there is no systematic way of publishing all records that are likely to become the subject of future requests to our electronic reading room. We have published links to various holdings among our staff offices, including the *Guide to Federal Records*, and published finding aids for the holdings among the Presidential Libraries. The records that have been processed in response to FOIA requests as well as those records containing no restrictions to access continue to be publicly available in the research room at the appropriate NARA facility.

GOAL/OBJECTIVE

Ensure that NARA makes affirmative discloses of records created by NARA in accordance with section (a)(2) of the FOIA.

DISTINCT STEPS TO BE TAKEN
- NARA will identify all existing current policy documents that should be added to the FOIA reading rooms.
- NARA will regularly review new policy issuances to determine if they are appropriate for disclosure in our electronic reading room, consistent with the (a)(2) requirement.
- Those policy documents that are appropriate for affirmative disclosure under (a)(2) will be added to both the conventional and electronic reading room within 30 days of issuance as official NARA policy.

TIME MILESTONES
- By 12/31/2006, NARA Access Staff (within the Office of General Counsel) will conduct meetings with the Policy and Planning Staff (which is responsible for dissemination of policy directives, regulations, and interim guidance) to develop a process for adding those items appropriate for affirmative disclosure under (b)(2) to both the conventional and electronic reading rooms within 30 days of issuances as official NARA policy.
- By 12/31/2006, NARA will identify all existing policy documents that should be added to the FOIA reading rooms.

MEANS OF MEASURING SUCCESS
- Beginning 03/31/2007, the NARA FOIA Officer will evaluate compliance with this recommendation on a semi-annual basis and report to the Chief FOIA Officer.
- The success of this initiative will be reported in NARA's annual FOIA report for FY 2007.

PROACTIVE DISCLOSURE OF INFORMATION

SUMMARY OF REVIEW
At this time, it is simply not feasible for NARA to digitize the roughly 9 billion pages of permanently valuable archival records that NARA holds. However, we have proactively disclosed, through our website, scanned versions of highly requested Federal and Presidential records, e.g., most recently, NARA provided access to records related to John G. Roberts, Jr. and Samuel A. Alito, Jr. during their confirmation hearings. In addition we have made efforts to give the public on-line descriptive information about our holdings, known as "finding aids." NARA's website includes the *Guide to Federal Records*, which is a high level description of accessioned records among NARA's holdings identified at the Record Group and series level. The web also has finding aids for particular topics, such as Unidentified Flying Objects - Project Blue Book, the John F. Kennedy Assassination Records Collection, and Holocaust Era Assets. Presidential libraries also post finding

aids of records that are publicly available. These descriptive aids give researchers information to identify the series or collection of records that may contain information responsive to their research needs. This saves our staff valuable search time, because requesters are able to use the published information to narrow their FOIA requests without staff intervention.

In addition to this information, NARA's website contains the Archival Research Catalog (ARC), an online catalog of NARA's nationwide holdings. ARC allows users to perform keyword, digitized image and/or location searches. ARC's advanced functions also allow researchers/customers to search by organization, person, or topic. As of June 2006, there are a total of 1,535,915 cubic feet of holdings described in ARC. This breaks down to: 494 Record Groups; 1,916 Collections; 26,848 Series; 481,601 File Units; and 254,691 Items. There are also 3,736,686,329 logical data records and 278,886 artifacts described in ARC.

In addition, some archival materials have been digitized and are available through ARC. They include: 55 architectural and engineering drawings items; 60 artifact items; 321 maps and charts; 57,907 still pictures; and, 15,194 textual documents. Currently, the amount of archival materials described in ARC represents approximately 47% of our holdings.

NARA also makes proactive disclosures through the Access to Archival Databases (AAD), which provides on-line access to a small selection of electronic databases preserved permanently in NARA. Out of the nearly 200,000 data files in its holdings, NARA has selected approximately 475 of them for public searching through AAD. NARA selected these data because the records identify specific persons, geographic areas, organizations, and dates. The records cover a wide variety of civilian and military functions and have many genealogical, social, political, and economic research uses. AAD provides access to over 85 million historic electronic records created by more than 30 agencies of the U.S. federal government and from collections of donated historical materials.

To further its goal of providing ready access to Federal and Presidential records, NARA is developing the Electronic Records Archives (ERA). Upon completion ERA will be a comprehensive, systematic, and dynamic means for preserving virtually any kind of electronic record, free from dependence on any specific hardware or software. When operational, ERA will make it easy for NARA researchers/customers to find electronic records they want and easy for the NARA to deliver those records in formats suited to customer's needs. Ultimately, ERA will preserve essential evidence and make it more accessible in every sector of society. This system will provide ready access to fully released and redacted electronic records from virtually any location.

GOAL/OBJECTIVE

To the extent possible, NARA will proactively disclose accessioned and operational records to the public.

DISTINCT STEPS TO BE TAKEN
- NARA will continue to add information concerning our accessioned records to assist researchers in learning more about NARA's holdings and how they are arranged.
- NARA will continue to provide access to electronic images of records through updates to the Archival Research Catalogue.
- NARA will continue to provide access to electronic records through the Access to Archival Databases.
- NARA, in conjunction with our Public Affairs Office and under the direction of the Archivist of the United States, NARA will continue to make proactive disclosures of operational and archival records that are of public interest. These documents will be prominently displayed as links from NARA's FOIA web page when no longer available on archives.gov homepage.

TIME MILESTONES
- By 12/31/2007, NARA will report on updated numbers of records available through ARC and AAD.
- By 12/31/2007, NARA will provide information concerning the number of finding aids and descriptive materials that have been linked to the NARA FOIA page to assist researchers in learning more about the availability and arrangement of NARA's holdings.

MEANS OF MEASURING SUCCESS
- On an annual basis, beginning 03/2007, NARA will review our FOIA log to determine if there are types of recurring requests that can be easily solved by linking the relevant information from FOIA website.
- The success of this initiative will be reported in NARA's FY 2007 annual report.

REFERENCE GUIDE IMPROVEMENTS

SUMMARY OF REVIEW
NARA reviewed its current FOIA Reference Guide and determined that sections of the guide are outdated and do not accurately reflect existing FOIA processes. Accordingly, NARA will review the Reference Guide, last published in 2004, to make the appropriate changes. Additional language will be added to explain the exemptions categories and various portions of the document will be presented in a question and answer format consistent with NARA's policy documents and implementing regulations.

Within the NARA FOIA Reference Guide there is a link to the contact page, which allows individuals to pose questions to NARA. These questions are sent to our Customer Service staff that either staffs the request or sends it on to the NARA unit that has the requested records. This form is not easily located within the FOIA reference guide. Moreover, among its drop down options, it does not allow an individual to refer to his or her request as a FOIA request.

GOAL/OBJECTIVE
To improve the quality and usefulness of NARA's FOIA Reference Guide and provide a link which allows requesters to make FOIA requests via the FOIA web page.

DISTINCT STEPS TO BE TAKEN
- NARA will revise the existing Reference Guide to update outdated information.
- NARA will provide detailed information concerning the types of records among NARA's holdings, how to draft FOIA requests, where and how to send the requests, as well as information concerning processing procedures.
- The revised Reference Guide will inform individuals of issues that may effect the processing of their request and will provide more information concerning our Customer Service Centers and Public Liaisons.
- The revised Guide will provide detailed information concerning the various NARA facilities and the types of requests they process.
- We will study the feasibility of making the contact NARA page a more prominent feature on our webpage and the possibility of adding FOIA request to the range of options from the drop down menu.

TIME MILESTONES
- By 12/31/2006 NARA anticipates the completion on the revision of the FOIA Reference Guide.
- By 02/2007, the NARA FOIA Officer will coordinate with the Web Program to determine the best means of allowing a requester to make a FOIA request via the web site and will implement that approach.
- By 03/31/2007, NARA expects internal clearance of the revised FOIA Reference Guide with a target web publication date of 04/15/2007.

MEANS OF MEASURING SUCCESS
- Beginning 03/31/2008 NARA will conduct an annual review of the FOIA Reference Guide to ensure that it is current and accurately reflects FOIA processing at NARA.
- The success of this initiative will be reported in NARA's annual report. We expect to see measurable results by December 31, 2007 with ongoing reporting through December 31, 2008.

MULTI-TRACK PROCESSING

SUMMARY OF REVIEW

NARA currently uses two track processing. Our simple request queue includes FOIA requests that can be answered quickly because of small volume or simplicity of records requested. Our complex request queue includes FOIA requests that require more time to answer because the requested records are voluminous, security-classified or otherwise sensitive, and/or they require referral to another agency for review. In 2005, NARA received 9,019 requests that were tracked in the simple queue. Of that total NARA completed 8,669; 7,448 of those within 20 workdays. Likewise, NARA received 504 complex requests in the same time period. Of those 125 were completed; 56 were processed within 20 days.

GOAL/OBJECTIVE

Although our current dual tracking system works in the way that it was designed to, we will add an additional track to our multi-track process.

DISTINCT STEPS TO BE TAKEN

- NARA will add an additional processing queue based on frequently requested records received at the Presidential libraries. The Presidential libraries often receive broad, subject-based requests for extremely sensitive records. Of all NARA staffs, generally the libraries have the fewest number employees actively engaged in FOIA processing, resulting in the largest backlogs of FOIA requests.
- Requests would be added to this queue when a library receives multiple requests for significant portions of the same series or sub-series of records.
- Once the requests are transferred to the frequently requested queue, the library will begin systematically processing the entire file or collection as opposed to individual documents. Because systematic processing is faster than FOIA processing, we believe that this process will assist in responding more rapidly to FOIA requesters who wish to gain access to the same or similar files. It will also have the effect of opening up more materials to access, because in lieu of making individual documents or folders available, researchers can gain access to entire series or sub-series of records.
- By opening an entire series or sub-series, we will enable access to these records to future researchers without the necessity of filing a FOIA request, which would ultimately add to the existing FOIA backlog.

TIME MILESTONES

- By 12/31/2006, NARA will work with the Policy and Planning Staff to alter the existing local tracking databases to allow for a drop down tracking options to include "frequently requested" records.
- By 12/31/2006, the Chief FOIA Officer will work with the Office of Presidential Libraries (NL) to disseminate the criteria for moving requests to the "frequently requested" queue throughout the facilities for which they administer.

MEANS OF MEASURING SUCCESS
- NARA will continue to monitor the effectiveness of this additional track and, based on the success at the NL facilities, will consider adding it to other NARA components. The effectiveness of this initiative will be measured by information available in NARA's Performance Management and Reporting system.
- On an annual basis, beginning in FY 2007, NARA will continue to monitor the number of FOIA requests in the backlog at NL facilities to determine if this initiative is assisting in reducing the number of pending FOIA's.
- The success of this initiative will be reported in the FY 2007 FOIA report.

FORMS OF COMMUNICATION WITH REQUESTERS

SUMMARY OF REVIEW
We believe, based on the results of customer feedback that we do a good job in communicating with our researchers. However, we have found some areas that may be improved to ensure the ease of communication between FOIA requesters and agency personnel. We believe that attention in this area can help ensure more adequate and tailored searches as well as a reduction in the volume of appeals and follow up requests. Part of this problem will be solved by the designation of the FOIA Service Centers and Public Liaisons, however, we believe that we can modify our correspondence in a way that it will facilitate a better understanding of our determinations, give additional information on the necessity to delay processing, or clearly outline NARA's position with regard to fee determinations.

GOAL/OBJECTIVE
NARA will seek new ways to improve communications with our requesters.

DISTINCT STEPS TO BE TAKEN
- NARA will provide the public with information about NARA's FOIA policies, including the reasons why some requests may be delayed.
- NARA will provide requesters with more information on how to draft a FOIA request, where to send that request within NARA, information about our tracking queues and average processing times.

- In our reply letters, in addition to the appropriate appeal language, we will offer the contact information concerning NARA's FOIA Service Centers and Public Liaisons.
- NARA will provide appropriate staff with updated sample response letters that state, in plain language, the FOIA exemptions and procedural denials.

TIME MILESTONES
- Beginning in 03/2007, NARA will get information from our FOIA Service Centers and Public Liaisons concerning the types of inquiries they receive to determine if initiatives concerning NARA correspondence are making any difference in the types of matters that are referred to their attention.
- By 09/2007, NARA will work with staff offices to review existing form letters to determine if they need to be updated or modified

MEANS OF MEASURING SUCCESS
- NARA will take a baseline of FOIA requests received in FY 2005 and compare them to those received after this initiative has been in place for 90 days. Using the data available, NARA will determine if improved communications results in a lower number of FOIA appeals received for trivial matters.
- NARA expects to report any noticeable success in the FOIA report due February 1, 2008.

ACKNOWLEDGMENT LETTERS

SUMMARY OF REVIEW
Most NARA offices send acknowledgment letters upon receipt of a FOIA request; however, in some instances it is not practical. For example, the National Personnel Records Center receives over 1 million non-FOIA reference requests in addition to approximately 8,000 FOIA requests. All of these requests are processed in the same database. The only distinction is that FOIA requests are moved ahead of non-FOIA reference requests. Because of the improved response times on FOIA requests, it is unnecessary for the NPRC to acknowledge all incoming FOIA requests. Instead, the NPRC waits until the 16th working day after receipt to send an acknowledgement postcard only to those FOIA requesters to whom a completed reply has not been provided. At this time the other facilities within NR receive so few FOIA requests, that they are able to process them all within 20 working days, so there is no need to acknowledge them. Both NW and NL send acknowledgment letters and work very early on in the process to narrow extremely large requests. Requests for NARA's operational requests are not usually acknowledged until the 20 day processing time is near.

GOAL/OBJECTIVE

To ensure that requesters are fully informed concerning any delays relating to the processing of pending FOIA requests.

DISTINCT STEPS TO BE TAKEN
- NARA will re-enforce the importance of communicating with requesters and will require acknowledgment letters for all NARA administered facilities that are unable to process all FOIA requests within 20 working days.
- The acknowledgment letters will include contact information for the processor as well as information concerning the appropriate NARA FOIA Service Centers and Public Liaison.
- The letter will also include the assigned case number, an estimated processing time and information concerning the existing backlog.
- This process will be added to a revised version of the NARA internal guidance to staff on FOIA processing.

TIME MILESTONES
- By 09/01/2007 NARA will, work with the Policy and Planning Staff to add a checkbox to the exiting FOIA databases to remind processing staff to send an acknowledgment letter upon receipt of a FOIA request.
- By 12/31/2007 NARA will require that all NARA staff provide requesters with acknowledgement letters if the request is not answered by the 18th working day after receipt in the appropriate NARA office.

MEANS OF MEASURING SUCCESS
- Progress in this area will be monitored by updates to the Performance Management System each quarter. NARA will report on its compliance in the upcoming FOIA annual report.
- This initiative will be fully implemented by December 31, 2008.

SYSTEM OF HANDLING REFERRALS

SUMMARY OF REVIEW
As mentioned previously, anytime NARA receives a request for access to classified information it must in the vast majority of instances refer that information to the originating agency for declassification review. Unfortunately, NARA cannot dictate the processing of requests sent off to the originating agency for review. As a result NARA has requests that have been pending for quite some time awaiting the determination of the originating agency.

NL uses a scanning process for Presidential classified twenty-five year old materials that require referral, called the Remote Archives Capture Project. One result of this project is that it enables scanned Presidential classified equities to be

referred more quickly. While it still does not force the agency to review the records, it does at least make these records readily available for their review.

GOAL/OBJECTIVE
NARA will work towards developing a system to remind NARA staff to notify equity holding agencies of delays in processing FOIA requests for access to records that have been referred for declassification review.

DISTINCT STEPS TO BE TAKEN
- NARA will explore changes to existing case tracking systems that would trigger contact with agencies that have not responded to referrals or consultations at the end of each fiscal year.   At that time, individual components will inquire, by letter, with each agency to which records have been referred for declassification review. The letter will identify the name of the requester, the NARA tracking number and the subject of the request. The letter will ask for either a final determination or a status regarding the requests referred for review. NARA will ask that a response be provided within a reasonable time frame.
- If NARA does not hear from the equity holding agency within the time frame outlined in the written request, the NARA component will notify the Chief FOIA Officer. The Chief FOIA Officer will follow up with the agency to get an update concerning referred requests.
- If that does not work, NARA may seek to meet with officials of the equity holding agencies to see if a more efficient FOIA review process can be developed.

TIME MILESTONES
- By 12/31/2007, NARA custodial units and the Presidential Libraries will be required to retain data concerning the agencies to which FOIA requests have been referred for declassification review.
- Beginning on 12/31/2007, an annual notice will be issued to remind offices to compile a list for distribution to the equity holding agencies.
- Following the notice, offices will have 30 days to provide a copy of their letters to the Chief FOIA Officer.

MEANS OF MEASURING SUCCESS
- Each year NARA will monitor its backlog of FOIA requests for access to classified records to see if this initiative reduces the backlog.
- NARA will compare its exiting backlog to the backlog in previous years and report on any reduction is the annual FOIA report.

ADDITIONAL TRAINING

SUMMARY OF REVIEW

NARA does not have a comprehensive training program to assist staff with regular and recurring FOIA duties. Most training is done on an ad-hoc basis with staff attending the regularly planned sessions of the American Society of Access Professionals or the Department of Justice through the Office of Information and Privacy. Other staffs learn by performing FOIA duties under the guidance of senior staff. We believe that it is vitally important that NARA develop a systematic method of training its staff. This training program would serve the function of ensuring that all staff are equally trained on applying the FOIA to NARA's operational and accessioned records and empower our staff to feel more comfortable with making access determinations.

GOAL/OBJECTIVE
To ensure that all NARA staff with regular or recurring FOIA duties receive the appropriate training.

DISTINCT STEPS TO BE TAKEN
- The Chief FOIA Officer will meet with the FOIA Officer and principal FOIA contacts from NARA staff components to discuss the feasibility of an agency wide training program. That meeting will define the various needs of NARA staffs in relation to the records for which they receive FOIA requests.
- Based on that meeting, NARA will move forward with either a comprehensive training program or a compartmentalized training initiative.
- NARA may consider distance learning, online training, and strengthening our internal procedures on FOIA related topics as training options.
- NARA will also address training needs such as equity recognition and related topics.

TIME MILESTONES
- By 09/01/2007, the NARA FOIA officer will study the feasibility of using on-line training or other methods to provide training to NARA staff with FOIA duties.
- By 12/31/2007, appropriate NARA staff will conduct meetings on this topic to determine the most efficient and effective method of getting our staff refresher training on FOIA and FOIA related topics.
- By 03/31/2008, NARA will develop a training plan.

MEANS OF MEASURING SUCCESS
- By 12/31/2008 all NARA staff with regular or recurring FOIA duties will have received or have access to FOIA training.
- Progress on this initiative will be reported in the upcoming FOIA reports.

BACKLOG REDUCTION

SUMMARY OF REVIEW

Archival Records – NARA faces tremendous obstacles in reducing the backlog of pending FOIA requests for archival records. At the end of FY 2005, NARA had a backlog of 6,382 FOIA requests for access to archival records among our holdings. When Clinton Presidential Records became subject to the Presidential Records Act and FOIA requests in January of 2006, the number of records in the backlog has grown exponentially. The number of FOIA requests NARA receives for archival records increases each year, while our staffing levels are decreasing. There is no expectation that NARA will receive additional resources designated for FOIA processing of our archival records. Moreover, NARA is shifting resources away from FOIA processing to systematic processing to meet the 25 year deadline for the declassification of historical records pursuant to Executive Order 12958, as amended. While we do not expect to see any real improvement in the backlog of pending FOIA requests for archival records, we will continue to look toward revising our processes to ensure maximum efficiency in light of current priorities.

Operational Records – NARA performs quite well, in meeting the statutory time limits when responding to FOIA requests for operational records. However, over the past years we have accumulated a backlog of 45 requests for access to operational records. NARA will reduce the pending backlog of FOIA requests by 40 requests.

GOALS/OBJECTIVE
To reduce the backlog of pending FOIA requests for both archival and operational records.

DISTINCT STEPS TO BE TAKEN

Archival Records
- NARA will review the feasibility of adding designated staff to deal with more routine request so that more experienced staff can use their work hours to process more complex requests
  - The Clinton Library is adding an archives technician to staff their research room to handle on site reference services. This addition will free up an archivist to process pending FOIA requests.
  - NW is considering the option of staffing out routine correspondence to the Customer Services Division. This process will free up the time of archivists or archives specialists who are usually tasked with responding to general inquiries.
- NARA will work with the staff responsible for conducting systematic reviews to see if the two can work together to meet the goals of both programs. It is likely that, over time, the systematic review of classified records will have a positive impact on the existing backlog of FOIA requests.

Operational Records
- NARA will decrease the pending backlog of pending FOIA requests for operational records from 45 to 5, a reduction of 89%.

TIME MILESTONES

- By 12/31/2007 NARA will review the feasibility of adding designated staff to deal with more routine request so that more experienced staff can use their work hours to process more complex requests.
- By 12/31/2007 NARA will reduce its backlog of pending FOIA requests for operational records by 89%.

MEASURE OF SUCCESS

- NARA will continue to monitor the backlog of FOIA request using the data available each quarter in the Performance Management and Reporting System to determine if any of the referenced initiatives result in an overall reduction in the existing backlog of FOIA requests for archival records.
- NARA will compare the backlogs in past years to the current backlogs and report on any improvements in the annual FOIA report due on February 1, 2008.
- NARA will evaluate the data available in the Performance Management Reporting system to monitor the completion rate of FOIA requests for operational records.

AUTOMATED PROCESSING

SUMMARY OF REVIEW

NARA has invested in technologies that assist in the FOIA process, making it both faster and more efficient. Among those are the Archives Declassification, Review and Redaction System (ADRRES) which automates the process of reviewing and redacting sensitive and classified materials in response to FOIA and other legal mandates; the Unclassified Redactions and Tracking System (URTS) is the unclassified version of ADRRES; the Case Management and Reporting System (CMRS) which provides improved workload management and processes related to fulfilling requests for military records; and the Presidential Electronic Records Library (PERL) facilitates user access and management of electronic records from the Clinton, Bush, and Reagan administrations.

Reviews of the use of these systems have shown marked improvement in efficiency among the staffs that use these systems to directly process or facilitate the processing of FOIA requests. For example, in addition to facilitating the processing of FOIA request in advance of non-FOIA reference requests, CMRS makes it possible to obtain various kinds of analytical data about FOIA requests. The staff at NARA's National Personnel Records Center, who use CMRS, report that prior to the full implementation of CMRS in FY2003, 60% of FOIA requests for military records were completed in 20 workdays. To date in FY2006, NPRC is completing 93% of perfected FOIA requests in 20 workdays. We have seen

similar improvements among all NARA components the use electronic systems to facilitate processing FOIA requests. NARA believes that this trend will continue.

GOALS/OBJECTIVES

To add additional functionality to the PERL system to assist in processing email records at the Clinton Library.

DISTINCT STEPS TO BE TAKEN

- NL is studying the feasibility of upgrades to the PERL system that will allow staff to tag those Clinton Presidential email records that have already been processed in response to a previous FOIA request or systematic processing project and maintain information concerning the release determination regarding these previously reviewed emails. We believe that these upgrades will increase productivity and save valuable staff resources over time by eliminating duplicative processing of the same electronic records.

TIME MILESTONES

- By 12/31/2007, NL will work with the Office of Information Services to develop the criteria for adding the new functionality to the PERL system.
- By 03/31/2008, the Office of Information Services will develop a prototype for the new tracking requirements.
- By 09/01/2008, fully functional changes to the PERL system will be operational at the Clinton Library.

MEANS OF MEASURING SUCCESS

- The Clinton library will have a fully operational system that allows for additional functionality which will assist in providing access to certain electronic records among the holdings.
- NARA will report on the completion of the upgrades to PERL and any impact that it is having on the processing of request for electronic records at the Clinton Library.

Improvement Area Studied – Determined no action necessary at this time.

EXPEDITED PROCESSING

SUMMARY OF REVIEW

In accordance with the provisions of the FOIA and our own implementing regulations, NARA offers to expedite the processing of FOIA requests that comply with the exiting guidance in this area. NARA did not receive any requests for expedited processing of its operational records in FY 2005. However, In FY 2005, NARA received two requests for the expedited processing

of Presidential records subject to the PRA and FOIA. NARA was unable to comply with either request, because, as stated in our implementing regulations, 36 CFR 1250.28, NARA can only expedite requests, or segments of requests, for records over which we have complete control. NARA cannot expedite requests for Presidential records because we do not control the notification period required under E.O. 13233. To date in Fiscal Year 2006, NARA has agreed to expedite processing for three requests for Presidential records subject to PRA and FOIA. However, NARA can only expedite those portions of the request over which we have control. Accordingly, NARA has agreed to search for responsive records and send them off to the equity holding agency for review in advance of other requests pending in our queue. We still cannot expedite the review of classified records by an originating agency or control the length of the review process required under EO 13233. NARA has determined that it makes appropriate decisions with regard to requests it receives for expedited review. NARA will not make any suggestions concerning improving this process at this time. We will periodically review this process for possible improvements.

CONCLUSION

NARA will continue to work toward increasing the ability of individuals to use our services and find out about our holdings via the Internet, by working to redesign our FOIA web site and Reference Guide. We will continue to provide access to and expand the availability of online databases that allow researchers to search descriptions of our records and directly access selected digitized collections and authentic electronic records. We have taken significant steps to improve the quality and the speed of our service to veterans on military service records, and have sought out technological advances that have streamlined the processes of searching for and providing access to our textual and electronic records. All of these initiatives will prove useful as NARA works toward a more efficient and customer focused FOIA program.