Department of Defense
Freedom of Information Act (FOIA)
Updated Backlog Reduction Plan
Submitted by the Defense Freedom of Information Policy Office
August 26, 2008

Part A – Introduction

On June 26, 2008, the Office of Information and Privacy, Department of Justice, directed agencies to develop a FOIA backlog reduction plan if they had not reduced their FOIA backlogs between Fiscal years (FY) 2005 and 2007. The Department of Defense (DoD) had a higher FOIA backlog at the end of FY 2007 than the backlog measured at the end of FY 2005. The original DoD FOIA Improvement Plan to implement the provisions of Executive Order 13,392, however, envisioned that backlog reduction in the DoD could not be accomplished until funded in FY 2008. That plan remains on schedule and, accordingly, the Defense Freedom of Information Policy Office (DFOIPO) has elected to submit the following update to the DoD plan in lieu of establishing a new FOIA backlog reduction plan.

Part B – DoD FOIA Improvement Plan Overview

In response to Executive Order 13,392, the Director of Administration and Management (DA&M), as DoD Chief FOIA Officer, published the DoD FOIA Improvement Plan on June 26, 2006. This plan and Modification #1 responded to the President's mandate to eliminate or reduce FOIA backlogs. As documented in the plan, the most effective course of action to take to reduce FOIA backlogs would be to focus backlog reduction efforts in those FOIA offices that have the largest FOIA backlogs.

B.1. **DoD FOIA Improvement Plan Backlog Objectives**. The original plan had two objectives focusing on backlog reduction.

- The first objective involved DFOIPO identifying those FOIA offices within the DoD having routine backlogs greater than 50 requests. Additionally, DFOIPO would conduct an analysis to determine the increase in resources (personnel and information

technology) needed for each of these FOIA offices to reduce their FOIA backlogs 10% per year for three years beginning in FY 2008.

- To accomplish the second objective, DFOIPO was required to submit budget requests to fund increased resources in the FOIA offices identified during the accomplishment of the previous objective.

B.2.   Modification #1 to the DoD FOIA Improvement Plan Backlog Objectives. This modification contained an objective that envisioned capitalizing on the lessons learned during the accomplishment of the previous two objectives, allowing DFOIPO to focus on determining the additional manpower and information technology support needed to reduce the DoD FOIA backlog, sustain funding for both, and institute management practices to assist this reduction. The milestones of this objective were defined as follows:

- DFOIPO to further validate and refine the funding necessary to reduce the FOIA backlog in those FOIA offices previously identified as having backlogs greater than 50 requests.

- A FY 2008 funding request to be submitted by DFOIPO for additional personnel for the Office of the Secretary of Defense/Joint Staff (OSD/JS) FOIA Office and the other DoD FOIA offices previously identified.

- Because it has most of the oldest DoD FOIA cases, the OSD/JS FOIA Office was tasked to establish and maintain a structure and process to continuously identify, address, and close its ten oldest FOIA requests.

Part C –- Execution of the Plan

C.1.   Identification of the DoD FOIA Offices with routine backlogs over 50 cases. In accomplishing the first objective of the DoD FOIA Improvement Plan, DFOIPO tasked the DoD Components to identify those FOIA offices with routine backlogs of over 50 cases. This resulted in a list of approximately 30 FOIA offices. While most of these FOIA offices were within the Military Departments, they also included the OSD/JS FOIA office and several other Components to include the Defense Security Service and the Defense Intelligence Agency. Additionally, the Components provided DFOIPO with funding estimates needed to increase personnel and information technology in these offices to meet the 10% backlog reduction goal beginning in FY 2008.

C.2.   Funding request to reduce the DoD FOIA backlog. DFOIPO analyzed the data received from the Components to determine the amount of funding required in FY 2008 and beyond to meet the backlog reduction efforts. Based on this analysis, the DA&M submitted a five-year funding request to the Under Secretary of Defense (Comptroller) with $14.4 million requested to begin the initiative in FY08.

The Comptroller supported this funding in the FY 2008 Program Budget Decision 704 (PBD-704) on December 12, 2006. In PBD-704, the DoD Components with the major backlogs were directed to provide offset funding to adequately resource their FOIA programs.

Because of the complexity and timing of the budgeting process, the directed offset funding did not become available for the Component FOIA Programs until well into FY 2008. As an example, the soonest a contract to reduce the FOIA backlogs within the OSD/JS FOIA Office could be started was April 2008, halfway through the fiscal year.

C.3.   OSD/JS FOIA Office effort to close the ten oldest FOIA cases. The OSD/JS FOIA Office had an objective to establish and maintain a structure and process to continuously identify, address, and close its ten oldest FOIA requests. This effort began in FY 2007 and was strengthened in FY 2008 when the OSD/JS FOIA Office received its increase in funding through PBD-704. Thanks largely to the contract that began in April 2008, eight of the ten oldest cases in the OSD/JS FOIA Office have been closed so far in FY 2008. This effort to close the ten oldest cases remains ongoing within the OSD/JS FOIA Office.

Part D – Analysis of the Progress of the DoD FOIA Improvement Plan Backlog Reduction Effort

The backlog reduction effort as envisioned in the DoD FOIA Improvement Plan is being executed and is on track to reduce the FOIA backlog in FY 2008 as planned. New personnel, as documented above for the OSD/JS FOIA Office, have been added to specifically reduce FOIA backlogs. Additionally, based on additional funding, DFOIPO is scheduled to expand with new personnel in September 2008. The additional resources will assist in continuing efforts to reduce backlogs and improve customer service across the Department and to ensure that all DoD Components comply with PBD-704 to adequately fund their FOIA programs.   DFOIPO monitor the backlogs of the DoD Components to determine whether the increased funding is effective and whether additional steps may be needed for backlog reduction.