

INTRODUCTION

In accordance with paragraph 3.vi.(3) of the attachment to the Open Government Directive, The Defense Freedom of Information Policy Office tasked the FOIA Public Liaisons of the Components with significant backlogs to identify the required milestones for their Component. Affected Components include: the Office of the Secretary of Defense/Joint Staff, the Departments of the Army, Navy, and Air Force, the Defense Intelligence Agency, the Defense Information Systems Agency, the National Geospatial-Intelligence Agency, National Reconnaissance Office, the National Security Agency, U.S. Central Command, and U.S. Special Operations Command. Because the Chief, Defense Freedom of Information Policy Office is the FOIA Public Liaison for U.S. Central Command and U.S. Special Operations Command, one plan was compiled that includes milestones for both commands.

Department of the Army

Department of the Army
Input to the DOD Open Government Backlog Reduction Plan

I. Milestone Steps to be Taken to Reduce FOIA Backlog

1. Immediate Steps (February – April 2010).

- a. Prepared presentations for the Army leadership outlining the Army's current FOIA workload and backlog status.
- b. Briefed the Army leadership regarding current FOIA request backlog status.
 - 1. Administrative Assistant to the Secretary of the Army briefed on 24 Feb 10.
 - 2. Special Assistants to the Secretary of the Army briefed on 26 Feb 10.
- c. Identify Army FOIA Offices with backlog and 10 oldest requests.
 - 1. Queried the Army's FACTS to identify areas having backlog.
 - 2. On 10 Mar 10, sent the 10 oldest requests to the appropriate activities asking for explanations of the delays in responding.
- d. Prepared AASA memorandum regarding FOIA backlog and issued 15 Mar 09.
 - 1. Asked FOIA Offices to assist in developing a milestone plan.
 - 2. Advised the Army FOIA Office would be monitoring the status of backlog areas.
 - 3. Indicated monthly backlog status reports would be prepared.
- e. Enhanced the FACTS database to include backlog reduction specific items.
 - 1. Added a remarks section specifically to address reasons for delays in responding to requests.
 - 2. Added a standardized backlog status report with expanded capabilities.
 - 3. Added a field to account for Government closure days at all locations so they would not be counted in the total number of days pending.
- f. Prepare and issue policy guidance to Army FOIA Offices to address discrepancies noted in categorizing requests and in closing (logging-out) requests in a timely manner after completion.
 - 1. On 23 March 09, guidance issued to all FOIA Offices defining "Expedited", "Simple" and "Complex" requests and how they should be entered into FACTS.

Department of the Army
Input to the DOD Open Government Backlog Reduction Plan

2. On 23 March 09, guidance issued to all FOIA Offices asking them to review all open cases in FACTS and to close (log-out) those that have been completed.
2. Intermediate Steps (May – July 2010).
 - a. Fully identify all Army FOIA Offices with backlogs.
 - b. Contact each Army FOIA Office with backlog to determine causes.
 1. Increase awareness of FOIA responsibilities at all levels.
 2. Enlist the help of leadership at local levels.
 3. Perform needed training.
 4. Examine procedures and look for streamlining opportunities.
 5. Acquire appropriate material and place into the Reading Room.
 6. Assist in identifying manpower and other resource needs.
 - c. Monitor and report backlog status each month to the Army leadership.
 1. Obtain guidance for additional actions to be taken.
 2. Determine whether leadership intervention is necessary.
 3. Implement directed actions.
 3. Advanced Steps (August – October 2010).
 - a. Follow-up with backlog offices to determine progress.
 - b. Issue reminders to FOIA Offices regarding proper classification of requests and closing out all completed cases prior to annual reporting.
 - c. Compile Annual Report and gauge backlog status.
 - d. Begin preparations for the next Annual training conference.
 - e. Develop specific conference training sessions based on backlog areas of concern.

Department of the Navy

Department of the Navy
FOIA Backlog Reduction Plan

March 2010

The Department of the Navy (DON) received 14,476 requests in FY 09 and processed 14,528. The FOIA backlog decreased from 1402 in FY 08 to 1139 in FY 09. Several components reported that the backlog is due to the complexity of the requests and the requirement to coordinate and consult with several offices while processing documents within the requests. The Department of the Navy FOIA office conducted a Lean Six Sigma on the FOIA program during FY 09 to determine areas for improvement. It is anticipated that the identified areas for improvement will also lead to a reduction in the FOIA backlog.

Milestones to reduce the FOIA backlog include:

DON FOIA intranet website

April 2010

(Contains DON-wide FOIA information:

Allows for rapid dissemination of information to all FOIA processors regardless of locality;

Subject matter expert list; FOIA policy updates; points of contact information;

Use of a DON-wide FOIA tracking system

July 2010

(The tracking system will allow transfer/referral of FOIA request electronically rather than sending through 'snail mail.' Additionally, offices will be able to readily coordinate duplicate requests, process identical requests similarly, ultimately responding in a more timely manner; aggregated.)

Use of electronic redaction software
DON

On-going through

FOIA Training*

Computer-based FOIA training

On-going

September 2010

(This will provide basic training/information for FOIA staff)

Annual FOIA Training following the ASAP conference and OJAG/OGC conference
Partnering with other Federal Agencies in several locations to provide audience-participation training.

March/April annually

*NOTE: Lack of training and a budget for training is a key issue in the FOIA community. Many designated FOIA staff do not receive annual training. The FOIA CBTs will be designed to provide specific processing information, which should assist the FOIA community with timeliness.

Components with the DON also identify the lack of permanent FOIA staff as a contributing factor to the FOIA backlog. They have hired contract staff as a temporary means to provide assistance with the elimination of the backlog, however funding is limited. Offices have indicated the need for FOIA FTE. Additionally, contract staff are limited in their processing capacities. Review and release determinations must be made by DON personnel with adequate knowledge and training as well as the appropriate clearances.

Department of the Air Force

SUBJECT: FOIA Input to the DoD Open Government Plan

The Air Force provided the following milestones to reduce FOIA backlog by 10% each year.

- The Air Force established a goal of a 10% reduction in the Air Force backlog by the end of each fiscal year, the Air Force exceeded this goal, reducing backlog by 25% in the past two years (FY08 – FY09) and on track for further 10% reduction by the end of FY10. The Air Force backlog was at 725 the end of FY09.
- Utilizes the additional personnel to provide Air Force level oversight on Air Force FOIA performance in the Air Force FOIA Policy Office to include tracking backlogs, updating the Air Force FOIA website and reading room, providing eFOIA training, responding to FOIA requests, interfacing with Air Force, DoD and other Federal Agencies, etc.
- Posts high interest records to the electronic Reading Room that were not requested under FOIA as well as those records that were requested and released under FOIA regardless if they were only requested one time.
- Runs daily reports in Air Force eFOIA to ensure all incoming requests received a prompt response and discussed any issues or lesson learns during biweekly teleconference with the Air Force-wide FOIA and Privacy Managers
- Utilizes the Enterprise Referral Process (ERP) tool, called Inteldocs. This system allows the Air Force to post records electronically for consultation or referral records between different components including non DoD agencies. The result will be shorter response time to the requester.
- Provides monthly FOIA Program update to senior leaders regarding the overall Air Force performance.
- Continue to take more active role in FOIA activities by the Air Force Senior leaders, e.g, send out message to AF leadership and personnel, emphasizing the importance of FOIA and the direction given by the President in his Jan 21, 2009, FOIA Memorandum and the Attorney General in his Mar 21, 2009, Memorandum for heads of Executive Departments and Agencies concerning FOIA; conduct training to the Wing Commanders; brief FOIA update to the Secretary of the Air Force and Chief of the Staff of the Air Force; discuss FOIA performance with the Commanders throughout Air Force.

- Requires all FOIA managers to complete the annual FOIA Computer Based Training (CBT) to ensure everyone is up-to-date with the current FOIA regulation.
- Requires all Air Force personnel to take an annual Air Force Total Force Awareness CBT which includes FOIA, Privacy, and Records Management.
- Conduct the Annual Air Force Information Access Training Conference for the FOIA, Privacy, and Records Managers following the American Society of Access Professionals Annual Training Conference.
- Continue to review and improve the overall FOIA process, e.g., complex requests, initial denial authority, centralize more Requester Service Centers, “information access” training, professionalize the FOIA/Privacy/Records Management career field, etc.

Defense Intelligence Agency (DIA)

Defense Intelligence Agency (DIA)
Backlog Reduction Plan
March 2010

Background

The Defense Intelligence Agency (DIA) has experienced an increase in the backlog of pending Freedom of Information and Privacy Act (FOIA/PA) requests over the past few years directly attributable to an unanticipated increase in the number and complexity of FOIA/PA requests received, as well as a staff shortage in the FOIA office. This Agency has received more requests in the past years due in significant part to recent current events in the world. This leads to more complex requests and more substantial consultations with other government agencies. The increase in the number and complexity of our requests also results in an increase in the number and complexity of cases that we must respond to in litigation. All of these factors together make backlog reduction a challenge for DIA. This agency remains dedicated, however, to making refinements to the FOIA/PA program and to pursuing additional resources that will allow DIA to eliminate its backlog in the shortest time possible. The backlog as of 30 September 2009 was 2,561 requests.

The Defense Intelligence Agency is establishing the following milestones in an effort to reduce the Agency's backlog by 10% annually.

A. Areas Chosen for Improvement

1. Resources

- a. Increase personnel in FY12
- b. Reorganization of FOIA staff
- c. Dedicated IT support personnel
- d. In-house search support staff
- e. Overtime funded

2. Training

- a. Monthly training schedule for subject matter experts
- b. In-house monthly training schedule
- c. Update the Joint Intelligence Virtual University training course
- d. Improve Agency awareness

3. Improve Technology

- a. Deploy RedactXpress throughout the Agency
- b. Increase of IT equipment
- c. Use of IntelDocs for referrals
- d. Increase of information on the FOIA Website

4. Process Improvement

- a. Streamlining existing processes
- b. Reduce the age of the oldest cases in backlog
- c. Implement a Self-Inspection Program

B. The Plan

A1a. Increase personnel in FY12 – Currently, the FOIA office is projected to increase the number of billets assigned to the FOIA office by six in FY12. This will assist the FOIA office in reducing the current backlog by the 10% goal annually.

A1b. Reorganization of FOIA staff – Submitted a structural reorganization of the FOIA staff to improve management of personnel. The staff will be assigned to specialized teams to improve processing of different types of requests. This change will improve the standardization of case management and assist in backlog reduction.

A1c. Dedicated IT support personnel – Hired an IT specialist to work in the FOIA office, which will allow on-site support of all IT issues. This will decrease the amount of downtime for the FOIA processing system.

A1d. In-house search support staff – Acquired a billet to perform database searches for Agency documents. This has eliminated at least 50% of search taskers produced by the FOIA office and reduced the processing time for Information Release Specialist working the cases. Administrative personnel are utilized in other areas for support.

A1e. Overtime Funded – Utilizing the maximum amount of overtime authorized will assist in backlog reduction.

A2a. Monthly training schedule for subject matter experts – Develop plan to conduct monthly training for subject matter experts performing document reviews. Trained subject matter experts will produce higher quality reviews and greater application of “Openness in Government” for public releases.

A2b. In-house monthly training – Increase knowledge of the FOIA process and use of exemptions. With a well-trained staff, the FOIA office will increase its ability to close more cases in a timely manner.

A2c. Update the Joint Intelligence Virtual University training course - Submit a requisition for funding to update the online training course in FY11. The goal is to provide training to personnel that are unable to attend classroom training.

A2d. Improve Agency Awareness – Develop a marketing plan to educate and increase awareness of the FOIA Program. The intent is to raise visibility and increase the level of understanding from top to bottom.

A3a. Deploy RedactXpress throughout the Agency – The deployment of RedactXpress software will allow subject matter experts to redact denied information and apply exemptions to the documents electronically. This

implementation will eliminate a time-consuming step in the process and tremendously decrease processing time.

A3b. **Increase of IT equipment** – Ordered additional IT equipment, such as printers and CPUs to increase the efficiency of processing requests.

A3c. **Use of IntelDocs for referrals** – The FOIA office will utilize DOD's IntelDocs system to refer documents electronically. Electronic referrals and responses to agencies will decrease the amount of mail time and security violations.

A3d. **Increase of information on the FOIA Website** – Implement a schedule to increase the amount of documents placed on the website monthly. The goal is to provide more information to the public in the spirit of "Openness in Government."

A4a. **Streamlining existing processes** – Increased in-house support staff has reduced the number of search taskers by 50%. Reorganizing the FOIA staff into specialized teams will improve the quality of processing and assist the staff in managing requests; leading to backlog reduction.

A4b. **Reduce the age of the oldest requests in backlog** - Hired an Information Release Specialist dedicated to eliminate the ten oldest requests each year.

A4c. **Implement a Self-Inspection Program** – Create a program to evaluate each component of the FOIA processes. Quarterly reviews will be conducted using checklists and other agency's reports to benchmark "best practice" initiatives. The objective is to identify areas of concerns, streamline the overall process and improve response time.

Defense Information Systems Agency (DISA)

DoD Open Government Plan for the Defense Information Systems Agency

As reported in the FY09 Annual FOIA Report, the Defense Information Systems Agency had 250 backlogged FOIA requests. To date, we now have 121 backlogged FOIA's. The Defense Information Systems Agency has cleared the majority of these by closing FOIA's from Input, Inc., due to lack of payment of previously completed requests. This has given Agency FOIA personnel more time to work on other backlogged requests.

Milestones:

- Defense Information Systems Agency has procured FOIAxpress, Redactxpress and PAL software to automate the Agency's FOIA program. Expected date of software to be delivered is April 1, 2010. Software will be used by FOIA officer and Agency POC's responsible for ensuring FOIA actions are properly completed by their Organizations.
- Defense Information Systems Agency is currently in the early procurement process to procure two contractor FOIA Analysts to assist with Agency backlog.
- Defense Information Systems Agency has given the FOIA Officer and one administrative assistance unlimited overtime to work on backlog.
- Defense Information Systems Agency has sent out an interagency request for a 120 day detail for two Agency employees to the FOIA Office to assist with the backlog.
- Defense Information Systems Agency is looking at ways to change the FOIA process and how individual Organizations respond to FOIA request. Agency is looking at having each Organization provide one person and an alternate to be the POC for FOIA actions within their Organization. Agency is looking at the availability of training for all FOIA POC's and alternates within the next 3 months.
- The Director will be sending out an Agency wide memorandum informing Agency Organizations of the importance of the FOIA and what must be done to ensure that the Agency complies with all laws and what the responsibility is for each Organization to complete a FOIA action, within the next 3 months.
- Defense Information Systems Agency will be updating their FOIA instruction to assist Agency personnel with a better understanding of the FOIA process and what is expected by each Organization to complete a FOIA action. Agency plans to complete the updating of instruction by end of the year.

With the above milestones, the Defense Information Systems Agency plans to reduce its backlog by 10% if not more by the end of FY10.

National Geospatial- Intelligence Agency (NGA)

The National Geospatial-Intelligence Agency (NGA) currently has a backlog of pending FOIA requests. The number of pending requests as of the end of FY 2009 was slightly higher than at the end of FY 2008. NGA experienced an unexpected personnel loss that exacerbated the problem. At the end of FY 2008 NGA had a backlog of 221 pending cases and seven pending appeals, the oldest in both categories dated to June 2006. At the end of FY 2009 NGA had a backlog of 291 cases and eleven pending appeals. The oldest backlog case dated to January 2006 (which was not accounted for in the FY 2008 report) and the oldest appeal dated to June 2006. However, between the end of FY 2009 and present, there has been a reduction of approximately 20% in the pending backlog. NGA has implemented several changes to ensure that it achieves the milestone goal of at least a 10% reduction in the FOIA backlog each year.

One step NGA has taken to ensure its backlog is reduced was to increase the number of personnel dedicated to the FOIA program. During FY 2009 NGA added a full-time administrative person to the FOIA staff to assist with processing incoming requests. Also during FY 2009 an attorney was designated to have oversight of all FOIA requests. Recently in FY 2010 a new full-time FOIA Program Manager has taken over the program. Additional personnel resources within our classification management office have also been devoted to the FOIA program in order to accomplish more expeditious review of certain categories FOIA requests.

Another measure taken by NGA to ensure it is able to effectively reduce its backlog has been the addition of more effective IT support. NGA is in the process of obtaining software that will greatly assist in the processing, redacting, tracking and reporting of FOIA requests. Once these additional technological resources are in place the time required for processing and redacting FOIA requests will be greatly reduced. The new technological capabilities will also allow for greater ease in tracking cases and providing status updates to requester inquiries.

NGA is in the process of conducting an internal audit of all pending FOIA cases. This audit is being conducted to ensure that every case is accounted for, properly tracked and processed on a first-in-first-out basis. This internal audit has been successful in identifying duplicate requests and cases that were in fact complete but not closed in the database.

An additional measure NGA is taking is to create training packages to brief individuals throughout NGA that are involved in processing FOIA requests. Establishing points of contact responsible for FOIA throughout the agency and ensuring they have training on FOIA rules, processing requirements and current developments will help to streamline the processing of FOIA requests within the agency.

NGA has already made significant progress in reducing its backlog of pending FOIA cases. The addition of personnel dedicated to the FOIA office and the acquisition of additional IT resources will greatly improve NGA's ability to continue achieving its milestones of reducing the backlog by at least 10% each year. Internal training and process streamlining will also add to the overall effectiveness and efficiency of the program. This will enable NGA to not only decrease the average processing time for FOIA requests but will also allow NGA to continue decreasing the backlog of pending requests.

National Reconnaissance Office (NRO)

FOIA REPORT FOR THE OPEN GOVERNMENT DIRECTIVE

NATIONAL RECONNAISSANCE OFFICE

MARCH 2010

Background (Staffing and Organization): The National Reconnaissance Office (NRO) handles 120 to 150 Freedom of Information Act/Privacy Act (FOIA/PA) requests per year. The Information Access and Release Team (IART) is a part of the Information Management Services Center, located in the Administrative Support Group of the Management Services & Operations Directorate. While the IART also handles the administrative processing of Prepublication Reviews and Mandatory Declassification Reviews, 3.4 FTEs are dedicated to FOIA/PA.

Backlog: FY 2009 = 66 (Annual Report)

1 March 2010 = 72

**** NOTE: The FOIA caseload doubled this past year due to **one requester**** who has submitted 88 requests since July 2009. While the percentage of backlog has actually decreased, the number of pending cases has increased.

Milestones to reduce pending backlog by 10% each year:

Achieved

January 2010 – .50 FTE added

March 2010 – 10 hrs/wk of administrative support “borrowed” from another contract within IART

March 2010 – contractor support for scanning and duplication “borrowed” from another contract within IART

Planned

April 2010 – explore with OGIS options for dealing with the **one requester that has substantially impacted the caseload. Looking for alternatives to deal effectively with this “difficult” requester.

14 April 2010 – Educational briefing to Management Services & Operations Security Staff to garner support for FOIA reviews

21 April 2010 – Meeting with POCs in Directorates/Offices within the NRO to educate/emphasize openness and transparency expectations/requirements

May 2010 – .50 FTE to be added

October 2010 – conversion to more robust electronic tracking/redaction program

- Since other IC organizations are using the proposed system we anticipate that inter-agency consultations will move more quickly
- Determine feasibility of Intelldocs for consultations

(Continued)

FOIA REPORT FOR THE OPEN GOVERNMENT DIRECTIVE

NRO-March 2010

Long-Range Plan

March/April 2011 – Annual training for all IART staff (ASAP)

FY 2013 – Implement proactive posting of **ALL** FOIA releases both internally (for review/open source consistency) and externally for transparency and openness. White paper process to begin June 2010.

FY 2013 – Implement online status database for requesters – Six sigma process to begin June 2010.

National Security Agency (NSA)

NSA FREEDOM OF INFORMATION ACT BACKLOG REDUCTION PLAN

The National Security Agency's (NSA) backlog of pending FOIA cases at the end of Fiscal Year (FY) 2009 was 301 cases.¹

Background:

NSA had been reducing its number of pending FOIA cases consistently over the past several years. Previous annual reporting did not differentiate between open cases and pending cases for which the response time had lapsed. In addition, past annual reporting included consultations. Therefore, a true comparison with FY2009 is not possible. However, for trend purposes, NSA's number of pending cases at the end of FY2006 was 664, end of FY2007 was 472, and end of FY08 was 333.

Since 2007, our effort has been aimed at reducing the number of cases waiting in our processing queues to be assigned for first level review (searches had already been completed). At the end of FY2007, we had approximately 130 cases waiting to be assigned for document review. By the end of FY2008, that had been reduced to just over 50 cases. By the end of FY2009, that number was further reduced to fewer than 20 cases waiting for assignment. Assigning a case to a first level reviewer does not mean that the case is completely finalized and closed; however, it does mean that the Agency can be more responsive to the requesters by making interim releases as documents become available.

Having additional document reviewers available to pull cases from the queue to do first level review had increased the number of cases waiting for Senior Review and approval. Currently, many of our cases are backlogged because they are waiting for Senior Review and approval. During the summer and fall of 2009, we experienced the loss of several seasoned Senior Document Reviewers. Some of those positions remained vacant for several months which we searched for qualified replacements, and the number of cases waiting for Senior Level Review increased, impacting the total number of backlogged FOIA cases, which rose to 379 as of 31 March 2010. We have a way forward.

Backlog Reduction Plan Milestones:

Additional Staffing:

In 2010, we augmented the FOIA Office with four individuals with extensive experience in current Agency operations and/or declassification to fill our vacant positions.

¹ For purposes of this report, backlogged cases equate to pending (open) cases for which the statutory response time has lapsed.

Training:

Because the types of documents responsive to FOIA requests at NSA are typically very technical and/or highly classified, the learning curve to become a qualified Senior Review is lengthy. Our new reviewers have undergone an internal training program, as well as attended FOIA training offered by the Department of Justice. They are currently being mentored to become productive members of the team. As soon as those individuals are qualified to conduct Senior Level Review, we will move them to that position. This move will contribute to reducing the backlog of cases waiting for Senior Review and approval. Our actions will positively impact and reduce the total number of backlogged cases.

Consultations:

Many of our backlogged cases are waiting for consultations to be returned from other agencies (as of the end of FY09, approximately 90 of our pending cases were out for consultation). We have instituted a practice of contacting the agencies to whom we've forwarded documents at least quarterly for a status check of outstanding cases since we cannot complete those cases without responses from the other agencies. In addition, when possible, we are negotiating with requesters to be able to omit the other-agency information so that we can respond and complete their requests.

On-Line Collaboration:

We have recently begun exchanging documents electronically with several agencies rather than relying on U.S. postal service or courier. This has improved timeliness of receipt at NSA, as well as timeliness of delivery to the correct organizations at other agencies. In addition, we are experimenting with on-line collaboration sites with some agencies as a means of conducting consultation reviews.

Summary:

NSA is committed to transparency and openness in government. We have taken the above steps to be more fully responsive to our requesters. We are actively seeking to reduce our FOIA backlog by at least 10% per year. If you have any questions, I can be reached at 301-688-6527.

PAMELA N. PHILLIPS
FOIA Liaison Officer
Chief, FOIA/PA Office

Submitted to Department of Defense
FOIA Policy Office on 2 April 2010

Office of the Secretary
of Defense/Joint Staff
(OSD/JS)

Office of Freedom of
Information (OFOI)

SUBJECT: Office of Freedom of Information (OFOI) Backlog Reduction Milestones

The OSD/Joint Staff Office of Freedom of Information (OFOI) provides the following milestones to reduce the FOIA Backlog by 10% each year

- OFOI established a goal of 10% backlog reduction by the end of FY's 08 and 09. (See Appendix). OFOI exceeded this goal, reducing backlog overall by 34% over the two-year period. OFOI remains on track for a further 10% reduction by the end of FY10. The OFOI backlog was 1708 at the end of FY09.
- Results For 2008-2010:
 - For FY2008: Backlog at the beginning of FY08 was 2584. The end of FY backlog was 2293, a 291 case reduction, or 11.3% of the starting
 - For FY2009: Backlog at the beginning of FY09 was 2293 cases. The end of FY backlog was 1708 cases, a reduction of 585 cases, or 25.5%.
- Milestones for FY 2010:
 - Reduce backlog by 5% by 1 April 2010 (from 1708 to 1622 cases)(Backlog currently is at 1599 cases--backlog reduced by 6.4%)
 - Reduce backlog by 10% by 30 September 2010 (from 1708 to 1537 cases)
- ACTIONS TO REACH 2010 MILESTONES:
 - Continue efforts of previous 2 Fiscal years in following 4 areas:
 - Operational structure/manning: In April, 2010, OFOI will convert 6 contract action officer positions to Full-time Federal Employee positions, and reduce its contract action officers from 17 to 7 action officers. OFOI will continue to be organized to follow current case life cycle by team structure:
 - Team A: Simple cases
 - Team B: Complex cases less than 180 days old
 - Team C: Complex cases between 180 and 360 days old
 - Team D: Complex cases over 360 days old

- Each of the three latter teams will contain 3-4 action officers, including team chiefs, to process cases in their developed areas of expertise (contracts, war on terror, foreign relations, etc).

- Training: OFOI will use routine monthly training for continual development of new Federal Employees covering both FOIA expertise as well as comprehensive professional development.
 - Technology: OFOI will develop FOIAXPRESS capabilities to interact with the requestors by activating its PAL (Public Action Link) facet. This will allow direct checking by, and responding to, requestors and automatic posting of released records to the Freedom of Information Division (FOID) Reading Room. This in turn is expected to reduce the numbers of requests and consequentially the OSD/Joint Staff backlog.
 - Resources/backlogs: Converting contract AO positions to Federal positions will allow OFOI to appropriately delegate some release authority to Federal employees, thus shortening the review and response cycle time for some FOIA cases.
- Post all records to electronic Reading Room
 - Use the Enterprise Referral Process (ERP) Tool known as INTELDOCS. This system allows users to post records electronically for consultation or referral between different components, including non-DoD agencies. This will shorten referral/consultation time and therefore time responding to the requestor.
 - Continue Quarterly reports to key components with taskings/consultations totaling over 10 cases.
 - Continue Director, Administration and Management memos to components/commands with cases in the “oldest 10 case listing” for action.

Appendix: Backlog Reduction Plan, 2008-2010

FY	# OF Pending Requests at Beginning of FY	Estimated # of Requests incoming during FY	Agency's Goal for #of requests to be processed during FY	Agency's goal for # of requests pending beyond statutory time period (i.e., backlog) at end of FY
2008*	2584	3000	3129	2455
2009	2455	2800	3045	2210
2010	2210	2900	3121	1989

*Assumes added resources, available for 6 of 12 months, can be applied to reduce EO FY 07 backlog (2600) by 5%.

Actual Results, 2008-2010:

- **Results For 2008-2010:**
 - For FY2008: Backlog at the beginning of FY08 was 2584. The end of FY backlog was 2293, a 291 case reduction, or 11.3% of the starting
 - For FY2009: Backlog at the beginning of FY09 was 2293 cases. The end of FY backlog was 1708 cases, a reduction of 585 cases, or 25.5%.

Combatant Commands

Combatant Commands

This is the backlog reduction plan submitted by the FOIA Public Liaison for the Combatant Commands. Because only two Combatant Commands have FOIA backlogs over 50 requests, this plan covers only those two, which are U.S. Central Command (USCENTCOM) and U.S. Special Operations Command (USSOCOM).

Background:

Because USCENTCOM and USSOCOM are the two Combatant Commands that are most heavily engaged in ongoing military operations, it follows that these two Combatant Commands receive a large number of FOIA requests. Since 2001, not only have both commands experienced increases in the number of FOIA requests, the complexity, sensitivity, and volume have of the requested documents have increased, too. USCENTCOM is affected the most. It currently has FOIA personnel stationed in both Iraq and Afghanistan, processing documents that are both responsive to FOIA requests and subject to a large amount of FOIA litigation. This makes USCENTCOM unique among all government agencies.

Both commands are dedicated to reducing their FOIA backlogs, and both have seen reductions in their backlogs from fiscal year (FY) 2008 to fiscal year 2009. During FY 2009, the USCENTCOM FOIA backlog decreased from 198 to 182, a reduction of 8%. At the same time, USSOCOM reduced its FOIA backlog from 240 to 179, or 25%.

Backlog Reduction Plan:

Because both commands have been heavily engaged in reducing their FOIA backlogs for several years, some of the milestones for further FOIA backlog reduction are related to the previous efforts. For example, since 2005 both commands have hired additional staff personnel, including contractors and Federal employees to handle the increases in FOIA workload. Following are the milestones that the FOIA Public Liaison has established. These are the milestones that, if met, are expected to lead to a continued 10% reduction in FOIA backlogs.

Additional Staffing:

The USCENTCOM FOIA Requester Service Center has 15 personnel, to include Federal employees and contractors, assigned to it. Of these, three are assigned in Iraq and Afghanistan. These numbers are adequate to facilitate a continued reduction in the FOIA backlog. Three contractor positions will convert to civilian positions, a move that will provide greater stability to the FOIA Requester Service Center. Additionally, since government FOIA analysts can make discretionary decisions on government information that contractor analysts cannot, it is expected that this conversion will result in more analysts being empowered with decision making capabilities, and therefore provide greater assistance toward backlog reduction.

The USSOCOM Requester Service Center, like USCENTCOM, has an adequate number of personnel to continue its FOIA backlog reduction for the coming years. Currently, one military position within the Requester Service Center is vacant, and USSOCOM is working with

the military services on filling this position. This is expected to happen by July 1, 2010. Similar to USCENTCOM, USSOCOM plans to convert four contractor positions to Federal employees.

Training:

Just like other Department of Defense Components, USCENTCOM and USSOCOM have found that frequent FOIA training, done at least annually, is very effective in reducing FOIA backlogs. This training emphasizes administrative issues of the FOIA, its exemptions, litigation concerns, and the President’s and Attorney General’s Open Government initiatives. In addition to attending specialized training at either the Department of Justice or with the American Society of Access Professionals, USCENTCOM and USSOCOM are planning a joint FOIA training conference for their personnel during the summer of 2010.

Streamlining document transfer process:

The Defense Freedom of Information Policy Office recently developed an initiative whereby FOIA offices can exchange documents electronically with several agencies rather than relying on U.S. postal service or courier. This capability is known as the Electronic Referral Process, is available at all levels of security classification. It allows Department of Defense (DoD) FOIA offices to transfer large amounts of documents almost instantaneously, and therefore is much faster, in addition to being more secure, than the U.S. postal or courier service or standard electronic mail. As more DoD Components take advantage of this capability, the DoD FOIA process should improve immensely.

Specific Milestones:

The specific milestones taken from the above plan, are:

USCENTCOM:

MILESTONE	ESTIMATED COMPLETION DATE
Convert 3 contractor positions	October 1, 2010
All Federal FOIA personnel receive training.	Ongoing, at least annually
FOIA conference for command personnel	Scheduled for June 28 – July 1, 2010
Use the Electronic Referral Process for all transfers of FOIA documents	July 1, 2010

USSOCOM:

MILESTONE	ESTIMATED COMPLETION DATE
Fill vacant military position	July 1, 2010
Convert 4 contractor positions	October 1, 2010
All Federal FOIA personnel receive training.	Ongoing, at least annually
FOIA conference for command personnel	Scheduled for June 28 – July 1, 2010
Use the Electronic Referral Process for all transfers of FOIA documents	July 1, 2010

James P. Hogan
Chief, Defense Freedom of Information Policy Office
FOIA Public Liaison Officer for the Office of the Secretary of Defense and the Combatant
Commands