2020 Chief FOIA Officer Report

National Archives and Records Administration

Gary M. Stern, General Counsel and Chief FOIA Officer

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Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at this level?

Answer: Yes

2. Please provide the name and title of your agency's Chief FOIA Officer.

Answer: Gary M. Stern, General Counsel

B. FOIA Training

3. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Answer: Yes

4. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

Answer: *FOIA Professionals Continuing Education: Advanced training on specific components of the FOIA, new court decisions, and successful implementation of other agency best practices (at NARA).

***FOIA at the Presidential Libraries (at NARA).**

***Annual National Training Conference – American Society of Access Professionals (ASAP): The program combines "nuts & bolts" training topics with the thought-provoking and practical issues associated with FOIA and Privacy Act processing and requesting as well as records management. A special feature of the program is breakout sessions for individual agencies that give participants a unique opportunity for questions and answers as they pertain to their own agency policies.**

*FOIA, Appeals & Litigation (at NARA).

*FOIA Litigation Seminar: Guidance on successful litigation strategy, advanced litigation considerations, and details on the preparation of *Vaughn* Indices and declarations.

5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Answer: 95%

6. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

Answer: N/A. NARA exceeded 80%.

C. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

Answer: Yes. The Archivist of the United States ("Archivist") has continued the Freedom of Information Act ("FOIA") Advisory Committee ("Committee") in 2019 to obtain advice on improvements to the FOIA and study the current FOIA landscape across the Executive Branch. The Committee is subject to the Federal Advisory Committee Act, and allows the public an opportunity to ask questions and provide comments. (See https://www.archives.gov/ogis/fois-advisory-committee/2018-2020-term.)

The Archivist, the General Counsel/Chief FOIA Officer, and other NARA senior officials have regular meetings and conversations with representatives of the requester community to discuss issues related to access to records at the National Archives, including access through the FOIA.

NARA conducted orientation classes for students from the Bush School of Government and Public Service at Texas A&M University and a Texas A&M University history group. The orientation classes introduced students to the value of utilizing the FOIA to access the holdings of the Bush Library.

Archivists from the George W. Bush Library spoke to seven groups this year about how to conduct research at the Library and the FOIA process for access to George W. Bush Presidential records.

D. Other Initiatives

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

Answer: NARA's Chief FOIA Officer has included an agency-wide basic FOIA training module that is part of a broader basic training requirement for all NARA employees within NARA's Learning Management System (LMS). This training is mandatory, and must be completed annually.

9. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

Answer: Through its core statutory mission, NARA proactively makes the vast majority of its archival records available to the public without the need to file a FOIA request. Furthermore, due to the age of most of the records in the National Archives, NARA routinely makes discretionary releases in the processing of access requests to our archival holdings. NARA's holdings are described in the National Archives Catalog (see http://www.archives.gov/research/catalog/).

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

DOJ's FOIA Guidelines emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

1. For Fiscal Year 2019, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2019 Annual FOIA Report.

Answer: 4.93 days

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Answer: N/A.

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

- Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

  Answer: NARA did not conduct a self-assessment of its FOIA program in FY 2019; however the Chief FOIA Officer required all of the NARA FOIA program offices to complete the OIP FOIA Self-Assessment Toolkit in FY 2018. The accumulated data was then utilized by the Chief FOIA Officer as he conducted FOIA Management Oversight Reviews of NARA's FOIA program offices. In FY 2020, the Chief FOIA Officer intends to require all FOIA program offices to fill out a FOIA management oversight form that will utilize aspects of the DOJ Self-Assessment Toolkit.

4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2019 (please provide a total number or an estimate of the number).

Answer: 129.

5. Optional -- Please describe:

- Best practices used to ensure that your FOIA system operates efficiently and effectively

Answer: The Chief FOIA Officer is committed to conducting annual FOIA management oversight reviews of the NARA FOIA program offices. This internal review will help reveal best practices and also any gaps in processing FOIAs across all of the agency.

- Any challenges your agency faces in this area

Answer: The ever increasing volume of records, both analog and digital, that come into the National Archives each year, coupled with a long-static workforce, means that NARA's FOIA programs have been limited in being able to keep up with, much less reduce, some of its FOIA backlogs. NARA hopes to be able to utilize enhanced technology for processing of FOIAs in the coming years as one way to realize the agency's goal.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

Answer: NARA proactively released the Chief FOIA Officer's Memo on Reducing [FOIA Backlogs and Improving FOIA Management Oversight at NARA](#).

NARA has also proactively released the General Counsel's [letter](#) to the Office of Legal Counsel, Department of Justice, regarding the current Equal Rights Amendment issue. Additional information can be found on NARA's Press [Statement](#).

The National Declassification Center (NDC) has released a listing of [33 entries](#) (1st Quarter), [105 entries](#) (2nd Quarter), [158 entries](#) (3rd Quarter), and [245 entries](#) (4th Quarter). The NDC reviewed, processed and declassified all of these materials between October 1, 2018 through September 30, 2019, and are now available for researcher request. These releases consist of records from both military and civilian agencies. Highlights include:

- **Department of State, Special Collections Missing in Action (MIA) and Prisoner of War (POW) Case Files**
- **Department of State, Paris Peace Accords Files**
- **Foreign Service Posts of the Department of State, 1953-1972**
- **Army Staff, Prisoners of War (POW), Missing in Action (MIA), Detainee Intelligence and Intelligence/Counterintelligence Source Files**

- **Office of the Secretary of Defense, "Pentagon Papers" Investigation Files**
- **Department of State, Policy Planning Council: Alphabetical Files (1948-1961)**
- **Department of State, Bureau of International Organization Affairs: Records Relating to the General Agreement on Tariffs and Trade (GATT) (1960-1964)**
- **Defense Intelligence Agency: Records Relating to Foreign Chemical, Radiological, and Biological Warfare [Edgewood Arsenal Technical Files]**

The George W. Bush Library proactively made the following records available online at https://www.georgewbushlibrary.smu.edu/en/Digital-Library---2/SMOF:

- **OFBCI - Don Willett (available 11/26/2019)**
- **Calligraphy Office – Printed Ephemera (available 08/16/2019)**
- **Presidential Correspondence - Mail Analysis – Photo/Printing Division (available 08/16/2019)**
- **Presidential Correspondence - Student Correspondence – Enclosures (available 08/16/2019)**
- **Executive Clerk - Saunders, G. Timothy - Bill Files (available 04/25/2019)**
- **Presidential Correspondence – Blue Line Proclamations (available 04/25/2019)**
- **Presidential Correspondence – Proclamations (available 04/25/2019)**

2. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Answer: NARA publishes electronic finding aids and summary descriptions on various series in our holdings. The finding aids and descriptions are made available on www.archives.gov with references to available documents. The goal of this effort is to provide more context to released materials and provide immediate access to records not available yet in the National Archives Catalog.

3. If yes, please provide examples of such improvements.

Answer: A small representation of the work at NARA includes - Public access to Merchant marine Licensing Files at https://www.archives.gov/news/articles/merchant-marine-records-document-maritime-service.

Eisenhower Library Exhibit on the 1919 transcontinental Convoy at https://www.archives.gov/news/articles/eisenhower-1919-motor-convey.

Citizen Archivists digitize Buffalo Soldiers' records at https://www.archives.gov/news/articles/buffalo-soldier-scan-a-thon.

4. Optional -- Please describe:

- Best practices used to improve proactive disclosures

    Answer: Releasing records to the public is part of NARA's core mission, and we have made digitizing our paper records a key strategic goal. However, due to the massive volume of our archival records, NARA cannot digitize everything by itself. Therefore, in accordance with NARA's Digitization Strategy, NARA is digitizing our holdings using a five-prong approach: Partnerships, Crowd Sourced Digitization, Agency Transfers, Culture of Digitization, and NARA Digitization Projects. (See http://www.archives.gov/digitization/pdf/digitization-strategy-20152024.pdf.)

- Any challenges your agency faces in this area

Answer: No.

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that describes your agency's efforts in this area.

1. Is your agency leveraging or exploring any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.

Answer: NARA manages five primary electronic records management systems used in daily operations to conduct searches for records in response to FOIA requests for civilian, military, and presidential records. The Electronic Records Archives (ERA) system serves as NARA's national records management program and is used to retrieve electronic federal civilian records (including some emails) and presidential electronic records, including emails. In response to a multiple high-profile FOIA requests regarding the confirmation of Supreme Court Justice Brett M. Kavanaugh, a team of 50 archivists in five different states used this technology to collaborate and review tens of thousands of potentially responsive emails. This system offers multiple functions in managing inventory searches for responsive records. ERA/Executive Office of the President (EOP), is an ERA instance that was specifically developed to search and review electronic records including emails contained in federal and presidential record holdings.

The Case Management and Reporting System (CMRS) was developed for NARA's National Personnel Records Center (NPRC) in St. Louis, Mo. This system allows NPRC personnel to process tens of thousands of FOIA requests for approximately 100 million military service records.

The majority of our FOIA requests for NARA's operational records are for internal email records. NARA uses Google Gmail for day-to-day email activities, and ZL Technologies' Unified Archive (ZLUA) to manage and conduct searches to fulfill FOIA requests. Both Gmail and ZLUA are separate cloud-based services NARA uses in tandem to provide NARA with browser-based email. The ZLUA tool allows NARA staff to search thousands of emails by name, category, and date. In addition to ZLUA, NARA uses other commercial software products to identify responsive email records with greater efficiency.

NARA has implemented a new FOIA tracking tool for Accessioned Records called "Inquiry." This tracking system was created for all units in the Office of Research Services to log and track incoming FOIA requests for accessioned archival records.

Another electronic records management systems, the Holdings Management System (HMS) is used internally by NARA staff to search our internal records inventory. This system allows staff to quickly determine a records classification, location and if the records are already available for public access.

The last primary records management system NARA relies on is the National Archives Catalog. This system is used by both NARA staff and the public to search multiple National

Archives resources for digitized and electronic records, authority records, and web pages from Archives.gov and the Presidential Libraries.

In addition to the above noted systems, NARA also uses several smaller systems critical in identifying and locating a wide range of records in our holdings. These systems also support searches in response to FOIA requests.

2. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Answer: NARA regularly reviewed our FOIA webpage in FY 2019 and made changes when necessary. NARA conducted a Web Content Inventory, which is still underway, of all web pages containing FOIA content. The audit, launched by our Office of Innovation, was designed to provide important content upgrades, identify any information errors, improve layout, and provide the most efficient and accurate information for the public. In our review, we updated FOIA point of contact phone numbers, and email addresses, and we made sure that voice mail recordings were up to date with the most accurate contact information for all NARA components responsible for receiving FOIA requests.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2019?

Answer: Yes. The reports can be located at https://www.archives.gov/foia/reports/quarterly.html

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2020.

Answer: NARA successfully posted all four quarterly reports on our agency website, however our file location is not currently compatible with the Department of Justice guidelines published at https://www.justice.gov/oip/blog/foia-guidance-8. NARA is working on correcting our file location. NARA plans to be in compliance before the end of the 1st quarter in FY 2020.

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.

Answer: The following link - https://www.archives.gov/foia/reports - will take you to NARA's webpage which contains the raw statistical data.

6. Optional -- Please describe:

- Best practices used in greater utilizing technology
- Any challenges your agency faces in this area

Answer: Our best practices addressed several key issues critical in improving overall efficiency in the administration of day-to-day duties. FOIA staff developed an updated spreadsheet to manage our backlog of complex FOIA requests and appeals.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2019 Annual FOIA Report and, when applicable, your agency's 2018 Annual FOIA Report.

A. Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Answer: Yes

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2019?

Answer: Yes. The average day to process simple requests was 574.03 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2019 that were placed in your simple track.

Answer: 97.7%

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

Answer: N/A. NARA tracks simple requests.

B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

Answer: NARA's backlog increased by 1,549 cases.

6. If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?

Answer: While NARA reported processing 53,101 cases in FY 2018 and 68,062 cases in FY 2019, both years in excess of FOIAs received, an audit of our FOIA tracking system revealed inaccurate data. This increase in backlogged FOIAs reflects that audit.

7. If your agency's request backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

Answer: The increase in NARA's backlog is attributed to the increase in the number of FOIA requests. NARA received a total of 14,616 in FY 2019 more FOIA requests than the previous fiscal year.

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2019. If your agency has no request backlog, please answer with "N/A."

Answer: Backlog is 4.97% of total FOIA requests received.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

Answer: Yes, NARA received 68 appeals and closed 127 appeals. NARA's appeal backlog decreased from 154 to 95.

10. If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal Year 2018?

Answer: N/A

11. If your agency's appeal backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

Answer: N/A

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2019. If your agency did not receive any appeals in Fiscal Year 2019 and/or has no appeal backlog, please answer with "N/A."

Answer: Backlog is 139% of total FOIA appeals received. NARA's appeal backlog decreased from 154 to 95. NARA received 68 appeals in 2019.

C. Backlog Reduction Plans

13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2018 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2019?

Answer: Yes. In FY 2019, NARA's Chief FOIA Officer provided the Archivist a [FOIA Management Oversight and Backlog Reduction Plan](#), which included three recommendations. In February 2019, NARA's Special Access and FOIA staff reviewed and revised the queue structure for processing FOIA requests for accessioned records. The changes included splitting the complex queue into two queues: one for requests between 701 to 3,000 pages and another for requests over 3,000 pages. This revision allows for mid-size cases to be processed in a timelier manner. The changes also included having one staff member review an entire request (up to 3,600 pages per interim release) once it comes up in the queue. The Special Access and FOIA staff have experienced a reduction in their overall numbers for the first time in several years.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2019, what is your agency's plan to reduce this backlog during Fiscal Year 2020?

Answer: NARA's Special Access and FOIA Staff will continue to review the revised accessioned records queue and track the backlog reduction. NARA's General Counsel FOIA staff will review the entire backlog of FOIA cases for NARA's operational records and organize the cases on a spreadsheet from simple and ready to close to those that are more complex and/or awaiting outside review. Staff will pull from the spreadsheet the oldest cases that were simple and ready to close first. This will allow staff to quickly move through the easier cases first.

D. Status of Oldest Requests, Appeals, and Consultations

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Answer: No

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

Answer: NARA closed 9 out of the 10 oldest cases. As of the date of this report the 10th oldest case has been closed.

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

Answer: NARA's ten oldest requests were also the oldest pending requests in the Federal government and all sought access to classified archival records that were created by other

agencies. All classified documents are referred to the originating agency for review and declassification determination. In some of these cases, NARA's Chief FOIA Officer contacted the Chief FOIA Officers of the originating agencies to ask for their assistance to have the oldest cases reviewed and returned to NARA within the fiscal year. One agency was not able to complete its review of one request before the end of FY 2019, but did complete it early in FY 2020.

TEN OLDEST APPEALS

18. In Fiscal Year 2019, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Answer: No

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

Answer: NARA closed two of the ten oldest appeals. The remaining eight oldest appeals are pending consultation of equities originating with other agencies.

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

Answer: In Fiscal Year 2018, NARA reviewed all of the backlogged appeals and organized the appeals on a spreadsheet from simple and ready to close to those that are more complex and/or awaiting outside review. In FY 2019, staff pulled from the spreadsheet the oldest appeals that were simple and ready to close first. This allowed staff to quickly move through the easier appeals first. In FY 2019, the goal for staff was to close at least two appeal cases per week. During this fiscal year, staff also blocked out three weeks where the focus was to work only on pending appeals. A staff of three closed 127 FOIA appeals in Fiscal Year 2019 and reduced the backlog by over 30 percent.

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Answer: Yes

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

Answer: N/A. There were no consultations to close from FY 2018.

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

Answer: As noted above, NARA's ten oldest FOIA requests all contained classified archival records that were created by other agencies, and are therefore pending consultations with other agencies for their declassification decisions. NARA has assigned an employee in the NDC to track the ten oldest requests and to regularly contact those agencies that are slow in making their determinations.

Even though NARA is the appeal authority for FOIA requests of archival records that contain classified national security information - rather than the agency with the classification equity, NARA does not have the authority to declassify the information contained in our classified holdings. All FOIA requests that involve classified information require consultation with the creating/originating agency, and those equities often require consultation with multiple other agencies/components. This process inevitably adds to the time needed for the review and processing of appeals that involve the withholding of classified information.

24. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Answer: Only one of the Ten Oldest Cases was not closed within the Fiscal Year 2019. The initial request date was May 4, 1994. NARA staff contacted the originating agency multiple times during FY 2019 asking for updates. Although the agency assured NARA that it would close the case by the end of FY 2019, a clerical error at the agency resulted in a further delay. The case was closed on November 5, 2019.

25. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2020.

Answer: NARA will continue to press those originating agencies that possess the classification equities to complete the declassification review of the remaining records responsive to each appeal, including by contacting the Chief FOIA Officer and other senior officials of each agency as necessary. In addition, NARA is reviewing how it transmits, and receives, classified records that require referral for either FOIA or Mandatory Declassification Review (MDR) to and from agencies; improvement in the transmission/receipt process, would significantly improve both the response time and document accountability.

F. Success Stories

Out of all the activities undertaken by your agency since March 2019 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Answer: This year National Archives staff worked diligently to complete a project to provide access to approximately 900,000 pages of emails and paper records related to then-Supreme Court Nominee Brett Kavanagh. NARA assembled a dedicated team of more than 50 staff from five Presidential Libraries that spent five months conducting a page-by-page review of these records. This review was done in response to both a special access request made by the Senate Judiciary Committee following Justice Kavanaugh's nomination in the summer of 2018 and more than 30 different FOIA requests (from lawmakers, the media and the general public) in response to a tremendous national and international interest in this Supreme Court nomination.

Staff at the Reagan Presidential Library successfully closed the library's 20 oldest FOIA cases. Archives staff collaborated to overcome major processing challenges, established

specific goals, and re-delegated resources to launch a strategic work plan targeting some of the library's most complex FOIA cases.

The Special Access and FOIA staff responded to a FOIA request for Federal records regarding U.S. Attorney General William Barr's prior service as Attorney General (from 1991 to 1993). This review, was expedited because of Mr. Barr's then nomination to the same office. The request was received two days before the 2018-19 five-week government shutdown. When staff returned to work, a small team of archivists completed the request in two weeks under the direction of a revised FOIA processing work plan designed to maximize productivity. The team digitized and reviewed approximately 6,000 pages of responsive records, applied multiple FOIA exemptions, including privacy information, trade secrets or confidential commercial information, confidential sources, and information protected by federal statute. To expedite public access, the records were posted online through the National Archives Catalog (https://catalog.archives.gov/).

In May 2019, NARA launched its first agency-wide FOIA training, which provides basic FOIA training to nearly 3,000 staff. The training module educates staff on how FOIA requests are submitted, who submits FOIA requests, how requests are delivered, what it means to conduct a search, and steps taken to provide documents responsive under the FOIA. The training also explains the role and expectations of each employee related to the FOIA process. The training can be viewed at this link: https://360.articulate.com/review/content/a8eb13b3-1fca-4fb6-99ce-b23bca96f882/review.