

*Resources Subcommittee Final  
Report and Recommendations*

*Freedom of Information Act Advisory  
Committee 2022-2024 Term*



May 22, 2024

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**To:** 2022-2024 FOIA Advisory Committee  
**From:** Resources Subcommittee of the 2022-2024 FOIA Advisory Committee  
**Date:** May 6, 2024  
**Re:** Resources Subcommittee Final Report and Recommendations

## **I. Introduction**

The FOIA serves as a cornerstone of transparency and accountability within the federal government, allowing the public to access agency records. Despite the importance of FOIA, the effectiveness is hindered by limited resources allocated to its implementation within federal agencies. As members (consisting of members of the requester community and federal agency FOIA professionals) of the FOIA Advisory Committee,<sup>1</sup> we are entrusted to develop consensus recommendations for improving FOIA administration. The Resources Subcommittee investigated resource issues and explored potential solutions. By understanding the landscape of FOIA resources, the Subcommittee was able to identify potential opportunities for improvement through its six recommendations.

## **II. Resources Subcommittee Mission Statement**

The Resources Subcommittee defined its mission as follows:

To seek to improve the speed, efficiency, and effectiveness of FOIA processing by identifying gaps in agency FOIA office resources, investigating areas where existing resources can be used more economically, and considering potential solutions that will ensure that resources actually arrive in FOIA offices. The subcommittee will consider resources holistically, including technology, staffing, and general funding. We will conduct direct outreach to government FOIA offices at a variety of agencies and levels of leadership in order to get a better picture of FOIA resources and how resource-related issues affect processing of requests. We will then use this knowledge to propose recommendations, including, potentially, legislation, executive orders, and memos and investigations by other government agencies.

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<sup>1</sup> <https://www.archives.gov/ogis/foia-advisory-committee>.

### **III. Resources Subcommittee Methodology**

Initially, the Resources Subcommittee focused on funding, technology, and staffing resources, and on areas where existing resources could be used more economically. Due to lack of engagement by the Office of Management Budget and the fact that a prior FOIA Advisory Committee recommended that Congress provide agencies with appropriate funding<sup>2</sup>, the Subcommittee decided FOIA funding should be addressed by a future advisory committee or by the Chief FOIA Officers Council's Committee on Cross-Agency Collaboration and Innovation (COCACI). After reviewing existing agency resources, the Subcommittee concluded that FOIA training for agency employees would serve as one economical solution. The Subcommittee resumed concentration on staffing, training, and technology.

To obtain information, the Resources Subcommittee developed a survey to administer to FOIA professionals that asked questions regarding issues of technology, training, financial, and staff resources. The voluntary survey was administered at the June 2023 American Society of Access Professionals (ASAP) meeting and posted on the ASAP website. Subcommittee members also distributed the survey to their professional networks. The surveys collected approximately 150 responses from FOIA professionals. In addition to reviewing and analyzing the survey responses, Subcommittee members interviewed senior FOIA officials across the government. At the conclusion of their research and collaboration, the Subcommittee submitted to the full Committee, for its consideration, four staffing recommendations, one training recommendation, and a technology recommendation.

### **IV. Resources Subcommittee Members**

#### Co-Chairs

Paul Chalmers, Pension Benefit Guaranty Corporation  
Gbemende Johnson, University of Georgia

#### Current Members

Carmen Collins, U.S. Department of Defense  
Michael Heise, U.S. Equal Employment Opportunity  
Stefanie Jewett, U.S. Department of Health and Human Services Office of Inspector General  
Eira Tansey, Memory Rising  
Patricia Weth, U.S. Environmental Protection Agency

#### Past Members

Lauren Harper, National Security Archive  
Ginger McCall, Demand Progress  
Catrina Pavlik-Keenan, U.S. Department of Homeland Security

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<sup>2</sup> Recommendation 2020-20, 2018-2020 FOIA Advisory Committee Final Report & Recommendations, at 33, <https://www.archives.gov/files/ogis/assets/foiaac-final-report-and-recs-2020-07-09.pdf>.

## **V. Proposed Recommendations**

Based upon its research, the Resources Subcommittee proposes six recommendations, which are discussed in the following sections.

# **Recommendations 1- 4 Regarding FOIA Program Staffing**

**Authors: Paul Chalmers (PBGC) and Gbemende Johnson  
(University of Georgia)**

## I. STAFF/PERSONNEL RESOURCE RECOMMENDATIONS

1. **Recommendation 1:** We recommend that the Office of Personnel Management (OPM) add the 0306 Government Information Specialist (GIS) Job Series to the direct hiring authority list. If implemented, this recommendation could increase the speed with which agencies can fill vacant full-time equivalent (FTE) positions. If implemented this recommendation could increase the speed in which agencies can fill vacant FTE Positions.
2. **Recommendation 2:** We recommend that the Chief FOIA Officers Council, through its Committee on Cross-Agency Collaboration and Innovation (COCACI) organize agencies to participate in a “talent pool” posting through OPM. This would allow interested applicants to be considered for selection across multiple agencies.
3. **Recommendation 3:** We recommend that Chief FOIA Officers Council, through its Committee on Cross-Agency Collaboration and Innovation (COCACI) create and maintain a database on its website of position descriptions in the Government Information Specialist (GIS) job series at various grades.
4. **Recommendation 4:** We recommend that the General Services Administration (GSA) create a labor category on the GSA schedule specifically for FOIA contractors to facilitate efficient procurement if an agency determines it needs contractor support. If implemented this recommendation would increase the rate of contractor hiring for those agencies that have determined a need for contractor support.

## II. RECOMMENDATION JUSTIFICATIONS

James Madison once noted, “[a] popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps, both.”<sup>3</sup> The Freedom of Information Act (“FOIA”) is meant to play a critical role in providing citizens with transparency as to their government’s operations and allowing them to hold their government accountable. The Act’s “basic purpose ... is to ensure an informed citizenry,” which is “vital to the functioning of a democratic society [and] needed to check against corruption and to hold the governors accountable to the governed.” *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214,242 (1978). As President Obama stated when he signed the FOIA Improvement Act of 2016, “In our democracy, the FOIA serves as a vital tool to keep citizens informed about the operations of their government.”<sup>4</sup> As President George W Bush explained in Executive Order 13,392,

The effective functioning of our constitutional democracy depends upon the participation in public life of a citizenry that is well informed. For nearly four decades, the Freedom of Information Act (FOIA) has provided an important means through which the public can obtain information regarding the activities of Federal

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<sup>3</sup> Letter from James Madison to W.T. Barry (August 4, 1822)

<sup>4</sup> Signing statement of the FOIA Improvement Act of 2016, June 30, 2016.

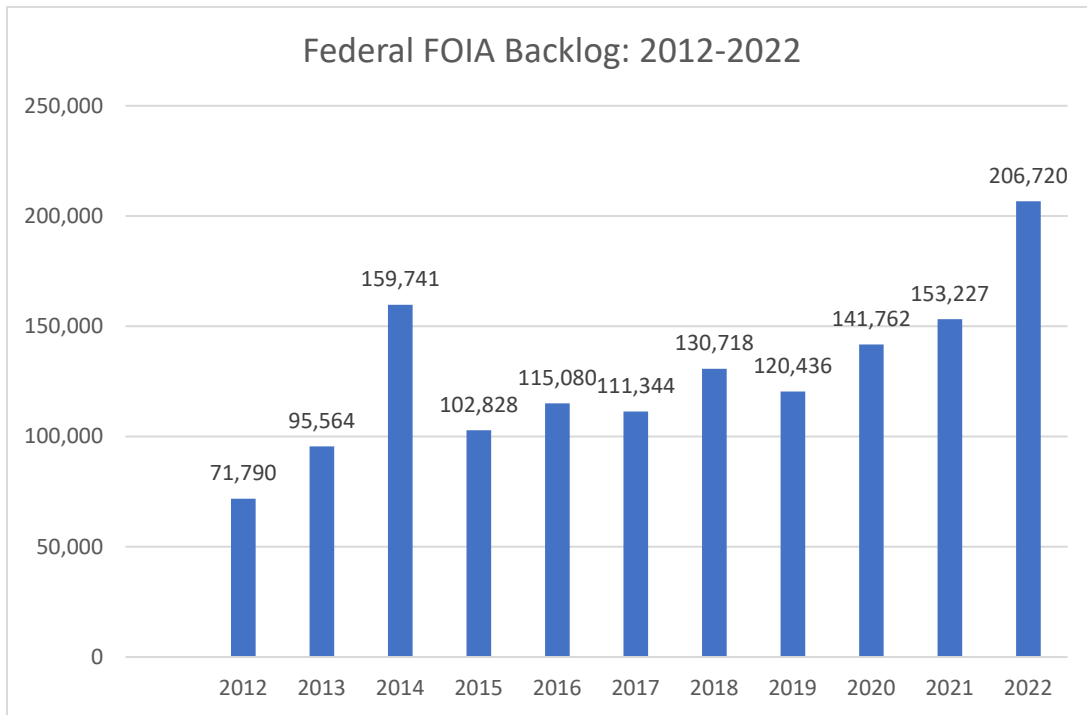
agencies. Under the FOIA, the public can obtain records from any Federal agency, subject to the exemptions enacted by the Congress to protect information that must be held in confidence for the Government to function effectively or for other purposes.

However, FOIA's value is undermined when federal agencies are unable to respond to large numbers of FOIA requests for excessive periods of time.

### *FOIA Backlog & Previous Efforts and Backlog Reduction*

Over the past decade the federal government has seen the number of backlogged FOIA requests increase almost threefold. In 2012, the total federal backlog as reported on FOIA.gov was 71,790. In 2022, that number stood at a staggering 206,720. The trend over that decade has been a steady increase in the number of backlogged requests (see Figure 1). The 2022 total backlog represents a 35% increase from 2011 and a 187% increase from 2012.<sup>5</sup>

**Figure 1**



These increases have come despite efforts by administrations of both parties to reduce FOIA backlogs. Examples include:

- 2005: Executive Order 13392 (2005): President Bush ordered agencies to develop plans to reduce their FOIA backlogs.

<sup>5</sup> Figure 1 is compiled from the annual agency data reported on FOIA.gov.

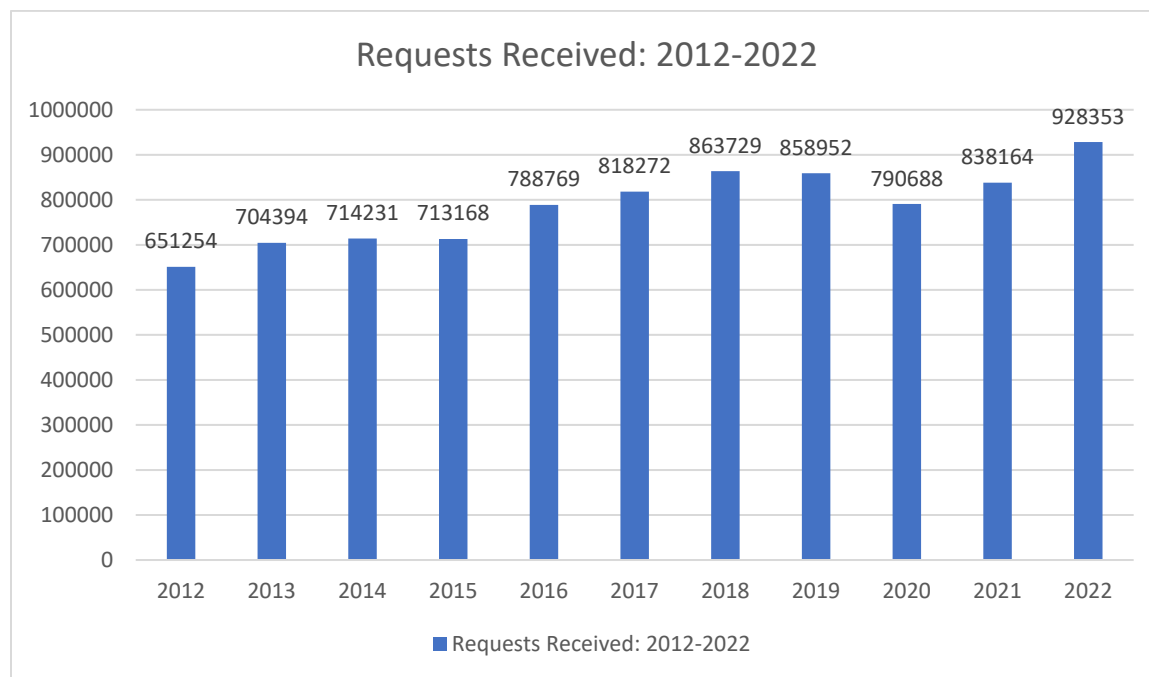


- 2009: OMB Open Government Directive (2009): OMB required agencies with significant pending backlogs to reduce them by 10 percent each year.
- 2014: Guidance on Reducing Backlogs and Improving Timeliness (2014): The Office of Information Policy (OIP) held a best practices workshop on reducing backlogs and improving timeliness, then issued guidance highlighting four methods: (1) utilizing resources effectively, (2) routinely reviewing metrics, (3) emphasizing staff training, and (4) obtaining leadership support.
- 2016: FOIA Improvement Act of 2016: Among other things, it created the Chief FOIA Officer Council and vested it with the mission of finding ways to increase collaboration and explore innovative ways to improve efficiency in administering FOIA and increasing transparency.

Unfortunately, despite these bipartisan efforts, the data shows that backlogs continue to increase.

There is no one single cause for the increase in the backlog. As Figure 2 demonstrates, the number of FOIA requests received across the federal government has increased during this period.<sup>6</sup>

**Figure 2**



However, this alone does not explain the backlog.<sup>7</sup> Among other investigators, GAO has undertaken several attempts to examine why backlogs have increased, and has identified a variety

<sup>6</sup> Figure 2 is compiled from the annual agency data reported on FOIA.gov.

<sup>7</sup> See, e.g., *Freedom of Information Act: Selected Agencies Adapted to the COVID-19 Pandemic but Face Ongoing Challenges and Backlogs*, GAO-22-105040 (Washington, D.C.: Jan. 26, 2022); *Freedom of Information Act: Federal Agencies' Recent Implementation Efforts*, GAO-20-406R (Washington, D.C.: Mar. 11, 2020); *Freedom of Information Act: Agencies Are Implementing Requirements, but Additional Actions Are Needed*, GAO-18-365 (Washington, D.C.: June 25, 2018); *Freedom of Information Act:*

of causes, such as an increase in the volume and complexity of request, the pandemic, obsolete technology, FOIA office structures and processes, increases in litigation, staffing concerns, and so on. Causes may vary between agencies. However, one issue arises again and again, both in GAO reports and otherwise that has not been addressed on a systematic basis: staffing.

Inadequate staffing has been repeatedly reported as a significant causal factor for the backlogs. In 2008, the Department of Justice submitted a report to the President regarding agency's efforts in implementing Executive Order 13,392. *Attorney General's Report to the President Pursuant to Executive Order 13,392, Entitled "Improving Agency Disclosure of Information"* (May 30, 2008). DOJ noted that numerous agencies reported staffing challenges as a reason why they were unable to reduce their FOIA backlogs.

As reported last year, and again this year, difficulties encountered with staffing was a very common reason given for a deficiency. Indeed, thirteen agencies identified this as a reason for a deficiency. For example, a component of the Department of Justice was unable to meet a backlog reduction milestone and make improvements to its Website because of the loss of personnel during this reporting period. Also, the Executive Office of the President's Council on Environmental Quality was unable to meet its milestone of publishing new regulations and developing a new handbook, due to the loss of employees; as a result, the office was understaffed for the majority of this reporting period.

*Id.* at 17. DOJ thus recommended that agencies assess the adequacy of their FOIA staff as part of their backlog reduction plans.

The GAO reported in January 2022 that staffing issues are still a problem and contribute to FOIA backlogs.

Our selected agencies also cited staffing-related issues as limitations to addressing their backlogs. For example, USDA officials stated that the department lost staff to other agencies in part due to a 2018 agency policy that limited telework options. Officials said that it took time to hire and train new employees, which contributed to slower FOIA processing times in 2019 and 2020. FBI stated in its backlog reduction plan that current staffing levels of its FOIA program cannot keep pace with incoming demand and backlog reduction efforts, which were exacerbated by an increase in litigation workload.

GAO-22-105040 at p. 44.

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*Department of Labor Can Improve Management of Its Program*, GAO-16-248 (Washington, D.C.: June 2, 2016); *Freedom of Information Act: DHS Should Take Steps to Improve Cost Reporting and Eliminate Duplicate Processing*, GAO-15-82 (Washington, D.C.: Nov. 19, 2014); *Freedom of Information Act: Additional Actions Can Strengthen Agency Efforts to Improve Management*, GAO-12-828 (Washington, D.C.: July 31, 2012).

Accordingly, the Resources Subcommittee examined whether agencies have adequate staffing to address their FOIA caseloads, and if not, what measures might be available to assist them increase their staffing. Obviously, staffing is a function of budget, and the Resources Committee believes that Congress and the President should increase the budgetary resources developed to FOIA compliance. That is the subject of a separate paper, however. The discussion here will focus on ways to fill existing FOIA positions and supplement FOIA staff during workload surges.

***Agency Personnel Perspective on FOIA Staffing***

During Spring 2023, the Resources Sub-Committee developed a survey to administer to FOIA professionals that asked questions regarding issues of technology, training, financial and staff resources. In June 2023, the survey was administered at the 2023 meeting of American Society of Access Professionals (ASAP). After the meeting the survey was emailed to the ASAP email list and posted on the official ASAP website. Approximately 150 respondents completed the survey. A majority of respondents (~53%) noted that staff was the greater resource need in their specific office (relative to FOIA technology and training).

**What do you believe is a greater need in your office?**

#	Answer	%	Count
1	The need for more staff	53.15%	76
2	The need for additional FOIA technology	20.98%	30
3	Training	16.08%	23
5	Other-Explain	9.79%	14
	Total	100%	

The survey also found that many professionals were considering changing jobs, and that the chief reasons motivating them to go were inadequacies in staffing at their current agency, either the total number of FOIA professionals or the grade levels.

## Why have you considered leaving your current position?

#	Answer	%	Count
1	Higher Grade Opportunities	23.21%	39
2	Lack of Agency Resources to Effectively Perform in Current Tasks	22.62%	38
3	Retirement	8.93%	15
4	Non-Government Opportunities	5.95%	10
5	Move to Different Government Agency/Department	19.05%	32
6	Morale Concerns in Current Position	20.24%	34
	Total	100%	168

The subcommittee also interviewed or otherwise spoke with dozens of senior FOIA officials across the government. The key theme was that nearly every interviewee stated that staffing was the largest concern their FOIA office confronted. This is consistent with and confirms the survey data. The concern took several forms.

### Staff Retention

First, agencies have difficulty retaining qualified staff. Many have career ladders that max out at the GS-12 or GS-13 level. Employees who are at or near the maximum level of their ladders seek out higher graded FOIA positions at other agencies. As one Cabinet agency FOIA official put it, “upward mobility is limited, and people will leave for higher-paying jobs.” An official at a mid-sized financial regulatory agency reported confronting a similar problem. The solution would be higher graded positions, but those are difficult to obtain, not just because they require additional funding, but also because the agency’s human resources department was reluctant to classify Government Information Specialists positions at higher grades. An official at a second Cabinet agency also described failed efforts to convince that agency’s human resources department to classify GIS positions at grades higher than GS-13, meaning both that there are inadequate opportunities to advance and that supervisory employees are not excerpt in FOIA.

### Filling Open Positions

Second, agencies have difficulty filling open positions. Partly, this is a function of GIS positions being graded too low, but it is often because the hiring process for GIS positions is slow and cumbersome. A FOIA official at a Cabinet agency stated that the agency had a “considerable number” of FOIA positions it had not been able to fill. That agency had put considerable effort into innovative ways to locate and recruit candidates from colleges, but the posting process simply took too long to reliably bring these candidates in. A FOIA official at a small financial regulatory

agency reported the same problem. That agency had lost a number of qualified recruits because the process of posting the position took months. Another Cabinet level agency described difficulty in filling open positions due to the lengthy posting process.

### Employee Expertise

Third, some agencies are being forced to make do with employees who handle FOIA work on a part-time collateral duty basis. One Cabinet agency complained that its FOIA staff did not have the expertise needed to handle a large volume of matters. Although that official is trying to build a professional FOIA staff, the agency's human resources department resists classifying GIS positions at higher grades.

## **III. RECOMMENDATIONS IN FULL**

**Recommendation 1: We recommend that the Office of Personnel Management (OPM) add the 0306 Government Information Specialist (GIS) Job Series to the direct hiring authority list.**

One of the key frustrations the Subcommittee heard from FOIA officials both in survey responses and during interviews was the difficulty in hiring FOIA staff. At present, agencies may hire GS-0306 Government Information Specialists (GIS's) only through the competitive hiring process. That process can be slow and cumbersome and, according to FOIA officials, has contributed to a shortage of qualified Government Information Specialists across the federal government.

Our interviews of FOIA employees and managers across the federal government revealed that one reason why a backlog in responding to FOIA and Privacy Act requests has grown is that managers are unable to find enough qualified Government Information Specialists to manage the caseload. Several FOIA managers mentioned that while they thought they had enough fully funded FTE's to handle their agencies' workload, they have been unable to fill those positions. A key problem is that postings for these positions take too long and often fail to result in qualified candidates because qualified candidates were blocked by candidates who have hiring preferences but may be less qualified for a given position.

OPM possesses the authority to remedy this issue. Specifically, OPM has authority under 5 U.S.C. § 3304 to issue regulations granting agencies the authority to engage in direct hiring if there is a severe shortage of qualified candidates or a critical hiring need. Section 3304(a)(3) allows OPM to issue rules that "as nearly as conditions of good administration warrant, for . . .

(3) authority for agencies to appoint, without regard to the provision of sections 3309 through 3318, candidates directly to positions for which—

(A) public notice has been given; and

(B) the Office of Personnel Management has determined that there exists a severe shortage of candidates (or, with respect to the Department of Veterans Affairs, that there exists a severe shortage of highly qualified candidates) or that there is a critical hiring need.

The Office shall prescribe, by regulation, criteria for identifying such positions and may delegate authority to make determinations under such criteria[.]

5 U.S.C. § 3304(a)(3).

OPM has exercised this authority with respect to a range of job series. Examples include:

- Nurse, GS-0610, GS-0620
- Pharmacist, GS-0660
- Fishery Biologist, GS-0482
- Data Science, GS-1560

The full list along with citations to the operative regulatory documents can be found at the following page on OPM's website: <https://www.opm.gov/policy-data-oversight/hiring-information/direct-hire-authority/#url=Governmentwide-Authority>.

Most recently, the President and OPM used Section 3304(a)(3) authority to provide agencies with direct hire authority for certain IT and cybersecurity positions. In 2018, the President issued Executive Order 13833, Enhancing the Effectiveness of Agency Chief Information Officers. Among other things, the Executive Order directed OPM to issue regulations delegating to agency heads the authority to determine if there was a severe shortage of candidates for IT positions or a critical hiring need. OPM ultimately adopted this regulation effective May 3, 2019. *See* 5 C.F.R. § 3304(d).

OPM should adopt a similar rule for GS-0306 Government Information Specialists. Agency heads should be permitted to determine if it is experiencing a “severe shortage” of candidates for FOIA positions or “that there is a critical hiring need” for FOIA employees. Delegating this authority to agency heads would allow those agencies experiencing hiring difficulties the flexibility to more quickly hire qualified candidates and begin attacking their FOIA backlogs. The Resources Subcommittee spoke with an OPM representative about this recommendation, and that representative stated that OPM would consider the matter and supporting data if the Committee issued the recommendation. OPM, however, could make no guarantees. However, the Subcommittee believes that the data regarding shortages and backlogs are just as compelling as for any job series for which OPM has previously granted direct hire authority, and the federal government's FOIA obligations are also just as important as the functions served by those job series, if not more so.

During its due diligence, the subcommittee identified a few potential issues with direct hiring authority for 0306 Government Information Specialists. First, it may make an agency's ability to retain its own GIS's more difficult. If agencies can engage in direct hiring, they can more easily poach GIS's from other agencies. This may be true to an extent, but it isn't clear how much of a new problem direct hire authority would create. Federal employees tend to leave their agency

for another federal job either when working conditions are poor or when they have reached the full promotion potential for their current position. This already happens with GIS's and will continue to occur regardless of whether direct hire authority exists.

Direct hire authority can help with bringing in candidates from the private sector at various levels of experience. For instance, agencies have many tools to reach and recruit college students and new graduates. In addition to on campus recruiting, there are software applications such as Handshake that allow for online meetings with college students or even virtual job fairs.<sup>8</sup> There also internships that can expose students to FOIA work. However, as a general matter, interested students and graduates must still compete for FOIA positions. One FOIA chief officer described her frustration at trying to recruit newly graduated college students only to have the posting and hiring process drag on so long that the students received another offer that they accepted.

Other sources of potential recruits in the private sector include paralegals who no longer wish to work for law firms or other private sector law firms and document reviewers or other employees at eDiscovery firms and temp agencies. Recruiting and hiring of such individuals is also hindered by the need for competitive hiring.

Beyond this, direct hire authority may facilitate bringing federal employees into the FOIA realm from other job series. One subcommittee member reports that his FOIA office has successfully transitioned into FOIA former administrative and contracting officers who had maxed out their career ladders, IT specialists, and paralegals and attorneys. Talented individuals in each of these job series, and probably others, can make significant contributions to a well-run FOIA office. The utility of attorneys and paralegals is clear. As FOIA work becomes more dependent upon technology, employees with an IT background can be of considerable assistance. Employees who once worked as administrative or contract officers bring not only substantive knowledge useful for addressing FOIA requests in those areas, but also skills in drafting correspondence, interacting with people, and processing documents.

Another set of potential concerns relate to direct hire authority in the federal government generally. Specifically, some believe that direct hiring represents an attack on the veterans preference or may permit cronyism. Neither of these criticisms hold up. Both were raised by commentators when OPM proposed Section 3304(d). As OPM explained when it issued the final rule, it was taking steps to mitigate against both risks:

The use of the [direct hiring] authority is subject to Merit System Principles, which include requirements that selection and advancement be determined solely on the basis of relative ability, knowledge and skills, regardless of the hiring authority used to fill a position. . . . In addition, OPM will take the following steps to help ensure this DHA is used appropriately by Federal agencies: (1) OPM will update its guidance on DHA at <https://www.opm.gov/policy-data-oversight/hiring-information/direct-hire-authority/> with an emphasis to hiring managers and human resources personnel that when using DHA agencies are required to employ an

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<sup>8</sup> One cabinet-level FOIA official touted Handshake as providing a very effective tool for recruiting college students.

objective selection process, such as selecting qualified candidates (including individuals entitled to veterans' preference) as they are found; (2) OPM will provide agencies with interactive sessions on how to use DHA, aimed at hiring managers and human resources personnel, through a variety of media; (3) OPM will review and monitor agencies' use of this authority, including hiring patterns, etc. Furthermore, the proposed regulation requires agencies to notify OPM when an agency head authorizes DHA and to provide to us the justification on which the approval was based. OPM is retaining this requirement in the final rule so that OPM will know which agencies are using this DHA, and can provide oversight to ensure that it is being used appropriately.

84 Federal Register 64 at 12873.

In addition, OPM will rely on a variety of data sources to monitor how DHA's under this authority are being utilized, to include the availability of qualified applicants as captured through USAJOBS and USASTAFFING data, nationwide labor trends on the availability of IT specialists in the general labor pool, the results of agencies' past attempts to fill IT jobs through other hiring mechanisms, the number of pass over request made for preference-eligible veterans initially deemed to be qualified for these DHA covered IT positions, and the number of selections of qualified preference-eligible veterans hired under this authority. In addition, OPM's Merit System Accountability and Compliance reports, which are periodic reviews of agency hiring practices, will also serve provide an objective basis on which to gauge how agencies are using this DHA.

*Id.* at 12874. OPM could take similar measures here to guard against those same risks.

One final point is that OPM should not impose a term limit on 0306 direct hires the way it has in other job series. In the context of IT professionals, OPM limited the term of employees hired pursuant to Section 3304(d) to eight years. OPM explained that this limit made sense given that IT professionals tend to move between jobs, whether in the public or private sectors, and it wished to "attune" its rule to this reality.

We are adopting the time limits on appointments as proposed. Our rationale for doing so is to attune these rules with the hiring patterns of the twenty first century, in particular those of the IT workforce. Agencies are making greater use of time-limited employees than in the past and are expected to continue to do so. Likewise, many individuals prefer Federal employment that is characterized by a time-limited or project nature, with movement in and out of public service, rather than the traditional 30-year career model.

84 Federal Register 64 at 12873. This rationale would make little sense with respect to FOIA employees where movement between the public and private sectors does not begin to approach that apparently seen among IT professionals. Indeed, a time limit would be counterproductive because there is greater need to build a qualified, stable FOIA workforce in order to ensure that the government is living up to its obligation of transparency as required in the FOIA.



**Recommendation 2: We recommend that the Chief FOIA Officers Council, through its Committee on Cross-Agency Collaboration and Innovation (COCACI) organize agencies to participate in a “talent pool” posting through OPM.**

OPM recently announced a new mechanism allowing agencies to pool hiring efforts for open positions. Specifically, OPM created a new feature on USAJOBS known as Talent Pools whereby agencies can participate in a shared job posting. Applicants, who have been assessed as eligible, are then available for consideration by any of the participating agencies. The details on how the process works are described on OPM’s website: <https://www.chcoc.gov/content/new-talent-pools-shared-certs-feature-usajobs%E2%80%99-agency-talent-portal>

According to OPM, pooled hiring helps job seekers by allowing them to apply once and be considered for selection by multiple agencies. It also assists agencies by creating a pool of candidates who have already been assessed and found to be eligible.

OPM will organize a pooled hiring effort, but to work, OPM needs at least five agencies to participate and commit to hiring eligible candidates. The agencies must also help by publicizing the shared posting. OPM stated in a discussion with Subcommittee representatives that it has already conducted a pooled hiring effort of data scientists. This effort resulted in several hundred eligible candidates, all of whom were “scooped up” by the participating agencies.

Because pooled hiring will only work when a critical mass of agencies participate, the key will be to organize agency participation and monitor agency efforts to publicize the posting and hire eligible candidates. The entity in the best position to do this for FOIA positions is the CFO Council. The Council should also track the success of any pooled hiring effort in order to assess whether pooled hiring is effective at finding suitable FOIA staff and/or what improvements should be made.

An OPM representative raised this option with the Resources Subcommittee during the same conversation described in the prior recommendation. OPM is very enthusiastic about the use of talent pools. The Subcommittee also spoke to representatives of the CFO Council who agreed with the recommendation.

**Recommendation 3: We recommend that Chief FOIA Officers Council, through its Committee on Cross-Agency Collaboration and Innovation (COCACI) create and maintain a database on its website of position descriptions in the Government Information Specialist (GIS) job series at various grades.**

As discussed above, agencies reported to the Resources Subcommittee that they have been experiencing problems retaining FOIA staff. Employees have limited means of advancement and have been leaving for higher paying jobs at other agencies. These agencies also report that they are having difficulty in convincing their human resources departments to classify higher graded FOIA position descriptions.

Creating a new position in the federal government can be a difficult process. The agency must have the budget available to pay salary and benefits associated with the position, and it must have a position description classified at the appropriate grade.

As noted above, the Subcommittee is submitting recommendations that appropriations to FOIA programs be increased. The issue of classifying position descriptions is complex because classification is handled by each agency's human resources department. OPM issues guidance to agencies, but the final decision generally rests with the agencies.<sup>9</sup>

Classification entails determining the appropriate pay grade for the set of duties for a specific position. The more complex or difficult the duties, the higher the appropriate pay grade. For example, if the position involves managerial duties, it will be classified at a higher pay grade than one that does not.

During the classification process, there may be disagreements between a program office and the human resources department. The business unit may believe the position description deserves a higher pay grade than the human resources department does. Accordingly, the process often involves negotiation and debate over a position description, especially at higher grades, such as GS-14 and 15.

Another aspect of this issue is whether a position will be part of a career ladder. A career ladder allows employees to progress from one grade to the next higher after a certain period of time if employees demonstrate that they are able to perform at the next higher grade. In other words, a career ladder provides the employee with a path for advancement. Combined with progression through pay steps in each grade, a career ladder allows agencies a better chance of retaining staff. Whether to put a position in a ladder is also determined by the human resources department and can also be a subject of disagreement between the program office and the human resources department.

Having exemplars of position descriptions graded by other agencies at a particular grade level can be helpful to the program offices. As federal human resource officers often say, the fact that one agency has classified a position at a certain grade is not binding on other agencies. However, if numerous agencies have graded a position a certain way, then HR departments are more comfortable following suit. If nothing else, a position description classified by another agency provides the program office with a starting point in drafting its own position description.

Right now, there is no one spot to find FOIA position descriptions. OPM does not have a database. Searching USAJobs may yield an example or two, but the means most often used is contacting one's network of contacts at other agencies. Having a database available would be of enormous assistance.

The most sensible location for this database would be the Chief FOIA Officers Council's website. We suggest that the Council solicit members for copies of PDs used by their FOIA

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<sup>9</sup> The guidance OPM has circulated with respect to classifying GIS positions can be found here: <https://www.opm.gov/policy-data-oversight/classification-qualifications/classifying-general-schedule-positions/standards/0300/g0306.pdf>

programs and make them available. The Council could issue supplemental requests on a periodic basis. The Resources Subcommittee spoke with representatives of the CFO Council regarding this recommendation, and the CFO Council agrees with the recommendation.

**Recommendation 4: We recommend that the General Services Administration (GSA) create a labor category on the GSA schedule specifically for FOIA contractors to facilitate efficient procurement if an agency determines it needs contractor support.**

Given the difficulties and delays in federal hiring and fluctuations in the volume and complexity of FOIA workloads, some agencies need to procure contractor services to augment their FOIA staff. Federal procurements are labor intensive and time consuming, but the GSA maintains a schedule of contract vehicles consisting of preselected vendors in certain categories to speed up an agency's procurement of goods or services that fall within those categories. Currently, there is no labor category, or GSA schedule that specifically targets the universe of FOIA performative tasks that could be completed by FOIA contractors. Creation of a FOIA Labor Category and/or a targeted GSA schedule could ease the effort required by agencies to procure FOIA contractor support and obtain much needed assistance with staffing gaps and/or FOIA backlogs.

Procurements by federal agencies are governed by the Federal Acquisition Regulation (the "FAR"). The FAR requires agencies to engage in numerous steps before conducting a procurement. For instance, the agency must conduct market research. *See, e.g.*, FAR Subpart 10.001(b)(2). In the context of contractor support, an agency must examine what services are available, how many potential bidders may exist, how much services typically cost, and so on. *Id.* at (b)(3).

Next, the agency must begin drafting the solicitation. *See* FAR Parts, 11, 16. The most important features of a solicitation are the requirements, i.e., what does the agency require? The requirements must be drafted with sufficient precision and clarity to provide adequate notice to potential offerors of what the agency expects so that the eventual awardee can be held accountable for its performance. The agency must also decide on a contract type. Should the contract be one for a firm fixed price – one in which the price for the project/volume of work is preset? Or should it be for labor hour – one in which the vendor charges by the hour? Or should the agency utilize another structure altogether?

Drafting the solicitation can be an extremely time consuming and labor-intensive effort. Depending on the agency, drafting the document can involve multiple rounds of engagement, drafting, review, and negotiation between the agency's business unit, procurement department, and lawyers. Ultimately, however, failure to properly draft the solicitation puts the procurement and potential success of the contract in jeopardy.

Once the solicitation is finalized, it is put on the street for bids. *See* FAR Part 5. The solicitation period must be long enough for potential bidders to notice and respond to the package – if vendors have been identified as potential bidders in market research the agency may send the

solicitation directly to those vendors. Typically, there is a question-and-answer period with potential offerors.

The agency will form a technical evaluation panel (TEP) to consider which offer best meets the solicitation requirements, generally selecting vendors based on low price, technically acceptable, or a price/technical tradeoff. *See* FAR Subpart 15.3. Disappointed offerors might file protests which can be agency-level or with the GAO or the Court of Federal Claims. *See* FAR Subpart 33.1. A protest could be based on a variety of grounds. It can be based on the solicitation. Were the requirements unduly restrictive? On the other extreme, were they ambiguous? Does an offeror have an organizational conflict of interest?

The protestor could also protest the award, claiming that the offers were not evaluated in accordance with the solicitation, or that a particular vendor was improperly favored over another. Protests take months to resolve. If the protest goes to the GAO, a decision is supposed to be issued within 100 days. *See* FAR Subpart 33.104(f). If the agency loses, it might need to redo the procurement and pay the prevailing party's attorneys' fees.

This is a lot of text to say that federal procurements are lengthy, time and effort consuming, and bear some risk. Because of this, Subpart 8.4 of the FAR was created to allow the GSA to award umbrella contracts to vendors for a variety of goods and services. Agencies need only to write a task order solicitation against the relevant schedule. The task order still must reflect the terms of the contract, the exact goods or services required, pricing, and so on, but this is much simpler than solicitation for full and open competition under FAR Part 15. Agencies can also issue Blanket Purchase Agreements (BPAs) under GSA schedules, further simplifying their ability to place orders for services as agency needs arise. Among other things, GSA offers agencies free market research as a service ("MRAS") to aid agencies in using their umbrella contracts.

Using the GSA schedule can save agencies months of effort and expense. GSA has already negotiated the contract clauses and general contract terms, meaning the agency should not have to. GSA has already deemed vendor pricing "fair and reasonable" meaning the agency need not address that analysis. There is also a higher GAO protest threshold, i.e., \$10 million for civilian agencies, greatly reducing the risk of procurement litigation.

At present, FOIA officers use a variety of codes from the GSA schedule to attempt to procure FOIA contractors. There is at least one category that includes FOIA support services, Legal Support Solutions, Category [541611LIT](#), but it is so broad that it sweeps in all sorts of products and services that do not relate to FOIA:

[i]ncludes a wide range of services and products that aid customers in searching and retrieving, obtaining, organizing, analyzing and presenting evidence or materials for legal matters. Services, products and solutions include, but are not limited to eDiscovery, Freedom of Information Act (FOIA) request, legal hold, document acquisition, document preparation and organization, data extraction from forensic images, document analysis, technical support, and project management. Includes any supplies and/or services necessary to provide a total litigation support solution.

Legal Support Solutions is extremely broad, and FOIA staffing support is but one small component within this description. This labor category is primarily geared towards electronic discovery and discovery support. Not surprisingly, most of the vendors identified on GSA's website in connection with this category are discovery support vendors. Moreover, while the category includes staffing support, it also includes software vendors and system procurement.

**Finding vendors who provide FOIA staffing support in this category is not an easy task.**

At present, there are over 60 vendors listed on GSA's website under this schedule. Many are IT vendors. Many more provide discovery support in the context of litigation. For more than a few of the vendors, discerning exactly which services they provide by reviewing their registered websites is difficult. Only a handful even claim to provide FOIA staffing support. When agencies solicit FOIA services under these schedules they receive few offerors, or perhaps worse, generic proposals from unqualified staffing firms with no expertise in FOIA work.

FOIA officers also report using other GSA schedules to procure FOIA staffing support services, but that none of them fit the FOIA processing life cycle completely. These include:

1. Category 541611 – Management and Financial Consulting, Acquisition and Grants Management Support, and Business Program and Project Management Services: “Provide operating advice and assistance on administrative and management issues. Examples include: strategic and organizational planning, business process improvement, acquisition and grants management support, facilitation, surveys, assessment and improvement of financial management systems, financial reporting and analysis, due diligence in validating an agency's portfolio of assets and related support services, strategic financial planning, financial policy formulation and development, special cost studies, actuarial services, economic and regulatory analysis, benchmarking and program metrics, and business program and project management.”
2. Category 541110 – Professional Legal Services: “Assist agencies with the full spectrum of professional legal support required for the resolution, management and/or disposition of assets held by the Federal Government.”
3. Category 518210DC – Document Conversion and Digitization Services: “Includes scanning of the original document's text and images, converting the information to digital data, transferring the data to a new media file, and formatting the information for use in a document imaging and storage system. Customized coding and indexing options are also available as part of the document conversion process.”
4. Category 54151S – IT Professional Service: “Includes resources and facilities management, database planning and design, systems analysis and design, network services, programming, millennium conversion services,

conversion and implementation support, network services project management, data/records management, subscriptions/publications (electronic media), and other services.

5. Category 561439 – Document Production On-site and Off-site Services: “Includes the necessary equipment (e.g. high-volume digital color copiers, scanners) and personnel required for effective on-site/off-site document production. Also includes single or multiple shift production operations, consumable supplies (paper and transparencies are usually not included), on-going equipment maintenance, and customized agency reports.”
6. Category 561320SBSA – Office Management: “Temporary Staffing (SBSA) Includes temporary administrative and professional staffing.”

**Because none of these categories completely focus on the performative tasks that are required to timely and accurately process a FOIA request, FOIA professionals become responsible for juggling the FOIA’s statutory time limits along with the associated procurement activities; the competing priority of administering the FOIA, coupled with developing the scope of work, completing an Independent Government Cost Estimate (IGCE), and other procurement requirements, limits the ability of FOIA offices to conduct adequate market research to find a suitable support vendor, leading to high turn-over of contract support.**

With the advent of the internet and electronic submission of FOIA requests, including the centralized and requester-centric option to submit electronic requests to any federal government agency via FOIA.gov, the volume and complexity of FOIA requests has triggered to the need for the creation of at least two separate labor categories to support FOIA programs. The two categories are staffing support and system(s) support, which would each encompass all tasks necessary for processing a request from start to finish and support the technological tools necessary to bring efficiencies. Possible language for each of these labor categories is described below:

Freedom of Information Act (FOIA) Support Services: Includes a wide range of staffing services that aid customers in responding to FOIA and Privacy Act (PA) requests, such as searching and retrieving, obtaining, organizing, scanning and/or copying documents, conversion of documents or data files to a specified format for use in a document imaging and storage system, analyzing documents or other materials for responsiveness and applicability of FOIA exemptions, preparing draft correspondence for review by federal staff, managing correspondence, and providing legal support. Includes any supplies, services, and/or necessary equipment (e.g. high-volume digital color copiers, scanners) to provide a total FOIA response support solution.

The other should be for electronic FOIA management systems and related software, which would provide an easier path for FOIA officials seeking FOIA related IT systems. Potential language could read as follows:

Freedom of Information Act (FOIA) IT Systems and Software: Includes a wide range of information technology services and products that aid Government Information Specialist and record originators in searching, retrieving, obtaining, organizing, de-duplicating, analyzing, redacting, and packaging documents, correspondence, or materials for delivery in response to FOIA and Privacy Act requests. Includes any supplies and/or services necessary to provide a total support solution.

Separating out these categories from other generic service categories would dramatically ease the burden for a FOIA official looking for an appropriate vendor. It would eliminate vendors whose services have nothing to do with the FOIA and make it easier to target the vendors with the most appropriate expertise and experience.

In our discussions with GSA, GSA expressed some reservations over this recommendation because creating a category in the GSA schedule is not an easy task. However, echoing the words of Madison at the beginning of this recommendation, transparency is essential for the maintenance of a functional republic. The Freedom of Information Act has served as a model of transparency legislation for states and countries across the globe. Given the dramatic increases in FOIA backlogs and requests over the past ten years, we aim to offer practical reforms that we believe will aid the FOIA offices to fulfil their intended mission.

# **Recommendation 5 Regarding Training**

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**Recommendation 5: We recommend that the Department of Justice (DOJ), Office of Information Policy (OIP), issue guidance to all Chief FOIA Officers outlining the minimum requirements for training to agency staff, including non-FOIA professionals, outlining the requirements of Section (j)(2)(F) of the FOIA which states: “The Chief FOIA Officer shall offer training to agency staff regarding their responsibilities under this section.”**

For example, DOJ OIP, in its discretion, could consider issuing guidance concerning the following:

1. Mandatory annual FOIA training for non-FOIA professionals in the federal government; and
2. Mandatory FOIA training for all new employees, including non-FOIA professionals, within 60 days of onboarding.

### **Previous FOIA Advisory Committee Recommendations**

Two recommendations were made previously by the FOIA Advisory Committee surrounding the education and training of government employees to ensure compliance with the requirements of the FOIA. The first, Recommendation 2018-07, recommended that: “The Archivist of the United States will direct the Office of Government Information Services (OGIS) to examine the use of appropriate performance standards in federal employee appraisal records and work plans to ensure compliance with the requirements of FOIA and OGIS will submit the results of its assessment and any recommendations to Congress and the President in accordance with 5 U.S.C. § 552(h)(5).” This recommendation has since been marked completed by OGIS, with OGIS reporting that they: “found that agencies largely communicate FOIA responsibilities to employees, including non-FOIA professionals; agency implementation of FOIA performance measures for non-FOIA professional varies; and there is no one-size-fits-all approach to implementation.” The second, Recommendation 2020-05, recommended that: “The Department of Justice, Office of Information Policy (OIP), will issue guidance *requesting* agencies to provide annual mandatory FOIA training to all new and current employees and contractors. The Office of Government Information Services (OGIS) and OIP will review agencies’ current FOIA training requirements and content.” (emphasis added). This recommendation was also marked complete when the Associate Attorney General issued a memorandum to agency General Counsels and Chief FOIA Officers in August of 2022 emphasizing three e-Learning FOIA training modules created by OIP for the federal workforce.

### **Background, Research, & Analysis for Recommending DOJ OIP Should Issue Guidance to all Chief FOIA Officers Outlining the Minimum Requirements for Training to Agency Staff, Including Non-FOIA Professionals**

The Resources Subcommittee analyzed Section 1, question 10 for the 2022 Chief FOIA Officer reports (CFO), as well as questions 3, 5, and 10 of Section 1 of the 2023 CFO report to determine the current state and status of the training of non-FOIA professionals. Fifty-four (54) agency responses were reviewed for 2022, and sixty-seven (67) for 2023. The questions were as follows:

Section 1, Question 10 (2022 CFO Report): Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides

FOIA training or briefings to non-FOIA staff and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations, and expectations during the FOIA process.

Section II, Questions 3, 5, and 10 (2023 CFO Report): [P]lease provide a brief description of the type of training attended or conducted and the topics covered; 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; Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

With the exception of a few federal agencies, no reference to minimum requirements of training or mandatory training – either at onboarding or annually – appeared for non-FOIA personnel in the 2023 CFO reports reviewed.<sup>10</sup> The responses to the 2022 report, however, did directly ask this question, and as might be expected, resulted in most agencies reporting FOIA training to all non-FOIA staff either annually or as a part of orientation. Some agencies, such as Merit Systems Protection Board (MSPB) and State, reported that their FOIA training for non-FOIA staff consisted of a single FOIA-related module within a larger records management training required for all staff to complete on an annual basis. The subcommittee notes that the Environmental Protection Agency (EPA) reported that it not only requires annual FOIA training for all EPA personnel in the FOIA, but also includes in its senior management performance contracts FOIA-related metrics. This is notable because attaching FOIA performance to job performance, at least in some way, incentivizes leadership to “buy-in” to “FOIA is everyone’s responsibility” as articulated in the latest Attorney General’s FOIA Memo to Agency Heads.

***Action taken on Recommendation 2018-07:*** OGIS published an issue assessment titled “[Freedom of Information Act \(FOIA\) Performance Measures for Non-FOIA Professionals](#)” in September 2020. The assessment contains three findings and four recommendations. OGIS submitted the assessment results to Congress and the President in 2021 as part of OGIS's Annual Report for FY 2020. OGIS found: 1) Agencies largely communicate FOIA responsibilities to employees, including non-FOIA professionals; 2) Agency implementation of FOIA performance measures for non-FOIA professionals varies; and 3) There is no one-size-fits-all approach to implementation.

***Action taken on Recommendation 2020-05:*** DOJ issued a memorandum to agency General Counsels and Chief FOIA Officers in August 2022 emphasizing three e-Learning FOIA training modules for the federal workforce: executives, federal employees whose primary responsibility is not FOIA, as opposed to FOIA professionals. All three modules can be uploaded into agency online learning systems. In the end, it was OIP that reviewed agencies’ FOIA training. OIP used

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<sup>10</sup> The subcommittee notes that the FY 2023 CFO questions did not specifically ask about FOIA training for non-FOIA staff, but the FY2022 CFO report did.

the [2021](#), [2022](#) and [2023 Chief FOIA Officer Reports](#) to ask about training, including topics covered and to what extent non-FOIA staff and senior leaders are trained about FOIA.

### ***2023 Chief FOIA Officer Report Responses Concerning Training.***

Question 3: "[P]lease provide a brief description of the type of training attended or conducted and the topics covered."

Question 10: "Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement."

The Resources Subcommittee analyzed Section II, Questions 3, 5, and 10 of the 2023 FOIA Chief FOIA Officer reports (CFO reports) which concern FOIA training.<sup>11</sup> With the exception of the following federal agencies, no reference to required training – either at onboarding or annually – appeared for non-FOIA personnel.

### ***Select Federal Department Responses to the Chief FOIA Officer Report:***<sup>12</sup>

#### *Department of Education:*

Mandatory FOIA Training for Political Appointees and Familiarization for New Employees

#### *Department of Justice:*

In 2022, OIP released updated interactive FOIA training modules for senior executives, federal employees, and FOIA professionals available for use on agency e-learning systems. An in-depth course for FOIA professionals provides a training session on the major procedural and substantive requirements of the law. A shorter course for federal employees provides a brief primer on the FOIA and highlights their responsibilities under the law. A brief course for agency senior executives emphasizes the importance of leadership support for an agency's FOIA program. All three courses are available on [LearnDOJ](#), the Department e-learning management system that is used by most components. Five components have already begun using these updated training resources to train their FOIA professionals. Bureau of Prisons (BOP), Civil Rights Division (CRT), Office of Community Oriented Policing Programs (COPS), and the Office of Justice Programs (OJP) have also incorporated these training modules into the mandatory core curriculum for all employees, including non-FOIA professionals. The Executive Office for United States Trustees' (EOUST) senior leadership completed the FOIA training module for senior executives.

#### *Department of the Interior:*

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<sup>11</sup> The CFO reports were accessed via the following website <https://www.justice.gov/oip/chief-foia-officer-reports-2023>. See Appendix A on page 59 of this report.

<sup>12</sup> Information below concerning specific federal agency responses is excerpted from their respective Chief FOIA Officer's Reports.

*Question 3:* “The Departmental FOIA Office (DFO) provided mandatory FOIA training to all incoming political staff, created a new intranet site for all employees that provides links to training opportunities available from the Department of Justice (DOJ) Office of Information Policy (OIP), and distributed notifications about OIP training to FOIA processors via email. In January 2022, the DFO also hired a Training Program Manager, who will evaluate the Department’s FOIA training needs, as well as design and implement a comprehensive training plan.”

*Question 10:* “In 2021, the Director of the DFO continued to engage in regular communications with bureau leadership to help ensure they are fully apprised of the status of their organizations’ FOIA operations, provide meaningful support to their FOIA offices, and hold employees across their organizations accountable for compliance with the FOIA. As referenced above, the DFO provided incoming political staff with a FOIA-specific briefing concerning their legal obligations under FOIA. This training provided political staff with the practical knowledge needed to effectively and timely respond to search requests from the Department’s FOIA offices. The briefing materials were also provided to the Bureau FOIA Officers to encourage the same level of onboarding training be provided to other new employees within bureaus and offices. In addition, the Secretary of the Department of the Interior issued a memorandum to senior leadership specifically on the importance of the FOIA.”

*Department of Transportation:*

The DOT Learning Management System also contains the following three FOIA training modules available to all DOT personnel: The Freedom of Information Act, The Freedom of Information Act (FOIA) for Federal Employees, and the Freedom of Information Act (FOIA) for FOIA Professionals. The FAA Office of Chief Counsel (Information Law Practice) and the FOIA Program Management Division hosted two workshops on FOIA Processing, presented in 2 one-hour sessions.

***Select Federal Agencies Responses to the Chief FOIA Officer Report:*<sup>13</sup>**

*Court Services and Offender Supervision Agency:*

The Agency’s FOIA Officer provided FOIA training to staff and newly hired Agency personnel at the Agency’s New Employees Orientation. The training consisted of an overview of the FOIA and the FOIA Exemptions, specifically, (b)(6), (b)(7)(C), and (b)(7)(E).

*Farm Credit Administration:*

FCA has a FOIA training section as part of FCA’s Human Resources onboarding presentation for all newly hired employees. During each orientation session, an overview of the FOIA, including records disclosure guidelines and employees’ FOIA responsibilities, is part of the training. This is an on-going activity that occurs regularly throughout the year.

*U.S. Agency for International Development:*

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<sup>13</sup> Information below concerning specific federal agency responses is excerpted from their respective Chief FOIA Officer’s Reports.

Every member of the USAID workforce must complete one of the two online courses detailed below each year: Records-Management for Senior Officials is a mandatory online course for individuals in executive positions at USAID who are responsible for oversight, management, and decision-making. The course describes the role and importance of senior officials in properly managing Federal Government records and complying with the FOIA. Records-Management for Everyone is a mandatory-online course for non-senior officials designed to inform USAID's workforce of their records-management responsibilities and obligation to adhere to the requirements of the FOIA.

### ***Interview Results:***

This Resources Subcommittee interviewed several senior FOIA leaders across government to ask them a variety of questions involving FOIA, including a number of questions involving training, to determine the state of FOIA training government wide. The results were both intriguing and eye opening when it comes to how federal government agencies train staff regarding FOIA.

The short answer is that most do not train non-FOIA personnel on FOIA. For example, responses from throughout the government showed that there was almost no FOIA training provided to new staff at onboarding, not only not for new FOIA employees but for anyone. The great majority of senior FOIA leaders who were interviewed stated that the most that was accomplished was a brief session to senior leaders at onboarding.

In addition, we learned that most agencies have no formal training or annual training for non-FOIA staff. A common theme across the interviews was that FOIA was not just the FOIA staff responsibility, but the responsibility of everyone. Therefore, there was a strong desire to have mandatory annual FOIA training for all government employees, just like records management training. Revealing as well during these interviews was the fact that almost every single agency relies in some part on DOJ OIP to provide the necessary training for their staff whether it be FOIA or non-FOIA professionals. After conducting these interviews and reviewing the results, this Subcommittee can only conclude that DOJ OIP, in addition to outlining the minimum training requirements of Section (j)(2)(F) of the FOIA, should also, in its discretion, consider issuing guidance making this training mandatory.

### ***Mandatory Annual Training Example:***

In FY2023, the U.S. Department of Interior (DOI) implemented mandatory bi-annual FOIA training for **all** employees by utilizing the three targeted online FOIA training modules developed by the Department of Justice (DOJ) Office of Information Policy (OIP) for FOIA personnel, executives, and all other employees. We recently had the opportunity to sit down and discuss with the DOI's Deputy Chief FOIA Officer (DCFO) the reasoning for utilizing the DOJ OIP training modules and how DOI was able to make the trainings mandatory for all employees. We learned that while the FOIA office delivers in-person and virtual FOIA training to hundreds of employees each year, DOI was able to leverage the DOJ OIP online training modules to reach all employees in DOI efficiently and effectively by uploading them into DOI's online training platform. We

further learned that their office was able to make the trainings mandatory based on Secretary's Order (No. 3378) that made the DCFO responsible for "providing mandatory training to FOIA personnel and other Department employees, as appropriate" and requiring that "[a]ll Department employees must comply with FOIA and the Department's FOIA regulations, policies, and guidelines; and timely respond to FOIA-related requests." This opened the door for a justification for mandatory training for all employees, including those employees who do not process FOIA requests as a primary or collateral duty.

Agencies, therefore, do not need to start from scratch., DOJ OIP already has taken the initiative and lead in creating targeted FOIA trainings for FOIA personnel, executive and all federal employees. They can be found here: [Office of Information Policy | Training \(justice.gov\)](https://www.justice.gov/oip/training)

In fact, OIP has developed a suite of FOIA resources designed to train all levels of the federal workforce to understand their FOIA responsibilities. DOI uses two of the three training modules agencies can use for free in e-learning systems:

- 1) FOIA Training for Executives - a 15-minute course that provides a basic overview of the FOIA and explains how this law impacts agency leaders. Topics covered include an overview of the FOIA, proactive disclosure, reporting and accountability, and FOIA resources and support.
- 2) FOIA Training for Federal Employees - a 1-hour course that provides a primer on the FOIA and explains how employees can assist your agency in FOIA administration. Topics covered include who can make a request, the FOIA's time limits, and searching for responsive records.

The files for the FOIA e-Learning modules can be accessed through OMB Max Drive which can be directly uploaded into an agency Learning Management System. If an agency does not have a Learning Management System to load the files, the courses can be accessed via web browser. These trainings were announced by the Associate Attorney General Vanita Gupta to Agency General Counsels and Chief FOIA Officers of Executive Departments in a memorandum dated August 17, 2022 (discussed below). DOI simply implemented these e-Learning modules into its current training system.

DOI then discussed with us the challenges of creating mandatory FOIA training for everyone. Primarily, this challenge was that even though the training was free, there was a cost associated with tracking who has taken the training across the DOI. However, as DOI explained, almost every federal agency has a pre-established training budget for mandatory training across the agency. Therefore, for DOI there was no added expense that was taken out of their FOIA budget to implement the training. The cost to track the training was rolled into the departmental training budget. Even though there was a cost associated with the training, each department has an overall training budget from which mandatory training is funded. Most importantly though, as explained by DOI, any expense would easily outweigh the cost saved from decreased FOIA litigation and appeals, which hopefully would occur from training all employees across government.

When a government agency fails to meet its FOIA obligations with respect to a particular request, at either the initial request stage or at the appeals stage, the FOIA allows requesters to seek

resolution in a federal district court, including provisions requiring the government to pay attorney fees to the requesters. For this reason, failure to understand and properly execute one's duties under the FOIA presents significant potential liability for an agency in FOIA litigation.

This Subcommittee thanks DOI for taking the time to speak with us about how it implemented mandatory FOIA training for non-FOIA professionals, and we hope this can be just one example moving forward of other federal agencies implementing mandatory training.

### **Rationale for the Recommendation**

DOJ OIP issuing guidance to all Chief FOIA Officers outlining the minimum requirements for training to agency staff, including non-FOIA professionals is critical to ensure that the federal workforce (to include federal employees, contractors, Senior Executives, political appointees, volunteers, and others) who create, receive, access, or use federal records on behalf of their respective agency, are well-educated about the importance of administering the FOIA and the role/responsibilities that the FOIA statute mandates. So critical, that this Sub-Committee further recommends that DOJ OIP, in its discretion, could consider issuing guidance concerning the following: 1) Mandatory annual FOIA training for non-FOIA professionals in the federal government; and 2) Mandatory FOIA training for all new employees, including non-FOIA professionals, within 60 days of onboarding.

The Attorney General [March 15, 2022, FOIA Guidelines Memorandum](#) states: "Successful FOIA administration also requires proper training and a commitment to FOIA compliance by agency personnel. Simply put, *FOIA is everyone's responsibility*. I encourage each agency head to provide regular and proper training to your workforce that explains the importance of FOIA and every individual's role in administering it. The Justice Department's Office of Information Policy has issued several guidance documents and articles on the topics discussed in this memorandum, including resources to assist you with ensuring proper training and compliance with FOIA. See <https://www.justice.gov/oip/training>. I urge agencies to consult these resources."

Agency leadership should actively support FOIA programs, policies, and initiatives, and a great first step for an agency to promote its support towards FOIA programs is by implementing a requirement for minimum requirements for FOIA training for **all** agency personnel. We further recommend that DOJ OIP consider FOIA programs across all federal agencies rely on the federal workforce to promote transparency and build public trust in the government's actions. The federal workforce should be encouraged to help improve their agency's FOIA response efforts. The success of those efforts across all federal agencies will reinforce the government's commitment to conducting its business in an open and transparent manner.

The 2018-2020 NARA FOIA Advisory Committee previously made a FOIA training recommendation ([2020-05](#)) "**requesting** agencies to provide annual mandatory FOIA training to all agency employees". This recommendation would make it a **requirement** to provide annual mandatory training to the federal workforce.

The Associate Attorney General [August 17, 2022, Memorandum on FOIA Training](#) states: "A proper understanding of the FOIA and of the Attorney General's FOIA Guidelines, which were

issued in March 2022, is **fundamental to any agency's successful FOIA operation.**" (emphasis added). As the Attorney General's Guidelines explain, "[s]uccessful FOIA administration . . . requires proper training and a commitment to FOIA compliance by agency personnel." The Guidelines therefore encourage agency heads to "provide regular and proper training to [their] workforce that explains the importance of FOIA and every individual's role in administering it." "To that end, and to ensure that FOIA training resources are available to all agency employees, the Department of Justice's Office of Information Policy (OIP) has released three new electronic FOIA training modules, designed to suit the needs of all federal agencies and personnel."

Embracing the principle from the Attorney General's Guidelines that "FOIA is everyone's responsibility," these training modules are tailored to various levels of the federal workforce and are readily available for any federal agency to use or replicate. These new modules include Freedom of Information Act Training for Executives, Freedom of Information Act Training for Federal Employees and Freedom of Information Act Training for FOIA Professionals.

FOIA programs are severely understaffed and face extremely tight deadlines. Establishing the requirement for annual FOIA training would result in a well-educated federal workforce that is familiar with the basic principles of the FOIA as well as knowledge about their FOIA related responsibilities/duties. As a direct result of the training, FOIA personnel across the federal government and the public, could dramatically benefit in the following ways:

- 1) Record search response time would be more efficient and timelier than it currently is; hopefully the FOIA personnel would receive minimal pushback for obtaining the results of the search;
- 2) Record review response time would decrease as the Federal workforce is familiar with their responsibilities as the subject matter expert in the content of the record(s) being reviewed;
- 3) The already understaffed FOIA personnel would spend much less time training the federal workforce about the basics of FOIA and about/how the non-FOIA personnel must administer it; the valuable time spent training staff would allow for the FOIA personnel to directly work on the FOIA cases, back-logged cases, report, etc.;
- 4) FOIA related appeals and litigation costs would decrease in the long term;
- 5) And it could potentially increase senior leadership and employee buy in to devote more resources to their FOIA Programs.

Instituting minimum training FOIA requirements for all employees, directly supports the premise of the Attorney General's Guidelines Memorandum that "FOIA is everyone's responsibility," not only the FOIA personnel's responsibility to train the Federal workforce about the FOIA. So far, only a few agencies such as the EPA and the Department of the Interior have implemented mandatory FOIA training for all agency personnel.

The Department of Justice's Office of Information Policy has already created three FOIA e-Learning modules that "can be accessed through OMB Max Drive. These files should be directly uploaded into your agency's Learning Management System. You can share these links with or provide the downloaded .zip files to your agency's e-Learning staff. The courses must be uploaded into the Learning Management System before they can be taken by agency staff." Moreover, DOJ explains that "If your agency does not have a Learning Management System to load the above files, the courses can be accessed via web browser at the below links."



Of course, each federal agency would have the option to create their own module, course or training and offer minimum FOIA training in numerous ways that are the most convenient.

Most Federal agencies are facing an unprecedented volume of FOIA requests that only grows year by year. Despite this enormous challenge, we believe that all Federal agencies are committed to conducting their business in an open and transparent manner and will continue to take steps to improve the efficacy and efficiency of its FOIA process.

# **Recommendation 6 Regarding Shared FOIA Case Management System and Central Record Repository**

**Author: Patricia A. Weth (EPA)**

**Recommendation 6: We recommend that the Chief FOIA Officers (CFO) Council form a working group to analyze the interest in and the need for 1) a shared FOIA case management system and 2) a centralized record repository for use by federal agencies and the public. This working group shall draft a white paper of its findings and present it to the CFO Council within two years of its formation.**

During this term, the Resources Subcommittee had discussions with FOIA professionals in several federal agencies, all of whom expressed frustration with their respective FOIA case management systems. Agencies complained about system inefficiencies, system downtime, financial costs, the cost of agency labor hours to implement and maintain a system, and poor customer service. During discussions with the requester community, the Resources Subcommittee was informed of the need for a central FOIA records repository, where requesters could easily perform searches for and download previously released FOIA records. Based on requester community feedback the repository should have a strong search engine to allow users to easily find, navigate, and search the FOIA request description and the released records. With the decommissioning of FOIAonline, many requesters expressed concern over the loss of the one-stop-shop for the 18 FOIAonline partners' previously released FOIA records.

To obtain a FOIA case management system, a federal agency can build an internal system or purchase a system from a commercial vendor. In the recent past, agencies had the option to use a shared federal FOIA case management system, known as FOIAonline. With FOIAonline, agencies could become an agency partner by entering into a Memorandum of Understanding and paying a pro rata fee based upon the number of FOIA requests. Since FOIAonline was decommissioned on September 30, 2023, this is no longer an option for agencies.

A vast majority of federal agencies use FOIA case management systems to receive, manage, track, and respond to FOIA requests, communicate with requesters, manage FOIA case files as electronic records, and publish responsive records in a central record repository. Also, federal agencies rely on FOIA case management systems to generate FOIA annual and quarterly reports, which are required to be submitted to the Department of Justice's Office of Information Policy (OIP) via FOIA.gov, posted on FOIA.gov, and posted on the agency's FOIA website. In addition to the DOJ required reports, agencies use their systems to create custom reports to assist with backlog reduction plans and the improvement of internal FOIA processes and procedures. FOIA requesters use a given agency's FOIA case management system to submit FOIA requests, check on the status of their request, receive responsive records, and search for other requesters' FOIA requests and other responsive records in the central record repository.

For FOIA requesters and agencies, a central record repository is increasingly necessary for all access purposes. As stated, it allows FOIA requesters to search for previously released records and obtain these released records quickly, without the need for filing a new FOIA request; and it would allow agency FOIA professionals responding to FOIA requests, a repository to provide links to previously released records, which saves processing time and allows a faster delivery of records

to the requester. The 2018-2020 FOIA Advisory Committee made a recommendation in response to this need. In Recommendation 2020-03, the FOIA Advisory Committee recommended “that agencies work toward the goal of collecting, describing, and giving access to FOIA-released records in one or more central repositories in standardized ways, in addition to providing access on agency websites.”<sup>14</sup> The Committee report recognized FOIAonline as an example of a centralized FOIA records portal.<sup>15</sup> At the time of its decommissioning, the FOIAonline record repository contained 18 federal agencies previously released records dating back to 2012. Fortunately, the Project on Government Oversight (POGO) and MuckRock worked together to gather 34,000 records previously available on FOIAonline.<sup>16</sup> This Committee term, the Implementation Subcommittee has selected Recommendation 2020-03 as a high priority recommendation requiring further review by agencies, OGIS, OIP, and future FOIA Advisory Committees.<sup>17</sup>

Despite paying premium fees, federal agencies report experiencing inefficiencies with various commercial systems. In many cases, private sector solutions do not match the needs of the federal government.<sup>18</sup> Recently, the Chief FOIA Officers (CFO) Council Technology Committee has reviewed and created a comparison of the various FOIA case management systems. Also, OIP has drafted FOIA business standards developed for federal agency FOIA case management systems with the goal of increasing efficiency and consistency in FOIA administration and seeks public comments by May 17, 2024.<sup>19</sup> While this OIP initiative - in collaboration with OGIS - is commendable and these standards will be helpful, they will not be required. If there were a shared federal FOIA case management system, the vendor solution would presumably conform to OIP’s business standards.

Under the FOIA Improvement Act of 2016, the CFO Council has the duty to develop recommendations for increasing compliance and efficiency, disseminate information about agency experiences, and identify, develop, and coordinate initiatives to increase transparency.<sup>20</sup> For these reasons, the Resource Subcommittee has recommended that the Chief FOIA Officer’s Council form a working group to analyze the interest in and the need for 1) a shared FOIA case management system and 2) a centralized record repository for use by federal agencies and the public. In contacting federal agencies and the requester community, the working group will gauge the perceived need and obtain suggestions. The working group may conduct surveys, interviews, and hold listening sessions to obtain information.

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<sup>14</sup> See 2018-2020 FOIA Advisory Committee Final Report and Recommendations, at 12, <https://www.archives.gov/files/ogis/assets/foiaac-final-report-and-recs-2020-07-09.pdf>.

<sup>15</sup> *Id.* at 13.

<sup>16</sup> See Freddy Martinez, “Here’s why MuckRock and POGO Had to Archive FOIAonline” (October 23, 2023), *POGO*, <https://www.pogo.org/analysis/heres-why-muckrock-and-pogo-had-to-archive-foiaonline>.

<sup>17</sup> See, 2022-2024 Implementation Subcommittee Interim Report and Recommendations, <https://www.archives.gov/files/ogis/documents/implementation-subcommittee-draft-interim-report-1-march-2024>.

<sup>18</sup> See Howard Langsam, “It’s 2023. Why is most government software still so mediocre?” (May 31, 2023), *Federal News Network*, <https://federalnewsnetwork.com/commentary/2023/05/its-2023-why-is-most-government-software-still-so-mediocre/>.

<sup>19</sup> OIP, “Draft FOIA Business Standards Now Available for Public Comment” (March 21, 2024), <https://www.justice.gov/oip/blog/draft-foia-business-standards-now-available-public-comment>.

<sup>20</sup> 5 U.S.C. § 552(k).

Under this recommendation, the working group is being asked to draft a white paper of its findings, to be presented to the CFO Council. The goal for the working group's white paper is to create a strong business case for initiating a shared federal agency FOIA case management system and centralized record repository and/or identify additional solutions. The Resources Subcommittee believes that a two-year time frame on the production of the white paper will give the working group ample time to conduct their investigation and draft their report. We understand that the members of the working group would be volunteering their time on this project and otherwise have a full workload.

We believe that the creation of a robust FOIA centralized repository would significantly advance FOIA administration throughout the executive branch. If the CFO Council working group also concludes a strong justification for a centralized repository exists, we believe a further recommendation to the Director of the Office of Management and Budget (OMB) would be appropriate for the purpose of drafting a policy memorandum to the executive branch establishing the creation of and ensuring the operation of shared federal agency FOIA case management system and centralized record repository.

In conducting their work, the Resources Subcommittee provides the working group with helpful suggestions in the following areas:

- A. Suggestions for System Models
- B. Suggestions for Assistance in creating a Shared FOIA Case Management System and Central Records Repository; and
- C. Suggestions for the Working Group Recommendation.

## A. Suggestions for System Models

The Resources Subcommittee references the below systems as possible examples for creation and/or management of a shared federal FOIA case management system and central records repository.

### **FOIAonline**

*FOIAonline system may serve as a model for the shared federal FOIA case management system and central record repository.*

In 2010, Environmental Protection Agency (EPA) built an early program of FOIAonline, known as the FOIA Module, on the Regulations.gov platform. By using the infrastructure of Regulations.gov, many start-up costs were saved. A total of \$1.3 million was spent to launch FOIAonline.<sup>21</sup>

In 2012, six federal agencies, EPA, National Archives and Records Administration, Department of Commerce, Department of the Treasury, Federal Labor Relations Authority, and the Merit Systems Protection Board partnered to develop FOIAonline.<sup>22</sup> These six agencies collaborated to create a system designed especially for agencies with a strong knowledge of the federal FOIA process and of the needs of agency FOIA professionals. At the time it was created in 2012, it was estimated that FOIAonline could avoid costs of \$200 million over the next five years.<sup>23</sup>

Using FOIAonline, members of the public could submit and track their FOIA requests, receive responsive records, and search for other requesters' FOIA requests and responsive records. For federal agencies, FOIAonline was a multi-agency workflow system and record repository that enabled participating agencies to receive, manage, track, and respond to FOIA requests, generate reports, communicate with requesters, manage FOIA case files as electronic records, and publish responsive records in a central record repository. FOIAonline partner agencies had the ability to submit referrals and consultations to each other within FOIAonline.

In October 2019, the eRulemaking program moved to the General Services Administration and FOIAonline moved from the Regulations.gov platform to the cloud.

The FOIAonline projected budget increase for FY2023 was approximately \$1.8 million.<sup>24</sup> In November 2021, due to the cost of maintaining FOIAonline, the EPA Chief Information Officer,

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<sup>21</sup> OGIS, "FOIAonline Celebrates its Second Birthday" *The FOIA Ombudsman* (November 13, 2014), <https://foia.blogs.archives.gov/2014/11/13/foiaonline-celebrates-its-second-birthday/>.

<sup>22</sup> OGIS, "Decommissioning of FOIAonline," *The FOIA Ombuds Observer No. 2023-01* (May 19, 2023), <https://www.archives.gov/ogis/resources/foia-ombuds-observer/2023-01>

<sup>23</sup> See Kevin Bogardus "EPA shuts public records portal," *E&E News by POLITICO* (February 13, 2023), <https://subscriber.politicopro.com/article/eenews/2023/02/13/epa-shutters-public-records-portal-00082264>.

<sup>24</sup> *Id.*

after consulting the Federal Chief Information Officers Council, announced to the FOIAonline partner agencies that EPA would decommission FOIAonline effective September 30, 2023.<sup>25</sup>

Over time, there were challenges in the management of the system as discussed by OGIS in *FOIA Ombuds Observer*:

For over a decade, EPA managed the system for its partner agencies; however, agencies began to ask for more and more customizations to the platform, which caused EPA to focus on updates rather than upgrades to the system. FOIAonline customizations for individual partner agencies led to technical challenges for EPA. What began as a single integrated and shared system became, at its peak, 22 different systems, each with its own maintenance challenges. Because of these changes, the system lacked a universal workflow, and the costs of maintenance for EPA increased all while creating glitches that affect performance. The FOIAonline application, from EPA's perspective, turned into a situation in which everyone owned it and no one owned it.<sup>26</sup>

At the time of the November 2021 decommission announcement, the following 18 agencies were FOIAonline partner agencies:

1. Chemical Safety and Hazard Investigation Board
2. Environmental Protection Agency
3. Federal Communication Commission
4. Federal Labor Relations Authority
5. General Services Administration
6. Merit Systems Protection Board
7. National Archives and Records Administration
8. National Labor Relations Board
9. Nuclear Regulatory Commission
10. Pension Benefit Guaranty Corporation
11. Small Business Administration
12. Social Security Administration
13. Surface Transportation Board
14. U.S. Customs and Border Protection
15. U.S. Department of Commerce
16. U.S. Department of Defense
  - a. Defense Logistics Agency
  - b. Department of the Navy
  - c. Office of Inspector General
17. U.S. Department of the Interior
18. U.S. Department of Justice - U.S. Parole Commission

FOIAonline had a central record repository that allowed agencies to post the released records in one centralized FOIA reading room.<sup>27</sup> FOIAonline was the “only federal FOIA portal of its kind

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<sup>25</sup> OGIS, “Decommissioning of FOIAonline,” *FOIA Ombuds Observer No. 2023-01* (May 19, 2023), <https://www.archives.gov/ogis/resources/foia-ombuds-observer/2023-01>

<sup>26</sup> *Id.*

<sup>27</sup> OGIS, “Cheers for a National FOIA Portal,” *The FOIA Ombudsman* (September 11, 2017),

that allowed users to search and filter by request language, agency, or date range, experts say.”<sup>28</sup> At the time of September 2023 decommission, the FOIAonline record repository contained previously released records dating back to 2012.

Appendix B contains FOIAonline screen examples of the central records repository and the FOIA case management system.

### **eRulemaking Program Regulations.gov**

*The eRulemaking Program management structure may serve as a model for the shared FOIA case management system and centralized record repository.*

In October 2002, the eRulemaking Program was established as a cross-agency electronic governance initiative under Section 206 of the 2002 E-Government Act and was based within EPA until October 2019.<sup>29</sup>

Since October 2019, the eRulemaking program has been managed by the General Services Administration. The eRulemaking Program Management Office (PMO) leads the eRulemaking Program and is responsible for the development and implementation of this website, and oversees the system development, maintenance, and collaboration of agency partners.

The PMO is governed by dozens of federal organizations participating in a tiered governance structure. In addition to the leadership provided by the PMO, many of the participating federal departments and agencies are involved in the program's governance. There is an Executive Committee comprised of Chief Information Officers (CIO), Regulatory Policy Officers, and Deputy Secretaries from 45 partner agencies.

There are over 220 other participating agencies (non-partner agencies) whose rules and regulations are posted to Regulations.gov for commenting.

### **National FOIA Portal FOIA.gov**

*The National FOIA Portal creation may serve as a model for the shared FOIA case management system and centralized record repository. To save funds, the shared FOIA case management system and centralized record repository could be built on the FOIA.gov platform. When FOIAonline was created it was built on the Regulations.gov platform, which significantly lowered the startup costs.*

The FOIA Improvement Act of 2016 directed the Director of OMB and DOJ to “ensure the operation of a consolidated online request portal that allows a member of the public to submit a

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<https://foia.blogs.archives.gov/2017/09/11/cheers-for-a-national-foia-portal/>.

<sup>28</sup> Albert Serna, “After a decade, FOIAonline is shutting down. What’s next for FOIA requestors?” (September 26, 2023), *MuckRock*, <https://www.muckrock.com/news/archives/2023/sep/26/foiaonline-shutting-down/>.

<sup>29</sup> <https://www.regulations.gov/about>.



request for records under subsection (a) to any agency from a single website. The portal may include any additional tools the Director of the Office of Management and Budget finds will improve the implementation of this section.”<sup>30</sup>

In April 2017, OIP announced its partnership with the General Services Administration’s (GSA) 18F team to create the National FOIA Portal. The National FOIA Portal was built on the FOIA.gov platform.

The portal was developed with a user friendly focus and based upon both public and agency feedback.<sup>31</sup> The National FOIA Portal provides customized forms for each agency to help requesters submit requests more easily and allows requests to submit FOIA requests to any agency. In addition to posting the agencies’ annual and quarterly FOIA report data, the National FOIA Portal provides agency specific resources that are helpful to requesters, such as a description of each agency, links to their FOIA website, FOIA Reference Guide, FOIA regulations, and the FOIA Library.<sup>32</sup>

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<sup>30</sup> 5 U.S.C. § 552 (m)(1).

<sup>31</sup> OIP, “OIP Seeks Your Participation in the Development of the National FOIA Portal” (April 19, 2017), <https://www.justice.gov/oip/blog/oip-seeks-your-participation-development-national-foia-portal>.

<sup>32</sup> OIP, “Department of Justice Announces Launch of National FOIA Portal” (March 8, 2018), <https://www.justice.gov/opa/pr/department-justice-announces-launch-national-foia-portal>.

## **B. Suggestions for Assistance in Creating a Shared FOIA Case Management System and Central Records Repository**

The Resources Subcommittee references the following public and private entities as possible resources for assisting in the creation of a shared federal FOIA case management system and central records repository.

### **EPA's Office of Mission Support**

Since 2010, EPA's Office of Mission Support was the office, which managed and maintained FOIAonline until the EPA Chief Information Officer decommissioned the system on September 30, 2023.

Based on twelve years of experience, EPA learned many lessons during the administration of FOIAonline. The Office of Mission Support could provide excellent guidance on the development, management, and maintenance of the new federal FOIA case management system and record repository.

### **MITRE**

MITRE<sup>33</sup> is a leading technology research and development company. As a not-for-profit organization committed to the public interest, MITRE works with government, industry, and academia in solving problems. Since 1958, MITRE has operated federally funded research and development centers, known as FFRDCs.

MITRE operates six FFRDCs<sup>34</sup>, sponsored by the following government agencies:

- Department of Defense | National Security Engineering Center
- Federal Aviation Administration | Center for Advanced Aviation System Development
- Department of the Treasury and Internal Revenue Service, and co-sponsored by the Department of Veterans Affairs, Social Security Administration, and Department of Commerce | Center for Enterprise Modernization
- Department of Homeland Security | Homeland Security Systems Engineering and Development Institute™
- Department of Health and Human Services | The Health FFRDC
- National Institute of Standards and Technology | National Cybersecurity FFRDC

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<sup>33</sup> <https://www.mitre.org/>.

<sup>34</sup> <https://www.mitre.org/our-impact/rd-centers>.

Based on its recent work in support of FOIA Administration,<sup>35</sup> we believe MITRE has the expertise to aid in the development of a federal FOIA case management system and central records repository.

## **18 F**

18F<sup>36</sup> is a General Services Administration team of designers, software engineers, strategists, and product managers. Since its creation in 2014, the goal of 18F has been to improve and modernize government technology. 18F partners with agencies to fix technical problems, build products, and improve public service through technology.

18F is cost-recoverable and must charge partner agencies for their work. 18F does not receive appropriated funds from Congress.

In 2017, OIP partnered with the 18F Team to create the National FOIA Portal.<sup>37</sup> The 18F Team has experience working on the National FOIA Portal and can use this experience to assist in the creation of a shared federal FOIA case management system and central records repository.

## **Chief FOIA Officers Council Technology Committee**

Based upon a recommendation proposed by the 2016-2018 Term of the FOIA Advisory Committee, the CFO Council created a Technology Committee.<sup>38</sup> The Technology Committee was formed to study “the utilization and deployment of technology in FOIA programs across agencies, and to identify best practices and recommendations that can be implemented across agencies” and works with the Council's co-chairs, the Directors of OIP and OGIS<sup>39</sup>. The Technology Committee is well-suited to provide assistance. In the past, this Committee had the following working groups: FOIAonline (which currently is inactive), FOIAXpress (which is currently inactive), and FOIA IT Platforms (which is active as of April 2024).

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<sup>35</sup> See, OGIS, MITRE Presentation to the FOIA Advisory Committee (June 8, 2023) “A Business Reference Model for The Freedom of Information Act (FOIA)” <https://www.archives.gov/files/ogis/foia-advisory-committee/foia-rm-briefing-to-foia-ac-2023-06-08.pdf>; See, David Bloom, Eliot Wilczek, “A Reference Model for the Freedom of Information Act (FOIA),” (April 5, 2023), MITRE, <https://www.mitre.org/news-insights/publication/reference-model-freedom-information-act-foia>; See also, Nancy Gast Romps, “Searching for Solutions: MITRE Tool Simplifies Freedom of Information Act Requests,” (February 1 2023), MITRE, <https://www.mitre.org/news-insights/impact-story/mitre-tool-simplifies-freedom-information-act-requests>.

<sup>36</sup> <https://18f.gsa.gov/about/>.

<sup>37</sup> See, OIP, “DOJ Announces the First Iteration of the New National FOIA Portal on FOIA.gov” (March 8, 2018), <https://www.justice.gov/oip/blog/doj-announces-first-iteration-new-national-foia-portal-foiagov> ; “Department of Justice Announces Launch of National FOIA Portal” (March 8, 2018), <https://www.justice.gov/opa/pr/department-justice-announces-launch-national-foia-portal>.

<sup>38</sup> See 2016-2018 FOIA Advisory Committee Report at page 6 <https://www.archives.gov/files/final-report-and-recommendations-of-2016-2018-foia-advisory-committee.pdf>.

<sup>39</sup> <https://www.foia.gov/chief-foia-officers-council/committee/technology-committee>.

### **C. Suggestion for CFO Council Working Group Recommendation**

In the event the working group finds there is a need for a shared federal agency FOIA case management system and central record repository, the Resources Subcommittee references the below recommendation as potential draft recommendation for the CFO Council working group to further consider.

#### Suggested Recommendation

We recommend that the Chief FOIA Officer's Council issue a recommendation to the Director of the Office of Management and Budget to establish the creation and ensure the operation of a shared federal FOIA case management system and central records repository for use by federal agencies and the public.

#### *Comment:*

To improve the administration of FOIA, reduce costs, and reduce inefficiencies, the working group recommends that Director of the OMB establish the creation and ensure the operation of a federal FOIA case management system and central records repository, which would benefit the federal agencies and the requester community.

Under the FOIA Improvement Act of 2016, the Chief FOIA Officers Council was created as stated below.

- (k) (1) There is established in the executive branch the Chief FOIA Officers Council (referred to in this subsection as the 'Council').
- (2) The Council shall be comprised of the following members:
  - (A) The Deputy Director for Management of the Office of Management and Budget.
  - (B) The Director of the Office of Information Policy at the Department of Justice.
  - (C) The Director of the Office of Government Information Services.
  - (D) The Chief FOIA Officer of each agency.
  - (E) Any other officer or employee of the United States as designated by the Co-Chairs.
- (3) The Director of the Office of Information Policy at the Department of Justice and the Director of the Office of Government Information Services shall be the Co-Chairs of the Council.
- (4) The Administrator of General Services shall provide administrative and other support for the Council.
- (5) (A) The duties of the Council shall include the following:
  - (i) Develop recommendations for increasing compliance and efficiency under this section.
  - (ii) Disseminate information about agency experiences, ideas, best practices, and innovative approaches related to this section.
  - (iii) Identify, develop, and coordinate initiatives to increase transparency and compliance with this section.
  - (iv) Promote the development and use of common performance measures for agency compliance with this section.

(B) In performing the duties described in subparagraph (A), the Council shall consult on a regular basis with members of the public who make requests under this section.<sup>40</sup>

The members of the Chief FOIA Officers Council (Council) consists of the federal agency Chief FOIA Officers and the Director of Office of Management and Budget (OMB), with the Director of the Office of Information Policy at the Department of Justice and the Director of the Office of Government Information Services as the Co-Chairs. An important Council duty is to “Develop recommendations for increasing compliance and efficiency under this section.” A recommendation from the Council would be well received and carry much weight with the Office of Management and Budget because the Director is a member of this Council.

Under the FOIA Improvement Act of 2016, Congress amended the FOIA statute with the addition of subsection (m)(1) which states:

The Director of the Office of Management and Budget, in consultation with the Attorney General, shall ensure the operation of a consolidated online request portal that allows a member of the public to submit a request for records under subsection (a) to any agency from a single website. The portal may include any additional tools the Director of the Office of Management and Budget finds will improve the implementation of this section.

<sup>41</sup>

The working group urges the Director of OMB to add the tool of a shared federal FOIA case management system and central records repository to the National FOIA Portal.

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<sup>40</sup> 5 U.S.C. § 552 (k).

<sup>41</sup> 5 U.S.C. § 552 (m)(1).

## VI. Conclusions and Thoughts for Future Advisory Committees

Backlogs seem to have become an endemic problem in federal FOIA programs. Administrations from both major parties have attempted to solve the problem by ordering agencies to come up with their own plans to reduce backlog. This has not worked, at least not consistently, because many of the issues leading to the backlog are not entirely under the control of individual agencies. Rather, many problems are government-wide and require either action by those agencies who set the rules for the government or coordinated action by agencies. For this reason, the Resources Subcommittee's recommendations attempt to attack root causes for backlogs from the bottom up by easing agencies' ability to attract and keep human capital, by encouraging more widespread training of federal employees regarding FOIA, and through research and development of better IT solutions for handling FOIA matters.

The Subcommittee's recommendations are now recommendations by the full Committee, which is progress. The task now becomes monitoring implementation. The Subcommittee fears that if the recommendations are not implemented – if training does not become more widespread; if nothing is done to address hiring and retention; if nothing is done to streamline procurement of FOIA contractors– this will be because of bureaucratic inertia. In any organization as large and fragmented as the federal government, there are many individuals who learn of a problem but say “why is this my problem?” Subcommittee members have certainly encountered this attitude in their FOIA careers, and even as part of their work for the Subcommittee. The work needed to implement the Subcommittee's recommendations and to tackle the backlog is not easy. It may be challenging to get the necessary officials to undertake this work if they share the attitude “why is this my problem.”

It is because of inertia that everyone involved in a FOIA program will say that commitment by senior leadership is essential. When leadership is committed, inertia can be overcome. But it isn't just agency leadership that must be committed to FOIA. The problems we describe in this report are not limited to individual agencies, but the executive branch as a whole. Commitment by the leader of the executive branch is therefore crucial. If the recommendations of the Committee fall by the wayside during the next Committee's term, it will be time to elevate those recommendations – and possibly those of earlier Committees – to the White House or OMB. It will be time to ask OMB to issue instructions or the President to issue an executive order mandating the sorts of measures described in the Subcommittee's recommendations.

There are precedents. In 2021, President Biden issued Executive Order 14035 directing agencies to report on the status of their Diversity, Equity, Inclusion, and Accessibility programs and to identify any additional resources, including funded positions, that agencies needed. Subsequent OMB guidance stated that agencies were to request from OMB and would receive the budget to support a reasonable number of additional positions to support their DEI&A programs. In 2018, President Trump issued Executive Order 13833, which, among other things,

directed OPM to issue regulations delegating to agency heads direct hire authority for certain IT positions. On November 28, 2011, President Obama issued Presidential Memorandum “Managing Government Records.” To implement that Memorandum, OMB and NARA issued Memorandum M-12-18 which, among other things, required agencies to provide mandatory records management training to all employees.

Compliance with FOIA is certainly a subject worthy of White House attention. This Subcommittee aimed its recommendations at agencies like GSA and OPM because this is the first time that most, if not all, of these recommendations have been made. Directing them to the White House in the first instance seemed too much of a leap. However, if agencies reject or simply do not address these recommendations after being given the opportunity to address them, a future Committee should not be reluctant to elevate the issue and recommend Presidential action.

Finally, there is one resource that is implicit to the Resource Subcommittee’s work: money. A prior term of the Advisory Committee recommended that Congress ensure agencies receive adequate resources to fund their FOIA programs.<sup>42</sup> That recommendation remains open. The Resources Subcommittee attempted to revisit this recommendation and explore ways the executive branch could work with Congress to bring the earlier recommendation to fruition. Unfortunately, the Subcommittee was not able to gather the information needed to develop further recommendations on this issue. Instead, the Subcommittee focused on measures that would allow agencies to get more value from the funding that they already have. However, future terms of the Committee should revisit the issue of funding and should again explore ways the executive branch can effectively build additional FOIA funding in the President’s proposed budgets. Again, the Committee should not be reluctant to address recommendations to the President.

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<sup>42</sup> See 2018-2020 FOIA Advisory Committee Final Report & Recommendations, at 33. <https://www.archives.gov/files/ogis/assets/foiaac-final-report-and-recs-2020-07-09.pdf>.

## **Appendix A for Recommendation 5**

### **Recommendation regarding Training**

**2022 and 2023 Chief FOIA Officer Report questions regarding training and agency responses.**



## **2022 Chief FOIA Officer Report**

### **Section I**

#### **Question 10**

**Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations, and expectations during the FOIA process.**

The following pages contain forty agency responses to Section I Question 10

- beginning with Department of Agriculture, and
- ending with Office of Personnel Management.

Department of Agriculture	<p>The OIA is continuing to provide weekly virtual FOIA training via Microsoft Teams to all of the Department’s onboarding political appointees. The OIA also provides short micro learning opportunities for political appointees at least monthly at either subcabinet or other senior level meetings that emphasizes their role in the FOIA process. The OIA was also invited to submit routine briefings to the Office of the Secretary and meet with Secretary Thomas Vilsack on the status of USDA’s FOIA program. Among other items, the OIA addressed the impact of the 2019 realignment of the Departmental FOIA program to the General Counsel, funding, progress on the reduction of our backlog, end of the year goals, and processing trends. Our Secretary is deeply committed to ensuring FOIA compliance. In early September 2021, he circulated the below message to all USDA employees to both acknowledge the work of USDA’s FOIA community but most importantly, remind the Department that FOIA is everyone’s responsibility.</p>
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<p>Department of Commerce</p>	<p>Department FOIA Offices continued to engage with non-FOIA professionals, emphasizing open communication and transparency to ensure compliance with applicable laws, regulations, and obligations. FOIA professionals worked with non-FOIA professionals from program offices, program staff, senior managers, line offices, and regional offices on an ongoing basis to inform them of their obligations under the FOIA. FOIA professionals relayed the importance of FOIA, open government and transparency through memoranda and FOIA updates communicated to agency staff when tasking requests for fee estimates or record searches. Individual formal FOIA training was also provided to non-FOIA professionals on a needed basis, and FOIA staff were available to answer questions. In addition, contact information for FOIA professionals is provided in outgoing FOIA assignment and tasking memoranda. Additional outreach to non-FOIA staff included:</p> <ul style="list-style-type: none"> <li>• BEA FOIA professionals collaborated with non-FOIA professionals (such as staff, program office management, and the Office of the Chief Information Officer) to inform them of their obligations under FOIA. This was communicated verbally and via BEA’s FOIA manual and policy. BEA also updated its internal FOIA site, which will educate all staff about their obligations under the FOIA.</li> <li>• BIS FOIA professionals provided both reading materials for FOIA processing training and hands-on reviewing exercises to non-FOIA professionals. BIS provided training to new employees and contractors on the FOIA process. FOIA professionals also provided BIS senior leadership training.</li> <li>• EDA’s Chief FOIA Officer regularly emphasized the importance of FOIA to non-FOIA professionals through memorandums and FOIA updates communicated to the agency’s staff when fanning out a request. Additionally, new employees are provided ad hoc training to understand their FOIA responsibilities. EDA’s senior leadership team was also briefed by the Chief FOIA Officer on the agency’s FOIA resources, obligations, and expectations.</li> <li>• IOS encouraged non-FOIA professionals are to take FOIA training via the Commerce Learning Center. IOS FOIA staff engaged with non-FOIA professionals and emphasized open communication and transparency to ensure compliance with applicable laws, regulations, and obligations. Program offices, program staff, and senior managers were informed on a regular basis of their obligations under the FOIA. IOS FOIA staff relayed the importance of FOIA, open government and transparency through memoranda and FOIA updates communicated to agency staff when tasking requests for fee estimates or record searches. Individual formal FOIA training was also provided on a needed basis. In addition, contact information for FOIA professionals is provided in outgoing FOIA assignment and tasking memoranda. IOS FOIA staff provided training to those employees assigned FOIA responsibilities in other offices via Teams meetings, including the use of FOIAonline, conducting proper searches for potentially responsive records, and their overall duties and responsibilities under FOIA. FOIA training was provided to Senior Executive Service members and their staff. IOS staff worked closely with non-FOIA professionals when responding to requests. IOS staff provided presentations on FOIA record types, and</li> </ul>
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record search responsibilities. • ITA's FOIA Staff remained available to answer questions from program staff and provided program staff with FOIA point-of-contact telephone numbers on outgoing taskers. ITA emphasized open communication and transparency to ensure compliance with the applicable laws and obligations. Additionally, ITA FOIA Staff conducted in-person one-on-one guidance. • MBDA continued to train non-FOIA professionals on an ongoing basis as needed. • NIST conducted training to organizational unit stakeholders on a regular basis. NIST's FOIA Officer emphasized the importance of openness as a factor to consider when reviewing records via training sessions and in response to specific requests. In addition, the FOIA Office and the NIST Office of the Chief Counsel carefully reviewed all suggested withholdings, placing a priority on the presumption of openness, and considered the foreseeable harm prior to making a final determination to withhold records or information. • NOAA engaged with its General Counsel's Office to ensure dissemination of FOIA requirements and to assist as legal counsel's incorporation of changes in FOIA case law and DOJ OIP Guidance into advice for the NOAA client. NOAA FOIA also briefed the NOAA CIO Council multiple times regarding FOIA obligations, budget, and program requirements for transparency. • NTIA/OCC conducted training throughout the year as a part of a concerted effort to assist NTIA employees in understanding their roles and responsibilities under FOIA. In addition, NTIA/OCC FOIA staff provided information to NTIA staff regarding their OIA obligations. This included training of senior leaders regarding the agency FOIA process and their obligations. These were held virtually using a prepared PowerPoint presentation and discussion format. Also, each request for fee estimates or search sent to NTIA employees included detailed instructions regarding how to conduct a proper fee estimate or search. On a case-by-case basis, FOIA training materials are provided to new staff or those that were seeking information regarding their FOIA obligations. NTIA/OCC staff provided a FOIA Q&A posted on NTIA's intranet for additional information. NTIA/OCC staff also regularly answered questions regarding FOIA and provided help when asked. • NTIS continued to utilize and encourage FOIA staff to take the CLC (Commerce Learning Center) class on FOIA. • OGC/Information Law presented a FOIA overview session during the Department's Sunshine Week event in March 2021. They were available to provide similar sessions when requested. • The Office of the Secretary emphasized open communication and transparency with nonFOIA professionals to ensure compliance with applicable laws, regulations, and obligations. FOIA Professionals continued to collaborate with non-FOIA professionals from other program offices and informed them of their obligations and expectations under the FOIA. Office of Secretary FOIA professionals also stressed the importance of the FOIA to non-FOIA professionals through correspondence and memorandums. • OUSEA FOIA professionals collaborated with non-FOIA professionals (such as staff, program office management, and the Office of the Chief Information Officer) to inform

	<p>them of their obligations under FOIA. This was communicated verbally and via a FOIA manual and policy. • The members of the USPTO FOIA Office conducted training sessions for new attorneys in the Headquarters Office, as well as been participants on agency-wide Q&amp;A panels for supervisory -level employees throughout the Agency. The FOIA Officers also provided one-on-one FOIA training and guidance to senior leadership and administrative judges in the Agency. FOIA Coordinators in each business unit assisted the FOIA Office in ensuring that non-FOIA professionals understood their obligations. FOIA training materials are made available to USPTO employees on the USPTO intranet</p>
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Department of Education	All new ED personnel are informed of their FOIA obligations as part of ED’s onboarding process, and FSC makes internal training opportunities available to FOIA and non-FOIA professionals alike throughout the year. ED’s annual FOIA training is open to all Departmental employees. The FSC initiated a department-wide communication outreach campaign well in advance of the training that resulted in many non-FOIA staff attending the event. During this reporting period, multiple program offices requested staff from the FSC attend their all-staff meetings to discuss FOIA. The sessions covered topics like what is FOIA, what are the Department’s processing responsibilities, how and where to search, and an overview of the exemptions most likely to apply to ED records. The Chief FOIA Officer briefed the new Secretary, Deputy Secretary, and other on boarding leaders on their FOIA obligations. Additionally, ED rolled out a “Everything You Wanted to Know About X” series to all new appointees that included a comprehensive briefing on FOIA.
Department of Energy	The Chief FOIA Officer briefed senior leaders regarding FOIA matters and what is required of the department with regard to FOIA. In addition, every effort is made at DOE to provide training and information to its non-FOIA professionals. All FOIA training is open to and attended by non-FOIA professionals. New employees including senior staff and records holders receive FOIA training. The training is focused on their obligations under the FOIA and covers the presumption of openness, explains the application of the various exemptions, and shares the requirement to conduct adequate and timely document searches. Most of DOE’s site offices provide an overview of the FOIA process as well as information about the record holders responsibilities to conduct reasonable searches and of record retention policies. For example, DOE’s Chicago Office conducted FOIA training for new Management and Operating contractor staff which emphasized the need for detailed searches of agency records. Chicago also conducted one-on-one sessions with various Office of Science – Consolidated Service Center organizational record custodian contact to advise them of FOIA processing requirements and their respective duties. The Richland Officer provided training on the FOIA to non-FOIA professionals. BPA also offered a virtual FOIA presentation to all agency staff.

Health and Human Services	<p>Bi-weekly informational session provided at New Employee Orientation provides FOIA training to all incoming HHS employees. OS conducts regular trainings with Program Offices. Some of these sessions are attended by more than 100 staff members who are non-FOIA professionals NIH FOIA staff typically deliver informal presentations to non-FOIA staff at the office and division level regarding the FOIA. These take place about once every quarter. ACL FOIA staff use staff meetings at various levels to discuss FOIA obligations. In addition, as FOIA requests involve ACL offices and centers, FOIA staff take the opportunity to remind non-FOIA professionals of processes, procedures and obligations. Due to the relatively low volume of ACL FOIA requests, briefings occur one-on-one as non-FOIA professionals become involved in the process. Non-FOIA professionals' responsibilities tend to be limited to conducting record searches. Non-FOIA professionals' questions and concerns generally focus on exemption 4 and the process around pre-disclosure. IHS provided informal training on the FOIA process and procedures to specific staff members, to include some senior IHS staff members, via teleconference, when their offices were tasked to search for responsive records. Training was provided to newly appointed Area FOIA Coordinators. FDA has presented FOIA training to several program offices this year, including the National Center for Toxicological Research, the Office of the Media Affairs, and the Commissioner's Fellows. Finally, all new employees receive an introduction to FOIA presentation as part of New Employee Orientation. CDC FOIA Officer met with the incoming CDC Director. CDC Weekly meeting with Chief of Staff and Chief Operating Officer outlining FOIA Office resource needs. OS briefed HHS leadership on FOIA requirements, resource needs, and challenges, meets weekly with the Chief and Deputy Chief FOIA Officers, and provides monthly FOIA metrics. NIH senior leaders are briefed upon assuming their roles on their collective responsibilities under the FOIA. New OIG SES employees receive desktop training on FOIA Exemptions. ACL's FOIA Officer is a member of the agency's senior leadership team and briefs members of the leadership team during weekly leadership team meetings as FOIA relevant matters emerge. CMS Office of the Administrator received training on FOIA and Records Management in August 2021. FDA sends weekly and monthly reports to senior management regarding FOIA backlogs and other updates.</p>
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<p>Department of Homeland Security</p>	<p>The Privacy Office promoted employee understanding of FOIA through the Department’s intranet site, DHSConnect. In 2021 the Privacy Office redesigned the FOIA page on DHSConnect to improve its readability and usefulness for employees. The Privacy Office also posted a message from the Chief FOIA Officer for all employees on DHSConnect recognizing Sunshine Week. The Privacy Office provided FOIA training during the bi-weekly new-employee orientation. Additionally, the Chief FOIA Officer held bi-weekly FOIA training sessions for all new political appointees, and the Privacy Office provides training on-demand for HQ-level offices. The Privacy Office’s employee FOIA training is designed to help employees understand how their records, including email, will be collected and processed in response to a FOIA request. Components provided the following responses: CBP: • Conducted internal trainings that covered the search and retrieval process, training in use of the FOIA Online system, and training in the redacting of certain non-traveler requests. This training is a PowerPoint document presented in Teams and WebEx platforms. CBP FOIA senior leadership received a briefing on the agency’s FOIA resources, obligations, and expectations during the FOIA process. FEMA:</p> <ul style="list-style-type: none"> <li>• Conducted quarterly meetings with the Agency’s FOIA community to provide guidance on the process, circulating monthly emails with additional guidance and briefing various senior leadership on aspects of the FOIA process.</li> <li>FLETC: • Shared knowledge with non-FOIA professionals in the process of collaborating to respond to requests.</li> <li>ICE: • Held training sessions for program offices that conduct record searches. This training provided an overview of the FOIA process and requirements for conducting a proper search for records.</li> <li>OIG: • Conducted training for over 100 senior leaders/managers/supervisors. Senior Leaders are also regularly briefed on FOIA resources, obligations, and expectations during the process. Additionally, OIG regularly schedules quarterly FOIA training through “lunch and learns.”</li> <li>TSA: • Conducted Annual FOIA POC training and provided “make-up” sessions throughout the year. In addition, the training presentation is available on an internal i-Share page for FOIA POCs to reference as needed. Also, conducted FOIA training upon request from airports and program offices regarding the FOIA process. The FOIA Officer briefed senior leaders on a weekly and monthly basis regarding expectations to process and close FOIA requests in the mandated 20-day timeframe, closing the ten oldest FOIA requests, appeals, and consults as mandated by DHS in addition to reducing the backlog.</li> <li>USCG: • Provided FOIA training to all new employees during their orientation period. Employees are notified of the importance of the Act, time frames, best practices, and where to find assistance.</li> <li>USCIS: • The USCIS FOIA team provided training and information to agency personnel who assist in locating responsive records. In addition, the team conducted a presentation on FOIA obligations to asylum and refugee officers at USCIS headquarters.</li> <li>USSS: • Conducted training for all personnel GS 15 and above outlining FOIA procedures and how FOIA is an agency issue. The FOIA Officer recorded an informational</li> </ul>
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	<p>video (FOIA: What it is and how it affects you) for all USSS personnel to view. FOIA professionals also conducted training for new program office staff who assist in searching for records and review of records.</p>
<p>Dept. of Housing and Urban Development</p>	<p>Training is conducted monthly to program area staff, as well as Regional Office points of contact, through Microsoft Teams on subject matters such as fees, procedural requirements, functions of the FOIA management system, and searching for responsive records. We also maintain previously recorded training that is available anytime for new FOIA POCs and refreshers for personnel involved in the FOIA process as needed. The executive for FOIA meets individually monthly with Program Office Senior Executives to keep them abreast of future plans, current activities and any issues regarding FOIA. This meeting is also used to educate them on any changes to HUD or DOJ rules and regulations. In line with our Customer Service and Outreach efforts on an as-needed basis, the FOIA Staff train Headquarters and Regional Office program area staff who are responsible for conducting searches for responsive records to get a better understanding of the FOIA rules, regulations and processes. Throughout FY21, FOIA staff provided one-on-one training regarding meeting deadlines, requesting extensions, providing clarification, fees, and search parameters. The FOIA staff also</p>

	<p>meets monthly with all agency FOIA POCs to keep them informed of any changes and provides an additional forum for training and awareness. This is in addition to the on-demand training videos available on the HUD intranet. The Office of General Counsel (OGC) in conjunction with the HUD field FOIA liaisons at the ten regional offices held trainings to inform regional program office staff of their FOIA responsibilities and HUD processes.</p>
<p>Department of State</p>	<p>The Department conducted agency-wide outreach on several occasions between March 2021 and March 2022. The Department issued agency-wide guidance on the use of electronic messaging applications to ensure that all official business conducted on electronic messaging devices is captured and incorporated into the Department's central filing system in compliance with federal records management laws, regulations, and policies. The Department also continues to require completion of online mandatory records management training for all Department employees, including a module on FOIA. As previously noted, over 113,500 Department employees have completed this course. The FOIA Office regularly interacts with employees throughout the Department regarding FOIA issues. It also provides training regarding employees' FOIA responsibilities and any changes to the Department's policies implementing the FOIA. Department personnel have access to individualized FOIA briefings by the FOIA Office, including by its FOIA Program Manager. The FOIA Office also maintains an internal website where Department employees can view and download guidance on the FOIA. The FOIA Office continues to brief outgoing officials and remind them, in writing and in individual briefings, of their responsibilities to complete any outstanding FOIA searches before departure and to preserve their records so that they can be searched in the future. Incoming officials are also briefed on their records and classification responsibilities as well as on the FOIA</p>

<p>Department of the Interior</p>	<p>In 2021, the Director of the DFO continued to engage in regular communications with bureau leadership to help ensure they are fully apprised of the status of their organizations' FOIA operations, provide meaningful support to their FOIA offices, and hold employees across their organizations accountable for compliance with the FOIA. The DFO also launched a new FOIA intranet site accessible to all Department employees for FOIA Officers and staff with easy-to-use training materials for the new FOIA request tracking and case management system, as well as reference materials on a range of FOIA issues, policies, and best practices. As referenced above, the DFO provided incoming political staff with a FOIA-specific briefing concerning their legal obligations under FOIA. This training provided political staff with the practical knowledge needed to effectively and timely respond to search requests from Department's FOIA offices. The briefing materials were also provided to the Bureau FOIA Officers to encourage the same level of onboarding training be provided to other new employees within bureaus and offices. In addition, the Secretary of the Department of the Interior issued a memorandum to senior leadership specifically on the importance of the FOIA, as further described in our Success Story.</p>
<p>Department of the Treasury</p>	<p>Treasury has taken steps to ensure non-FOIA professionals have a full understanding of the FOIA requirements. Non-FOIA professionals are informed through several training methods, including one-on-one, case-by-case, and group training sessions. The frequency of these engagements range between monthly, quarterly, and annually depending on the requirement and the bureau. Other avenues of informing non-FOIA professionals of their obligations under the FOIA include issuance of a memorandum that reiterates a commitment to openness in the government and reinforcing every employee's responsibility to promote transparency, displaying FOIA awareness posters in offices and digital messages in the workplace and in newsletters, utilizing welcome letters for new employees, new employee on-boarding training, supervisory-level training specific to their roles and responsibilities in the FOIA process, internal FOIA quick reference guides, and providing mandatory briefings through presentations addressing FOIA obligations. Onboarding senior leaders are provided with briefings explaining their obligations under the FOIA and resources for understanding who to contact when support is needed.</p>

Department of Transportation	<p>A FOIA representative briefs all incoming DOT employees on their responsibilities under FOIA at the bi-weekly DOT New Employee Orientation. All DOT components conducted, as appropriate, one-on-one discussions with record holders on their obligations to furnish information under FOIA. Also, DOT provides a separate briefing to all new political appointees to ensure they are aware of their responsibilities under FOIA. In addition, DOT components have instituted many of their own programs to work with nonFOIA professionals within DOT. For example, the FAA offers a self-paced, self-assigned FOIA and Privacy Act training course to all employees through the Agency’s electronic learning management system. In addition, FHWA’s FOIA Officer is a member of the Extended Leadership Team (ELT), meeting monthly, and Administration Leadership Advisory Group (ALAG), meeting quarterly, and provides regular briefings on the administration of FHWA’s FOIA program as well as Fully Leveraging Expertise (FLEEx) initiative – which for FOIA focuses on expanding the knowledge of the agency's FOIA professionals. Also, PHMSA partners with its Records Manager for an Annual Cross-Training Initiative for FOIA Coordinators and Record Liaisons. Finally, the OST FOIA office hosted a “Brown Bag” lunch during Sunshine Week to inform OST personnel about the basic tenets of the FOIA, their responsibilities as DOT employees, and to discuss current issues in Open Government.</p>
AMTRAK (National Railroad Passenger Corporation)	<p>Attended training for lawyers and procurement staff once a quarter to discuss FOIA procedures.</p>
Board of Governors of the Federal Reserve System	<p>The Board's FOIA professionals published an article on the Board's internal website during Sunshine Week reminding all Board employees of their responsibilities under FOIA. The article highlighted, among other things, the importance of transparency in fostering accountability and the benefits of proactively disclosing information, such as by posting it on the Board's public website. As previously discussed in response to Question 3, the Board has incorporated OIP's FOIA training modules into the Board's internal training application, which is accessible by all Board staff. In addition, the Board's Chief FOIA Officer and FOIA Public Liaison have briefed senior leaders about the Board's FOIA staffing and technology resources and regularly assist Board staff in understanding and executing their responsibilities under the FOIA.</p>
Commodity Futures Trading Commission	<p>Each time a new division or office director starts at the Commission, we include FOIA training as part of their onboarding process. This is to ensure that leadership for every office/division throughout the Commission understands the FOIA process and the associated obligations. We have conducted this training approximately every few months in the past and, with the change in administration, will be conducting many on-boarding trainings for upcoming new employees. The format of the training is a one-on-one training with our FOIA</p>

	attorney. The training is usually done in person, but has been conducted virtually for this reporting period due to the COVID-19 pandemic and will continue to be virtual until further notice.
Council of the Inspectors General on Integrity and Efficiency	The CIGIE General Counsel, who also serves as the Chief FOIA Officer, briefs non-FOIA professionals at CIGIE who are responsible for records management on their obligations under FOIA. For example, such briefings include discussions with CIGIE information technology staff to explain the legal requirements for conducting and documenting proper searches for electronic records in response to FOIA requests. CIGIE leadership was also briefed on CIGIE's FOIA resources, including an assessment of current and anticipated FOIA demands.
Court Services and Offender Supervision Agency	CSOSA's FOIA Professionals provide in person, virtually, or by phone, year round onboarding FOIA training to newly hired employees. FOIA Professionals routinely take part in communicating collaboratively with non-FOIA professionals regarding procedural guidance related to conducting searches for responsive records, as well as, meeting the FOIA statutory requirement to respond to FOIA request(s) within 20 business days, unless there are "unusual circumstances." Yes, the FOIA office provides updates to senior leadership of the Agency's FOIA resources, obligations and expectations. Also, CSOSA's leadership developed benchmarks for the program offices that were included in the Associate Directors' performance standards concerning the program offices' obligations under the FOIA.

Environmental Protection Agency	<p>Message From the Administrator. On May 19, 2021, Administrator Regan issued an email message to all EPA employees emphasizing the importance of the FOIA as a tool that “implements a bedrock principle of democracy that the public is entitled to ‘know what their government is up to.’” This message implements the 2018-2020 FOIA Federal Advisory Committee Recommendation, which encourages “agency leadership annually issue a memorandum reminding the workforce of its responsibilities and obligations under FOIA and encouraging the workforce to contact the agency’s FOIA officer for assistance with the FOIA process.” Administrator Regan committed EPA “to being a flagship example of transparent, efficient, and effective government,” and EPA employees “will work together to serve the public interest, ensure the public trust, and emphasize transparency, disclosure, and cooperation.” Mandatory Annual FOIA Training. EPA required all employees to complete mandatory FOIA Awareness Training in FY 2021. The training was provided via an online training platform, FedTalent, with regular reminders to each employee and to their supervisors to ensure completion by the end of the fiscal year. The online platform also provided data tracking for accountability. In FY 2021, 96% of employees successfully completed the required training, which focused on the intersection of the FOIA and the Privacy Act, and FOIA Exemption 6, Personal Privacy. FOIA-Related Performance Standards. EPA requires that all senior manager performance agreements contain FOIA-related performance responsibilities to ensure Agency management promotes compliance with FOIA laws, regulations, policies, and Executive Orders. Managers are accountable to manage FOIA responses and to supervise and train all EPA employees who have a role in administering the FOIA. FOIA Supervisor Training. Starting in 2020, FOIA experts from EPA’s Office of General Counsel developed and provided in-person trainings to EPA SES and non-SES supervisors regarding the essential FOIA knowledge supervisors need to successfully comply with the FOIA, to support Agency Strategic Plan goals related to FOIA, and to fulfill new FOIA-specific elements and performance measures in performance agreements. The National FOIA Office made available to EPA supervisors a video recording of a prior in-person training that can be remotely accessed on-demand. In 2021, the National FOIA Office converted the Supervisor Training to be an eLearning module hosted in EPA’s FedTalent training management system used to provide training to EPA personnel. Hosting the module in FedTalent increases accessibility and data reporting. Available in January 2022, the FedTalent version is Section 508 compliant and user accessibility tested for assistive technologies. Self-Learning Resources.</p> <p>The National FOIA Office regularly reviewed and updated the Agency’s internal FOIA SharePoint site available to EPA FOIA professionals and agency employees. This intranet site includes a subsection on “FOIA Training and How To’s,” training records and guidance issued by the Department of Justice, and other learning resources useful to non-FOIA professionals new to FOIA processing or needing refresher training. The FOIA SharePoint site also prominently displays news highlights including regarding recent court decisions</p>
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Equal Employment Opportunity Commission	The Chief FOIA Officer presented a FOIA briefing to the new Chairwoman and Vice Chair after Senate confirmation. The Chief Operations Officer also received several briefings on various topics, including fee waiver and fee categorization and FOIA's statutory requirements concerns timeframe and who can submit a FOIA. FOIA training is also presented via slides and/or oral briefing on an as needed and/or requested basis.
Council on Environmental Quality (EOP)	All new CEQ entrants, including staff, detailee, interns, and clerks, attend records training within 30 days of their start date. This training instructs new entrants on their obligations under the Federal Records Act (FRA) and on the role of FOIA. CEQ FOIA professionals regularly inform CEQ non-FOIA professionals of their FOIA obligations, the presumption of openness, and provide updates and information on the FOIA process as necessary. Given CEQ's relatively small size, CEQ provides targeted in-person training and legal counseling to all CEQ staff, detailees, interns, and clerks who help process incoming FOIA requests and consultations
Office of Management and Budget (EOP)	The Executive Office of the President's onboarding training for new staff (including all OMB staff) includes training on employees' responsibilities to preserve records under the Federal Records Act and Presidential Records Act. Additionally, OMB provides informational materials to new staff regarding their FOIA obligations and OMB's FOIA processes.
Office of Science and Technology Policy (EOP)	As part of OSTP's onboarding process, the Office of General Counsel provides all staff – leadership, career OSTP professionals, those on detail from other Agencies, academic fellows, contractors, and interns – with comprehensive FOIA training. This training occurs through a virtual course taken by all new staff. Following this course, one of OSTP's attorneys contacts each new staff member to answer any questions they may have on FOIA or any other legal obligation. Our attorneys distribute OIP's FOIA infographic to all new employees as part of the agency's onboarding materials. Additionally, OSTP FOIA professionals regularly update staff on FOIA requirements at all-hands and divisional meetings and work with staff to ensure that proper FOIA procedures are followed for records management and FOIA requests.
Office of the U.S. Trade Representative (EOP)	USTR requires all new employees, political appointees, detailees, presidential management fellows, contractors and consultants to attend introductory FOIA training, which provides an overview of the process, including working with requesters, conducting effective searches, and applying FOIA exemptions in a careful manner that balances the presumption of openness against the foreseeable risks of disclosing exempt information. We provide this training to employees at all levels, including senior leadership. In FY2021, the USTR FOIA Office provided ongoing advice and counsel concerning obligations under the FOIA to USTR staff by phone or in virtual meetings either in response to questions or in the process of responding to a particular FOIA request

Export-Import Bank	EXIM employees are informed of their FOIA obligation as a part of EXIM’s new employee “On Boarding” process. In addition, the FOIA Office routinely meets with components within the Agency to discuss different aspects of the FOIA process, specifically how to conduct a reasonable search and how to accurately document the search. Also, we provide Annual FOIA Training to non-FOIA professionals. In FY21, FOIA training was held virtually through Microsoft Teams.
Federal Communications Commission	The agency has ongoing efforts in both these areas. The agency’s internal FOIA webpage and public FOIA webpage provide detailed information for employees who are not FOIA professionals, but may need to provide records in response to a FOIA request or who are otherwise involved in the FOIA process. For instance, the FCC’s internal FOIA webpage provides contact information for staff FOIA experts in the agency’s FOIA Service Center, OGC, and component Bureaus and Offices, as well as the FOIA training and materials described above that are available to all staff. As indicated above, the agency’s OGC offers specialized FOIA training sessions to the Bureaus and Offices. OGC engages with agency senior leadership on a regular basis regarding FOIA responsibilities, including backlogs and other pending FOIA issues. In addition, the FOIA Service Center issued weekly reports to agency staff with FOIA responsibilities, and monthly reports to senior staff in the Bureaus and Offices, showing the status of their pending FOIAs throughout the reporting period.
Federal Deposit Insurance Corporation	The Supervisor of the FOIA/Privacy Act Group continues to give virtual presentations to incoming employees, including FDIC interns and the Honor Attorneys, on FOIA basics and their role in the FOIA process. She has also conducted training for various FDIC offices and divisions, including the Office of Minority and Women Inclusion and the Division of Resolutions and Receiverships. Senior leaders of these various offices and divisions have been in attendance at these training sessions. Additionally, the FOIA/Privacy Act Group provides informal briefings on the FOIA throughout the year to all agency offices and divisions and the Department of Justice’s e-Learning module, FOIA Training for All Employees, is available online to all employees through the FDIC’s Corporate University.
Federal Election Commission	The Office of the General Counsel (OGC) conducted multiple trainings for non-FOIA professionals new to the agency reminding them of their privacy expectations and responsibilities under FOIA and was available to OGC and non-OGC staff to answer questions related to FOIA responsibilities and requirements by phone calls, emails and virtual meetings. All new employees receive FOIA training via email, conducted by the FOIA Attorney, during onboarding.



Federal Housing Finance Agency	<p>FHFA-HQ – new hires received FOIA training (online) as part of their onboarding process. In addition, each FHFA Office has a designated FOIA liaison to assist in office document searches. These liaisons receive refresher training (in-person) on an as needed basis. • FHFA-OIG – conducted annual FOIA training for all FHFA-OIG employees; subjects included statutory and regulatory responsibilities, conducting records searches, and the FOIA process. In addition, the FOIA office works with OIG’s program offices to explain the FOIA process/timeline, provide guidance or assistance with searches for responsive records, and answer questions that arise as the program offices gather documents. • FHFA-HQ – senior leadership are periodically briefed on resource needs and FOIA responsibilities/mandates.</p> <p>• FHFA-OIG – the recently appointed Acting Inspector General received a briefing on FHFA-OIG FOIA resources and responsibilities shortly after her arrival.</p>
Federal Labor Relations Authority	<p>In this past year, the Chief FOIA Officer and his direct subordinates briefed agency leadership about the overall performance of the FOIA program.</p>
General Services Administration	<p>Throughout the reporting period, GSA FOIA professionals hosted meetings and training sessions with non-FOIA professionals. Each FOIA analyst is assigned GSA program areas, Regions, and/or service lines, and regularly interacts with POCs and SMEs to answer questions and educate them on the FOIA process. When formal training is needed in certain GSA programs, training sessions are set up with those employees and led by GSA FOIA professionals and attorneys. GSA’s Office of the General Counsel included FOIA training as part of its National Training Conference, which was held in October 2021. OGC also provided dedicated FOIA training for political appointees and facilitated a question-and-answer session with those individuals this past year. GSA has also added FOIA-related performance standards to some performance plans of employees who have potential roles in administering FOIA and managers who have direct reports that might administer FOIA. For example, GSA’s Federal Acquisition Service (FAS) began implementing that initiative in FY 2020. GSA has since seen improvements in the timeliness and accuracy of responsive releases in program areas—such as FAS—that have added FOIA related performance standards to performance plans of non-FOIA professionals. And GSA’s OGC has added a specific performance goal for all attorneys to complete dedicated FOIA training in FY 2022.</p>
Merit Systems Protection Board	<p>As explained above, MSPB deployed mandatory FOIA training for all employees – including senior leaders – in Fiscal Year 2021, and the training is maintained and available to all employees on our agency’s intranet. In addition, refresher training is given to any employee or office upon request, and new employees receive FOIA training upon onboarding. The Chief FOIA Officer also provides non-FOIA professionals with relevant information about FOIA obligations or implications when</p>

	situations arise. We also continue to maintain a FOIA page on our agency’s intranet that contains general information about FOIA processing at MSPB.
National Archives and Records Administration	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. Furthermore, the training is reviewed every year in order to focus on specific components of the FOIA.
National Credit Union Administration	The agency provides FOIA training annually to all employees online as part of the required Security, Privacy, Records Management, and FOIA Awareness training. In addition, the FOIA professionals periodically met, online, to brief non-FOIA staff, including senior agency leaders in various agency offices on the FOIA requirements and process. This included new supervisor training and sharing the FOIA Program Plan with other offices
National Endowment for the Arts	Yes, the Agency has evaluated and shifted the allocation of its personnel resources needed to respond to current and anticipated FOIA demands. With the sudden need at the end of 2022 to have a new FOIA officer and a new Chief FOIA Officer, agency personnel have been immediately shifted to fulfill the FOIA officials’ roles. In addition, the agency has hired a government contractor to facilitate timely FOIA processing and is in the process of securing a non-NEA government employee on a detail, to further strengthen the agency’s FOIA administration.
National Endowment for the Humanities	Throughout the year NEH advises all staff members—including non-FOIA professionals and senior staff—of the agency’s FOIA obligations, by (a) repeatedly emphasizing, in both written and oral communications, that FOIA is everyone’s responsibility; and (b) posting information about FOIA (including training materials) on the agency’s intranet site.
National Science Foundation	As also described above in response to question 3, the FOIA Public Liaison makes a presentation about FOIA at bi-weekly New Employee Orientation Training sessions. The NSF FOIA Officer, FOIA Public Liaison and Assistant General Counsels with FOIA responsibilities provide guidance and advice regarding FOIA obligations on an ad-hoc basis at the request of Divisions and individuals within NSF. These presentations are typically done using Power Point slides. For example, the NSF FOIA Officer and one of the Assistant General Counsels gave a presentation to the CISE Directorate regarding FOIA basics and how the FOIA process works at NSF. In addition, the NSF Chief FOIA Officer has had conversations with the NSF Office of the Director regarding additional resources for the NSF FOIA program. These conversations resulted in NSF hiring a second government information law attorney in October, 2021.

National Transportation Safety Board	FOIA training is provided virtually to new employees. o Emails are sent to staff describing the FOIA request and procedures to follow to send responsive documents to the FOIA office. o Updates are provided to Directors concerning outstanding FOIA requests for their office. o Senior leaders and Directors receive briefings on the responsiveness of their staff and the type of resources or efforts that would aid in enhancing the FOIA program. o Individual FOIA guidance is provided as needed.
Nuclear Regulatory Commission	NRC FOIA Team continues to provide training to non-FOIA professionals about their obligations under the FOIA. NRC achieves this through the annual FOIA training which we open to the entire agency. Through this training we incorporate presentations not only from the FOIA team, but on records management and how it relates to FOIA, and handling sensitive information under FOIA, as well. We record these training sessions each year and make them available to NRC staff to view at their leisure through Microsoft Stream
Occupational Safety and Health Review Commission	OSHRC requires annual Privacy Act training via a PowerPoint presentation for all agency employees, which includes slides on FOIA administration, as well as a virtual quiz to ensure understanding of both Acts' requirements. OSHRC also updated its internal Privacy Act Directive, including the Directive's discussion of FOIA processing and related recordkeeping. All OSHRC employees were provided with a link to the revised Directive, available on the agency's intranet, and encouraged to review its contents. In revising the Privacy Act Directive, and the FOIA Directive prior to that, OSHRC senior leaders reviewed, provided feedback, and suggested additional updates to these internal Directives. Additionally, OSHRC sends search requests and detailed instructions relevant to each request to its non-FOIA personnel, including senior leaders as necessary, to assist in the processing of FOIA requests. OSHRC also updated its template for FOIA search requests to explain in detail the best practices for establishing the parameters of a search for records, what constitutes a record, procedures for estimating fees related to the processing of a request, and the FOIA exemptions. Finally, the Chief FOIA Officer closely monitors the resources of our FOIA team, adjusting staffing and roles on the team as needed to ensure the efficient processing of the increasing number of FOIA requests received by the agency.
Office of Government Ethics	Through periodic email and staff meeting reminders, the OGE FOIA Team regularly informs non-FOIA professionals of their obligations under the FOIA, particularly that any documents created or maintained as part of the non-FOIA professional's job may be responsive to a FOIA request. FOIA Team members also provide support and respond to questions from individuals who have been requested to search for records to respond to a particular request, or anyone who otherwise has questions about the FOIA process. OGE's Chief FOIA Officer provides quarterly briefings to OGE's senior leaders on OGE's FOIA program, resources, obligations and expectations during the FOIA process.

Office of Personnel Management	<p>The FOIA Manager provides ad hoc training or briefings to non-FOIA staff based on need or interest. In May 2021, the FOIA Manager provided new senior leaders training that consisted of an overview of FOIA, the FOIA structure at OPM, agency records subject to the FOIA, and best practices. Office heads are provided weekly reports of new FOIA requests received. OPIM is also planning to provide office heads with monthly reports of pending FOIA and Privacy Act requests by program in Fiscal Year 2022. The Chief FOIA Officer champions FOIA as often as practicable and has met with the OPM Acting Director, the new appointed Director, the new OPM Chief of Staff, and other office heads to highlight the importance of Privacy, FOIA, and Records Management. The FOIA Manager provided new senior leaders training that consisted of an overview of FOIA, the FOIA structure at OPM, agency records subject to the FOIA, and best practices</p>
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## **2023 Chief FOIA Officer Report**

### **Section II**

#### **Question 3**

**Please provide a brief description of the type of training attended or conducted and the topics covered.**

The following pages contain sixty-two agency responses to Section II Question 3

- beginning with Department of Agriculture, and
- ending with U.S. Postal Service.

Agency	Answer
Department of Agriculture	<p>The OIA continued to build on its public facing Departmental FOIA page. In response to Associate Attorney General Vanita Gupta’s recently issued memorandum to agency General Counsels emphasizing the importance of FOIA training, the OIA coordinated with the Department of Justice, Office of Information Policy to upload its three eLearning modules to the OIA’s FOIA resource repository. USDA’s FOIA professionals also attended the following training programs provided by the DOJ-OIP: • Virtual FOIA Summit • Virtual Advanced FOIA Training • Virtual FOIA Processing from Start to Finish • Virtual Privacy Considerations Training • Virtual FOIA Litigation Seminar • Virtual Procedural Requirements and Fees Workshop • Virtual Exemptions 4 and 5 Instruction • Virtual Exemptions 1 and 7 Instruction[.] USDA’s FOIA professionals also participated in the following external training courses and conferences: • ASAP: 23rd Annual Conference • ASAP: Privacy Act and FOIA Workshop • NARA: Annual Open Meeting of the Federal FOIA Ombudsman Many USDA components also continued to provide substantive FOIA training for its GISs. For example, the Farm Production and Conservation (FPAC) works primarily through a network of FOIA POCs established in each state. The central FOIA hub for FPAC routinely provides one on-one training for many of its state FOIA coordinators that includes among other items, FOIA best practices, and items specific to the FPAC FOIA community, like application of its Exemption 3 confidentiality statues. Similarly, our Rural Development (RD) FOIA team continues to hold office hours for its network of GISs to ask procedural FOIA questions.</p>

<p>Department of Commerce</p>	<p>The Department makes U.S. Department of Justice’s OIP FOIA training modules available through the Commerce Learning Center, its enterprise-wide training system. Department-wide trainings organized and hosted by the Office of Privacy and Open Government (OPOG) and made available to all Department personnel conducted as part of its Sunshine Week Event (March 16, 2022) included: FOIA/PA History and Overview - A history and overview of the FOIA and Privacy Act; DOC FOIA 101 - an overview of the administrative FOIA processing at the U.S. Department of Commerce; A session about e-Discovery Tools for FOIA that discussed leveraging e-Discovery tools (including a Relativity demo) to improve FOIA workflow and processes; A session about strategies to prevent FOIA litigation and minimize litigation risk; and FOIA/PA Professionals Roundtable, Backlog Reduction: Best Practices - A roundtable discussion that discussed best practices surrounding FOIA backlog reduction. Personnel from the following bureaus attended either the American Society of Access Professionals National Training Conference (July 19-21, 2022) or the FOIA-Privacy Act Training Workshop (September 7-9, 2022): BEA, CEN, IOS, and OS. Department personnel attended the following U.S. Department of Justice’s OIP-led trainings: Virtual Processing a Request from Start to Finish (April 19, 2022); Virtual Litigation Workshop (May 11, 2022); Virtual Exemption 1 and Exemption 7 Training (June 1, 2022); Virtual Exemption 4 and Exemption 5 Training (June 14, 2022); Virtual Privacy Considerations Training (July 7, 2022); Virtual Continuing FOIA Education (July 12, 2022); Virtual Annual Refresher and Quarterly Report Training (October 4, 2022); and Chief FOIA Officers Report Training (October 18, 2022). In addition, the following bureaus either attended or conducted the following trainings: The Office of the Chief Counsel for Industry and Security (BIS) partnered with the Office of General Counsel to offer FOIA, Privacy and Transparency Training to BIS personnel. ITA conducted training related to “Processing, redacting, and general FOIA guidance” throughout ITA. The training covered the use of Adobe Acrobat Pro to perform redactions. NTIS personnel attended National Press Club Journalism Institute FOIA training, "My First FOIA" (April 29, 2022).</p>
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<p>Department of Defense</p>	<p>The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. The PCLFD is responsible for encouraging and promoting FOIA and Privacy Act (PA) training across the Department. In this capacity, the PCLFD conducts in-person and virtual FOIA/PA presentations and training. During this reporting period, the PCLFD conducted one in-person training session. The PCLFD led a DoD Breakout session during the American Society of Access Professionals (ASAP) 15th Annual National Training Conference held July 19-21, 2022. Approximately 30 DoD FOIA professionals attended this Breakout session. The topics included: (1) OATSD(PCLT) structure and responsibilities, (2) The State of DoD FOIA, and (3) The State of DoD Privacy In 2022, DoD continued its Virtual FOIA Training Program for the DoD FOIA Community. The program delivered initial, refresher, and advanced training courses for DoD FOIA professionals. The training topics included Basic Introduction to FOIA, FOIA Appeal Best Practices, FOIA and Privacy Act Interface, FOIA Exemption 5 and the Foreseeable Harm Standard, DoD Annual FOIA Report, Chief FOIA Officer Report and Quarterly Report preparation, and various other FOIA related topics. Another virtual training resource for DoD personnel is the Joint Knowledge Online (JKO) tool. This JKO tool allows previously recorded training material to be uploaded and accessed by DoD personnel. Hosted by DHA, the course catalog currently includes two of DOJ's Office of Information Policy (OIP) FOIA virtual training videos. These videos are "FOIA Training for Federal Employees" and "FOIA Training for FOIA Professionals". During this reporting period, 91% of DoD FOIA professionals received some type of formal FOIA training and over 94% of the DoD Components received DoD-wide FOIA/PA Training. Additionally, more than 67% of DoD FOIA personnel attended DOJ's OIP training, and 58% participated in component sponsored FOIA training. Approximately 29% of DoD FOIA personnel attended ASAP training. During this reporting period, 100% of DoD FOIA personnel were able to attend some form of formal or informal FOIA training. DoD intends to provide additional DoDwide FOIA/PA training or workshops and strongly encourages Components to conduct internal training to increase the overall percentage of training. The DoD Components that reported hosting their own internal training for FOIA professionals indicated a variety of venues and substantive teaching methods in applying and implementing the FOIA. For example: • NGB conducted a "FOIA Roadshow" briefing agency subcomponents during its staff meetings on FOIA/PA laws, process, and procedures. • NGA included a FOIA training objective in its FOIA analyst's performance plan. The training objective is discussed with the analyst at least quarterly to ensure analysts are meeting or exceeding its objective. A list of available DoD and DOJ FOIA training, as well as FOIA training opportunities, is provided to the analysts. Analysts are also given an opportunity to attend ASAP training annually. • STRATCOM, AFRICOM, and SOUTHCOM conducted on-the-job training, often utilizing the DOJ website, <a href="https://www.justice.gov/oip">https://www.justice.gov/oip</a>. The DOJ website also provides Best Practices and FOIA Resources to assist</p>
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FOIA Professionals. • TRANSCOM and OSD/JS provided FOIA/PA overview training during newcomers/Action Officer training, and specialized training to directorate liaisons. TRANSCOM also provides one-on-one training to its FOIA requesters and submitters, upon request. • The SPACECOM FOIA Manager drafted instructions outlining the FOIA process, along with directorate responsibilities outlined for each stage of the FOIA process. Additionally, the FOIA Manager prepared a talking point paper for the primary Initial Denial Authority (IDA) (Chief of Staff) detailing IDA responsibilities. • ARMY provided a three-day virtual training symposium to all FOIA officers covering FOIA administrative and procedural guidance, as well as providing a question-and-answer session. ARMY is also revising its online training modules to provide general FOIA education to the work force, as well as specialized training for ARMY FOIA professionals. Again this year, the most employed methods for informing non-FOIA professionals of its FOIA obligations were general FOIA training for all personnel, and detailed FOIA training for SMEs. General training is intentionally broad and introductory in nature, while SME training featured detailed guidance on proper FOIA exemption application, ensuring the SME understands both the FOIA and agency policies. For instance: • ASBCA, ARMY, DCSA, DIA, NAVY, NGA, NORTHCOM, and NRO provided FOIA training to senior leaders and SMEs. DIA trained 91 non-FOIA professionals during this reporting period. • SOCOM performed in-person training sessions outlining FOIA guidelines and obligations using PowerPoint presentations. Senior-level leaders received briefs on, and notice of, Department Level Interest and FOIA Litigation Coordination (DLI/FLC) topics, and SOCOM's responses to those requests. • OSD/JS (FOID) hosted a Senior Administrative Officers' Forum providing the current state of FOIA; the number of requests pending within its organizations; FOIA expectations under the law; and what is needed to assist in answering FOIA requests. • NGB provided its leadership with bi-weekly updates on the state of its FOIA program and all its personnel, equipment, and logistics challenges. During this reporting period, 76% of DoD Components reported no engagement in formal outreach activities with the requester community. However, throughout the year, these Components proactively contacted individual requesters, engaging in substantive exchanges designed to more fully educate, explain, and provide specifically detailed information. Some of the smaller Components with low requester volume indicated the request types they received lend themselves to more personalized interactions with requesters from the beginning of the FOIA process. Smaller staffs also resulted in requesters working with the same FOIA professional, facilitating better anticipation of high-demand materials. A few of the DoD Components participated in formal outreach activity. For example: The Acting Archivist of the United States selected the CYBERCOM FOIA Program Manager to represent the Department of Defense for the 2022-2024 term on the National Archives and Records Administration FOIA Advisory Committee. • DIA engaged with the requester community during the ASAP conference and as a result, DIA modified practices and began posting case statuses to the

DIA FOIA website monthly. • INDO-PACOM proactively initiated discussions with its local community on a high visibility FOIA request providing individuals with guidance on how to submit FOIA requests and links to its website for the request. • NAVY's FOIA program achievements were highlighted in the Department of Navy's "CHIPS" information technology magazine, <https://www.doncio.navy.mil/chips/ArticleDetails.aspx?id=15614> • NGA is developing a customer satisfaction survey designed to give requesters the opportunity to provide feedback on NGA FOIA services. As part of the standard request process, 97% of DoD's FOIA components reported proactively contacting requesters concerning complex or voluminous requests to clarify or narrow the scope of the request so requesters will receive more-timely responses. All DoD FOIA Program Components have FOIA Public Liaisons assigned to receive and respond to public feedback, questions, and concerns. Contact information is posted on [www.foia.gov](http://www.foia.gov) as well as Component websites. Requester response letters also include the FOIA Public Liaison's contact information. The DoD assigned 19 FOIA Public Liaisons to cover the 34 DoD Components. Eighteen Components have a dedicated FOIA Public Liaison. One individual is designated as the OSD/JS FOIA Public Liaison and also serves as the FOIA Public Liaison for 16 additional DoD Components. During this reporting period, the DoD estimates well over 2,000 interactions with requesters, including the shared FOIA Public Liaison. As stated earlier, DoD has a decentralized FOIA program with each component responsible for its own staff and resources. In FY 2022, several DoD components evaluated personnel resources required to adequately respond to current and anticipated FOIA demands. For instance: • DCSA holds resource planning meetings to identify, forecast, and allocate resource requirements to effectively meet mission priorities. • ASBCA's IDA adjusts FOIA staffing on an annual basis based on the number of requests received and the time required for the ASBCA to respond. • CYBERCOM initiated procurement of additional personnel in response to a 30% increase of FOIA requests, consultations and referrals. This initiative will allow CYBERCOM to be adequately staffed and better prepared to accommodate future FOIA-related demands. • DFAS and DHA evaluated their programs and identified a need to increase personnel to meet the workload demand. DHA has successfully increased staff by 50%. • SPACECOM is currently staffed with one Action Officer but anticipates a higher request volume which will require additional staff. Additionally, they have included non-FOIA personnel as part of the FOIA program to assist with processing requests, providing timely responses, and reduce the inherited FOIA request backlog. • DoDIG's FOIA Office evaluated personnel and resources, and determined it currently has an appropriate number of specialists to accomplish its current mission. • INDO-PACOM is working with leadership to hire contractor staff. • NAVY's subcomponent leadership regularly evaluates and allocates personnel based on need. One subcomponent regularly utilizes Reservists to assist with FOIA processing. DoD Components use data or processing metrics to ensure efficient FOIA workload

management. These metrics come from case management reports, staff processing statistics and spreadsheets created by the Components. For instance:

- DLA uses its current case management system reporting capabilities to generate weekly progress, performance reports and graphs to show the number of requests received, processed, and the current backlog. DLA also tracks how its agency is doing towards achieving its past baseline of performance for requests completed in “x” number of days.
- OSD/JS (FOID) tracks metrics to ensure requests that do not require a search outside of the OSD/JS FOIA Office are answered within 20 working days. FOID also tracks these requests, along with the percentage of those requests that get answered within 30 working days. FOID provides reports to management monthly. Also, additional metrics tracked are (1) the number of requests processed by FOIA Action Officer; (2) number of requests acknowledged within 5 days; (3) number of requests tasked to the appropriate component within 5 days of receipt; and (4) number of requests with completed actions which are ready for closure or require further tasking. The PCLFD Appeals Program utilizes technology to track trends, backlog status, adjudication, and assignments. This information is instrumental in developing monthly updates, processing statistics analysis and presentation, assignment reallocation, and communication to leadership regarding the PCLFD Appeals program.
- DoDIG updates multiple tracking spreadsheets throughout the FOIA processing life cycle to manage key FOIA milestones to include search status, consultation response status, backlog case status, appeal status, litigation status, and specialist case queues bi-weekly. Additionally, DoDIG tracks the number of requests received, the percentage of simple requests closed within 20 days and the number of backlog cases closed quarterly.
- STRATCOM and SPACECOM use Excel spreadsheets to track request status and update the Staff Judge Advocate during weekly/bi-weekly meetings.
- NAVY regularly compiles users’ performance metrics on a weekly and monthly basis, cross compares that data with historical data, and then evaluates this data to designate case assignments based on incoming case complexity.
- DIA uses case management report data/metrics to designate case assignment, establish caseloads, and realign cases. DIA also uses staff processing statistics to determine future case processing expectations. By utilizing these reports, DIA Action Officers closed an average of six cases per month.

Department of Education	2022 American Society of Access Professionals (ASAP) National Training Conference • Virtual Meeting of the Chief FOIA Officers Council (DOJ) • Annual and Quarterly Reports Refresher (DOJ) • Continuing FOIA Education (DOJ) • Exemption (b)(4) – Submitters Notice (ED) • Mandatory FOIA Training for Political Appointees (ED) • FOIA Familiarization for New Employees (ED) • Sunshine Week 2022 (ED) o All you need to know about FOIA o Administrative Search Panel Discussion o FOIA: Real Talk Panel Discussion • 2022 Annual FOIA Training (ED) o This half day training covered the following topics: FOIA Procedural Requirements, Exemptions Overview, FOIA Records Management and Administrative Appeals & Litigation Considerations
Department of Energy	DOE FOIA professionals attended DOE-led training on FOIA exemptions, processing, searching for records, and a wide-variety of FOIA-related topics. In addition, some attended the following virtual DOJ-led trainings: FOIA Summit for Agency Professional; FOIA Litigation Workshop; FOIA Continuing Education; Procedural Requirements and Fees; Exemption 4 and 5; and Introduction to the FOIA. DOJ also provided training on Advanced Procedural Requirements; Significant New Decisions; and FOIA – PA Interface for DOE HQ FOIA professionals and the Office of Hearings and Appeals. Some employees also had training on the FOIA-Privacy Act conducted by the American Society of Access Professionals and a virtual class on the FOIA and Privacy Act offered by the USDA Graduate School.

<p>Health and Human Services</p>	<p>OS FOIA provided several internal trainings for FOIA staff in 2022. These trainings covered a variety of topics including the FOIA intake process, the FOIA appeals process, litigation, the relationship between FOIA and the Privacy Act, pre-disclosure notifications, and White House consultations. OS FOIA also provided trainings to its program offices. Topics covered during these trainings included a general overview of FOIA, FOIA search requirements, FOIA exemptions, and the 2022 Attorney General Memo on FOIA. Additionally, OS FOIA staff attended outside trainings including DOJ’s Privacy Considerations training. ACF FOIA staff attended the following trainings: FOIA Court Case Update, Exemption 4 and 5, Negotiating with the Requester, and Privacy Skill Up Training. ACL FOIA staff attended the NextGen FOIA Tech Follow Up Workshop. This workshop provided an opportunity for agencies to share their experiences using specific FOIA technology products. ACL FOIA staff also attended DOJ’s Annual FOIA Report Refresher and Quarterly Report Training. CDC held its second annual FOIA Office Training Forum, which was open to all HHS OPDIVS. During the 3-hour training, CDC provided training sessions that covered pre-decisional and deliberative exemptions, the foreseeable harm standard, and FOIA litigation from the plaintiff and agency perspectives. HRSA FOIA staff provided or received in-house training on several topics including, among others, the interplay between FOIA and the Privacy Act; triaging requests; providing updates to requesters; the foreseeable harm standard; FOIA processing fees; and the 2022 Attorney General Memo on FOIA. HRSA FOIA staff also attended the 2022 ASAP Training Conference and the 2022 DOJ FOIA Summit. FDA FOIA staff attended trainings offered by the Department of Justice as well as in-house trainings that included topics such as Exemption 5, negotiating with requesters, and reviewing text messages for public release. CMS FOIA staff attended DOJ FOIA trainings including the Annual FOIA Report Refresher and Quarterly Report Training. Procedural Requirements and Fees Training, CMS FOIA staff also participated in workgroups on FOIA procedures and fees. NIH staff attended the ASAP semiannual FOIA training on the fundamentals of FOIA. IHS staff attended several virtual DOJ FOIA trainings including the following: Procedural Requirements and Fees, Exemptions 1 and 7, Exemptions 4 and 5, Privacy Considerations, Advanced Freedom of Information Act, Processing form Start to Finish Workshop, Chief FOIA Officer Report, Annual FOIA Report Refresher and Quarterly Report Training, and Litigation Training. OIG staff attended DOJ FOIA trainings including trainings on FOIA exemptions and advanced FOIA training.</p>
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<p>Department of Homeland Security</p>	<p>DHS FOIA Processing Centers' additional responses: CBP: • CBP conducted CBP Annual FOIA training for FOIA professionals. Topics included an overview of the FOIA, exemptions and proper application, fee waiver determinations, fee categories, and requests for expedited treatment. • CBP FOIA professionals attended the CBP Privacy Office training on the Privacy Act for FOIA professionals. • CBP FOIA professionals attended the Office of Government Information Services (OGIS) Negotiating with Requesters training. • CBP offered FOIA training to professionals within the CBP FOIA office and to temporary staff. FEMA: • FEMA FOIA professionals attended the American Society of Access Professionals (ASAP) National Training Conference. • FEMA FOIA professionals attended the OGIS Negotiating with Requesters training. Federal Law Enforcement Training Centers (FLETC): • FLETC FOIA professionals attended the ASAP National Training Conference. Office for Civil Rights and Civil Liberties (CRCL): • CRCL FOIA professionals attended the DHS Sunshine Week FOIA training day in 2023. Office of Intelligence and Analysis (I&amp;A): • I&amp;A FOIA professionals attended the Administrative Professionals Conference (apcevent.com). • I&amp;A FOIA professionals participated in the FOIA and Privacy Act Workshop hosted by USCIS. OIG: • OIG FOIA professionals attended the 2023 Sunshine Week (DHS-Wide FOIA Conference and Training). • OIG FOIA professionals attended FOIA Training for Professionals, which covered all aspects of FOIA processing from start to finish. • OIG FOIA professionals attended Department of Justice (DOJ) Office of Information Policy (OIP) training courses, including sessions on Exemptions 1, 7, Privacy Considerations, and Continuing FOIA Education Training. Privacy Office (PRIV): • PRIV facilitated training programs for all DHS FOIA professionals throughout the year. These courses are also regularly attended by personnel from several DHS FOIA Processing Centers. • PRIV transitioned from using the AdobeConnect platform for training to Microsoft TEAMS, allowing for better attendance tracking, a more interactive environment, and support for a larger audience. • PRIV FOIA professionals attended and presented at the 2022 ASAP National Training Conference. • PRIV FOIA professionals attended training courses hosted by the DOJ OIP. United States Immigration and Customs Enforcement (ICE): • ICE FOIA professionals conducted training for ICE components specific to FOIA intake, exemptions, and review of responsive records. Transportation Security Administration (TSA): • TSA FOIA professionals conducted FOIA training for newly appointed FOIA POCs. • TSA FOIA professionals conducted annual FOIA POC training for current FOIA POCs. • TSA required all FOIA staff to participate in the monthly DHS "FOIA's 9 on the 9th" training. • TSA FOIA professionals completed DHS Sunshine Week training in March 2023. United States Coast Guard (USCG): • USCG FOIA professionals conducted multiple targeted FOIA training focused on correspondence, exemptions, FOIA processes, and appeals processes. • USCG FOIA professionals provided ad-hoc FOIA training to USCG unit points of contact on request. • USCG's Legal Service Command (LSC) provided comprehensive FOIA training to new FOIA points of contact. USCIS: •</p>
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	<p>USCIS FOIA professionals provided FOIA request intake and request processing training for all newly hired USCIS FOIA professionals, specific to their job functions. • USCIS FOIA professionals provided FOIA refresher training for all other USCIS staff, on topics such as Section 1367 protections, data entity for case intake, referral to other agencies, Fo1m G-639 updates, and various systems. United States Secret Service (USSS): • USSS FOIA professionals provided FOIA Processing training. • USSS FOIA professionals provided in-house peer-to-peer to with staff to help cross- train on all aspects of the FOIA process and processing of complex records.</p>
<p>Dept. of Housing and Urban Development</p>	<p>The FOIA Office conducted various FOIA training regarding the FOIA rules, regulations, and processes, including requesting extensions, providing clarification, determining fees, setting search parameters, and using the FOIA management system. In addition, HUD staff attended the following trainings provided by the Department of Justice’s Office of Information Policy (OIP): · Introduction to the Freedom of Information Act · The Freedom of Information Act for Attorneys and Access Professionals · Advanced Freedom of Information Act Seminar · Procedural Requirements and Fees Workshop · Annual FOIA Report</p>

	Refresher and Quarterly Report Training · Chief FOIA Officers Report Refresher Training · Virtual FOIA Summit for Agency FOIA Professionals · The Interface Between the FOIA and the Privacy Act
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Department of Justice	<p>The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(j)(2)(F). A proper understanding of the FOIA, including the correct application of the statute’s provisions, is the first step towards any successful FOIA operation. As the federal office responsible for encouraging government-wide compliance with the FOIA, OIP continues to conduct a wide range of training activities to educate FOIA personnel at all federal agencies on the legal requirements of the FOIA and applicable policy directives. Between March 2022 and March 2023, over 5,500 federal employees registered to attend OIP-hosted virtual training sessions on topics including the FOIA’s procedural requirements, FOIA exemptions, fees, litigation considerations, improving customer service, and ensuring an effective FOIA administration. These trainings are also made available to and used by Department personnel. During this reporting period, OIP continued to offer virtual courses to facilitate the broadest participation. FOIA professionals within the Department and from across the government attended the following events:</p> <ul style="list-style-type: none"> <li>• Virtual Introduction to the Freedom of Information Act – This course provides a basic overview of the FOIA for agency personnel who do not specialize in access law. It is designed for those who either work with the FOIA only occasionally or need only a general familiarity with the FOIA to recognize and handle FOIA-related problems that may arise in other areas of agency activity.</li> <li>• Virtual Continuing Education – This course provides a discussion of current topics in FOIA administration, including legal and policy developments, as well as an overview of recent FOIA court decisions.</li> <li>• Virtual Procedural Requirements – This course provides an overview of the FOIA’s procedural requirements including: the definition of “agency records,” perfected FOIA requests, time limitations, expedited processing, reasonable searches, responses to FOIA requests, appeal rights, consultations, and referrals.</li> <li>• Virtual Fees and Fee Waiver Workshop – This course explains the three categories of requesters, types of fees, restrictions on charging fees, and fee waivers.</li> <li>• Virtual Exemptions 1 and 7 Workshop – This course covers the analysis used to determine whether exemptions to protect national security classification and law enforcement information should be applied and recent case law related to such analysis.</li> <li>• Virtual Exemptions 4 and 5 Workshop – This course covers the analysis used to determine whether exemptions to protect trade secrets and commercial or financial information and privileged information should be applied and recent case law related to such analysis.</li> <li>• Virtual Processing from Start to Finish Workshop – This course walks FOIA professionals through each stage of the FOIA process from intake to final response.</li> <li>• Virtual FOIA Litigation Seminar – This course is designed for agency attorneys and FOIA professionals and focuses on the issues that arise when FOIA requests become the subject of litigation.</li> <li>• Virtual Privacy Considerations– This course covers factors that distinguish processing requests under the Privacy Act and/or the FOIA and the FOIA’s privacy exemptions.</li> <li>• Virtual Refresher Training for FY 2022 Annual FOIA Reports and 2023 Chief FOIA Officer Reports – These training events provide agencies with a</li> </ul>
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refresher on their FOIA reporting obligations. • Virtual Advanced FOIA Training – This course is designed for experienced FOIA professionals and supervisors. It covers advanced topics in FOIA administration, such as the FOIA’s personal privacy exemptions, the various FOIA procedural requirements, and FOIA’s requirements to make information available proactively to the public. Further, OIP continued to provide virtual specialized training to agencies on any topic of interest, tailoring instruction to the needs of the agency involved. In addition to the events hosted by OIP, twenty-seven professional staff members from OIP gave a total of twenty-nine training presentations during the year, including training sessions designed to meet the specific FOIA-training needs of individual agencies. Such individualized training sessions were conducted for the following agencies: • Council of the Inspectors General on Integrity and Efficiency • Department of Agriculture • Department of Defense, Defense Health Agency • Department of Education • Department of Energy • Department of Health and Human Services, Center for Disease Control and Prevention • Department of Homeland Security, Federal Emergency Management Agency • Department of Justice, Federal Bureau of Prisons and Executive Office for United States Attorneys • Department of the Treasury • Department of Transportation, Federal Aviation Administration • Small Business Administration

In 2022, OIP released updated interactive FOIA training modules for senior executives, federal employees, and FOIA professionals available for use on agency e-learning systems. An in-depth course for FOIA professionals provides a training session on the major procedural and substantive requirements of the law. A shorter course for federal employees provides a brief primer on the FOIA and highlights their responsibilities under the law. A brief course for agency senior executives emphasizes the importance of leadership support for an agency’s FOIA program. All three courses are available on LearnDOJ, the Department e-learning management system that used by most components. Five components have already begun using these updated training resources to train their FOIA professionals. BOP, Civil Rights Division (CRT), COPS, and the Office of Justice Programs (OJP) have also incorporated these training modules into the mandatory core curriculum for all employees, including non-FOIA professionals. The Executive Office for United States Trustees' (EOUST) senior leadership completed the FOIA training module for senior executives. In addition, Associate Attorney General Vanita Gupta, the Department’s Chief FOIA Officer, issued a memorandum to agency Chief FOIA Officers and General Counsels emphasizing the importance of FOIA training and highlighting the availability of the three new FOIA training modules for all agencies. OIP also updated its FOIA Infographic, a one-page resource to help new employees understand what the FOIA is and how the FOIA process works at their agencies. In addition to providing government-wide training, OIP also hosted its annual DOJ FOIA Conference in April 2022, which provided training to the Department’s FOIA offices on topics such as the new FOIA Guidelines; developing and updating standard operating procedures; consultations, referrals and defining a record; DOJ FOIA data and Power BI; and

significant new case law. In May 2022, OIP also co-hosted along with the Department of Homeland Security a government-wide FOIA Summit for Agency Professionals, which covered trends in FOIA litigation, using FOIA data for program management, FOIA reports from the Government Accountability Office, and the impact of COVID on FOIA programs. OIP also holds monthly calls with FOIA professionals from all the Department's components, during which OIP provides counsel on current FOIA issues and recent case law. During FY 2022, the Department had 442 full-time FOIA employees and the equivalent of 92.26 full-time FOIA staff who worked on FOIA as a portion of their responsibilities for the Department. Of these, 86.29% attended substantive FOIA training offered by OIP, the component FOIA office, or another entity. The Department's components also provided substantive training for their staff. For example:

- BOP's Central Office FOIA staff hosted a two-day, in-person training on how to process investigations, sensitive records, and requests for COVID information. In addition, BOP's Supervisory FOIA Attorney emailed all FOIA staff with substantive and procedural guidance on issues affecting BOP's FOIA practice. BOP's Senior FOIA Processor emailed all FOIA staff processing tips to improve effectiveness and consistency.
- DEA hosted FOIA Best Practices Workshops in October and November 2022 for all Regional and Division Counsel assigned to DEA's domestic field offices covering topics such as: staff obligations under the FOIA, expectations concerning record searches, FOIA process improvements, and the importance of effective communication between the field and FOIA staff. A FOIA/PA Educational Series document was also shared with Regional and Division Counsel and their division employees. The document contained definitions of the FOIA and Privacy Act (PA) and exemptions, agency employees' responsibilities, definitions of foreseeable harm and reasonable search, and an explanation of DEA's internal FOIA/PA processing procedures. The Educational Series document is also available on the FOIA/PA Unit's intranet page and available to all agency personnel. DEA's FOIA/PA intranet page contains additional training resources for agency personnel to include a FOIA/PA Guidebook, a DEA FOIA internal process map, and an outline of the overlap and differences between the FOIA and PA.
- Tax Division Counsel hosted "FOIA and Coffee" events every other month for trial attorneys representing the agency in FOIA litigation. Topics of discussion during these events included the foreseeable harm standard, the legal and factual challenges in assertion of the Glomar doctrine, and a Glomar primer. Several components engaged in cross-training with another agency's FOIA programs through detail opportunities. FBI and the Department of State conducted an inter-agency FOIA personnel exchange program. The objective of the exchange was to develop strategic partnerships between federal agency FOIA programs, foster collaboration on best practices, and provide leadership development for FOIA professionals. Each agency selected an experienced FOIA professional to immerse with the host agency's FOIA program for one month. Participants shared home agency perspectives and ideas with the host and upon returning to

their home agency applied new solutions to challenges. The Federal Claims Settlement Commission's (FCSC) also sent a staff member to the Department of Education on a FOIA detail. In addition to making available OIP's e-learning modules to agency employees as discussed above, components informed non-FOIA professionals of their obligations under the FOIA through regular briefings on active cases or specialized FOIA training. For example, CRT's FOIA Unit provided training on the FOIA's Procedural Requirements for several of its litigation sections. FBI conducted numerous presentations throughout FY 2022 to non-FOIA FBI agency personnel and other agencies on various aspects of FOIA obligations and the FBI's FOIPA program and best practices. The Office of the Inspector General (OIG) presented a virtual FOIA training to OIG program offices, giving insight into the FOIA program, which included FOIA intake, processing, conducting searches, and record collection. OIG also discussed the legal requirements for conducting and documenting proper searches for electronic records in response to FOIA requests with the IT staff. The United States Parole Commission (USPC) includes FOIA and Privacy Act training as part of new employee training and conducts refresher FOIA training for all employees at the same time as annual ethics training. Many components also provide FOIA information on their intranet pages as a resource for non-FOIA professionals. OIP will continue to provide comprehensive FOIA training to both the Department's FOIA professionals and FOIA professionals across the government. OIP will also continue to provide targeted training to agencies and the Department's components upon request. Details on upcoming training opportunities provided by OIP can be found on the Training page of OIP's website.

Department of Labor	<p>The Department of Labor offers an array of FOIA training to its staff, as described below. In addition, DOL has made a concerted effort to encourage FOIA staff to take part in other training opportunities such as those that are provided by the U.S. Department of Justice, as well as other organizations that offer comprehensive FOIA instruction. 2022 Virtual FOIA Training Conference On May 17, 18 and 19, 2022, the Office of the Solicitor, Office of Information Services hosted its first fully Virtual FOIA Training Conference. The lecture-styled training was presented via a WEBEX production and was attended by over 500 employees, with representation from each DOL agency component. The three day event took place from 12:45pm (EST) to 5:00pm (EST) each day, making the training available to DOL employees in other time zones nationwide. The training was designed to train Department of Labor FOIA professionals on a variety of topics, including sessions on FOIA Administrative Processing Overview; FOIA Exemptions Overview; Privacy Act and SORNs; FOIA Exemption 5; FOIA and Records Management Interface; Administrative Appeals and Litigation Considerations; Fees and Fee Waivers; FOIA Exemption 4; Overview of the FOIAXpress Case Management System; Exemption 7(D) and Investigative Files; FOIA Best Practices and Process Management; Third Party Subpoenas; and an Open Forum Question and Answer Session. OIS FOIA Training Sessions FOIA Consolidated and Coordinated Treatment - OIS hosted a training session concerning the handling of FOIA requests that are designated for consolidated or coordinated processing in accordance with 29 C.F.R. § 70.20(a). The training was conducted by the Department's FOIA Public Liaison and the Director of OIS and consisted of an overview of Departmental Procedures for Coordinated and/or Consolidated FOIA requests. This training also provided FOIA professionals with the opportunity to present questions regarding processing FOIA requests in a coordinated or consolidated manner to promote consistency. FOIA Tacking System Management – OIS conducted a brief training for FOIA Coordinators to share guidance on effectively using FOIAXpress to gain important information about the assignment history of FOIA requests. In coordination with OIS, the support contractor for the DOL FOIA Tracking system conducted a session to instruct FOIA Coordinators on how to run quarterly reports to assist in auditing data and track progress against the established Departmental FOIA process measures and milestones on timely processing and backlog reduction. DOL LearningLink Courses. The Department also provides FOIA training for managers and FOIA Service Center staff via its LearningLink on-line training library. LearningLink is DOL's e-Training solution which provides employees access to a one-stop portal of training programs and services. The Department requires that all new and current employees with FOIA responsibilities utilize the Learning Link On-line Module for FOIA training. FOIA professionals may choose one of two FOIA e-learning training courses that include courses entitled, "FOIA e-Learning Professionals Training" and "FOIA e-Learning Employees Training." The first module is an in-depth course specifically designed for FOIA professionals, addressing all of the major</p>
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	<p>procedural and substantive requirements of FOIA. The second course is a brief module designed for all employees that provide limited FOIA support and highlights ways in which employees can assist their agencies in the administration of the FOIA statute. DOL is currently working to launch the revised e-learning training slides that DOJ issued late last year and to post the updated FOIA Infographic on the Department's intranet. Training Videos on the DOL FOIA LaborNet Page The Department has made available to DOL employees via its internal LaborNet page, a series of videos and training slide decks that contain segments of sessions that were pre-recorded from prior DOL FOIA training conferences. In 2022, a recording of the entire Virtual FOIA Training Conference was added for viewing. In addition, during FY 2021, OIS added a video library that contains FOIAXpress training modules. The FOIAXpress segments continue to service as an excellent reference source for both new FOIA staff and other professionals who require a refresher regarding the Department's FOIA case management system. Quarterly FOIA Briefings DOL, through OIS, holds quarterly FOIA Coordinator briefings which all FOIA contacts Department-wide are encouraged to attend. The primary purpose of the sessions is to share best practices and offer administrative and procedural guidance to staff. During FY 2022, FOIA Coordinators were also briefed on FOIAXpress functionality through scheduled demonstrations and questions and answer sessions. Other topics of interest included FOIA reporting, backlog reduction plans and FOIA administrative process guidance. FOIA Bulletins OIS issued two FOIA Bulletins in the past year to the DOL FOIA community: FOIAXpress Rules of Behavior – April 2022 Department of Justice Training Opportunities – August 2022</p>
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Department of State	<p>The Department’s FOIA Program Manager, along with other FOIA subject matter experts, conducted briefings for the FOIA Office analysts and reviewers and other Department employees working on the FOIA. These briefings contained reminders about annual training requirements for classified and privacy information; updates on efforts to implement records management mandates that may affect the FOIA; a review of efforts to address existing FOIA processing issues; an update on efforts to increase postings to the FOIA website, and ongoing conversations about processing priorities, including expedited requests. In FY 2022, over 120,528 Department employees also completed a mandatory online records training that had a module explaining employee responsibilities under the FOIA. In addition to the FOIA Bootcamp described above, the Department’s FOIA professionals also received weekly instruction by a FOIA subject matter expert on the FOIA statute, exemptions, new developments in case law, and practical exercises involving the review and redaction of documents. The Department continued its series of briefings to FOIA professionals on the organizational structure of the Department, including the mission of each bureau and office and overviews of the records they create, an overview of working at embassies and consulates, and an overview of interagency policy making. These briefings are meant to ensure that the Department is conducting high-quality searches for records sought through the FOIA and other records requests. The FOIA Office leadership also continued to encourage and approve funding for FOIA staff to attend briefings and trainings provided by the American Society of Access Professionals (“ASAP”), the Department of Justice’s (“DOJ”) Office of Information and Policy (“OIP”), and the Office of Government and Information Services (“OGIS”) at the National Archives and Records Administration (“NARA”), Washington, DC. The FOIA Office also held sessions for employees to share information with their colleagues who could not attend about what they learned at the events.</p>
Department of the Interior	<p>Internally developed training included: • Virtual training on procedural requirements with a focus on intake; • Virtual training on managing cases in FOIAonline; • In-person, multi-day training seminars focusing on all aspects of the FOIA process (i.e., FOIA start-to-finish training). External training attended by DOI FOIA professionals included: • DOJ-OIP – Virtual Introduction to the FOIA; Virtual Litigation Workshop; Virtual Exemption 1 and Exemption 7 Training; Virtual Exemption 4 and Exemption 5 Training; Virtual Privacy Considerations Training; Virtual Continuing FOIA Education; • American Society of Access Professionals (ASAP) National Training Conference; • Public Employees for Environmental Responsibility (PEER) – Redact This! FOIA On Your Own Terms; • University of North Carolina Center for Media Law &amp; Policy – Fresh Thinking on Government Transparency virtual panel discussion; • The Graduate School – Freedom of Information and Privacy Acts.</p>

<p>Department of the Treasury</p>	<p>Treasury FOIA professionals attended virtual training opportunities provided by DOJ, including seminars and workshops. DOJ topics included an Introduction to the FOIA, Procedural Work Requirements, Fees Workshop, FOIA Exemptions 1 and 7, FOIA Exemptions 4 and 5, FOIA Privacy Considerations, and FOIA Litigation. Treasury staff also participated in DOJ’s online training modules for FOIA Professionals. Numerous topics were covered including the FOIA’s procedural requirements and exemptions, basic principles for processing FOIA requests from start to finish, the FOIA’s proactive disclosure requirements, the interface between the FOIA and the Privacy Act, FOIA case law developments, advanced litigation considerations, communicating with requesters, searching for, and reviewing documents, preparing final determination responses, fee categories, foreseeable harm, and reasonable searches. FOIA professionals at IRS, OCC, and TIGTA attended the American Society of Access Professionals (ASAP) National Training Conference, which presented updated training on FOIA requirements.</p>
<p>Department of Transportation</p>	<p>Agency personnel attended DOJ Online training sessions on topics including: Virtual Introduction to the Freedom of Information Act, Virtual Procedural Requirements and Fees Workshop, OIP Annual FOIA Report Training, OIP Sunshine week training, OIP Virtual Exemption 4 and 5 Workshop, OIP Virtual Privacy Considerations Workshop, OIP Virtual Continuing FOIA Education Training, and Advanced Litigation Considerations. DOT FOIA personnel also attended the ASAP National Training Conference in Arlington, Virginia. DOT FOIA Professionals also conducted in-house FOIA training sessions throughout the year. During this period, the DOT/OST FOIA Officer began holding bimonthly FOIAXpress training sessions for the Department. These training sessions focused on both administrative and operational functions of the program to assist agency personnel in their transition to the system. The DOT Learning Management System also contains the following three FOIA training modules available to all DOT personnel: The Freedom of Information Act, The Freedom of Information Act (FOIA) for Federal Employees, and the Freedom of Information Act (FOIA) for FOIA Professionals. The FAA Office of Chief Counsel (Information Law Practice) and the FOIA Program Management Division hosted two workshops on FOIA Processing, presented in 2 one-hour sessions. Additionally, FAA presented one-hour workshops on Privacy Act and Interplay with FOIA, Exemption 4, the Submitter Notification/Override Process, Exemption 5, Exemption 6, Exemption 7, and Information Law Training (Records Management, FOIA, Privacy Act, Litigation Holds, Public Records Act, and Children’s Online Privacy Protection Act). The FHWA FOIA Office also provided quarterly training to FHWA FOIA professionals covering subjects such as procedural requirements, fees, and FHWA’s most-used exemptions. FHWA also conducted individualized training with FHWA headquarters and field offices when office personnel are assigned new FOIA duties, or upon request. FHWA maintained a five-module Virtual Learning Plan consisting of written training material and recorded videos on the agency’s SharePoint page in addition to an internal FOIA site with guides,</p>



	<p>checklists and sample response letter and templates for a variety of FOIA scenarios. All FMCSA FOIA Personnel attended specialized training pertaining to agency records, redactions, understanding scope of request and specific procedures pertaining to the agency’s FOIA process. FMCSA’s FOIA staff also conducted in-house training specific to the agency’s records and processes. As a standard practice, new OIG administrative FOIA staff members received hands-on training on the use of FOIAXpress, applicable laws, FOIA regulations and Redax FOIA redaction software. Finally, at each monthly DOT FOIA Meeting, the DOT FOIA Officer led training on different topics throughout the year. Training topics covered in 2022 included: Court Decision—American Oversight v. DOT (Consultant Corollary), FOIA Fees, the March 2022 Attorney General FOIA Memorandum, Foreseeable Harm, ASAP National Training Conference Highlights, 2020-2022 FOIA Advisory Committee Recommendations, FOIA/PA Interface, Foreseeable Harm applied to Exemption 4, and the significance of other recent court decisions related to FOIA</p>
<p>Department of Veterans Affairs</p>	<p>VA FOIA embraced hybrid training in Fiscal Year 2022 (FY22). While nearly 100% VA FOIA team members attended and presented sessions at the ASAP conferences in Virginia and Kansas, VA FOIA team members also presented at various industry webinars. VA FOIA has monthly "Coaching Calls" on various FOIA topics including strategies to work with requesters, fee waivers, expedited processing and similar topics. FOIA professionals took virtual FOIA trainings led by AINS LLC for FOIAXpress platform, VA Office of General Counsel (OGC) Information Law Group Training, Privacy Considerations Training (July 2022), Exemption 1 and Exemption 7 (June 2022) as well as numerous DOJ OIP webinars.</p>
<p>AMTRAK (National Railroad Passenger Corporation)</p>	<p>Intro to FOIA, Reporting, Annual Report Training, Refresher training, training on FOIAXpress by AINS</p>

<p>Board of Governors of the Federal Reserve System</p>	<p>Board FOIA professionals attended virtual training provided by OIP on the following topics: Continuing FOIA Education – discussed current legal and policy developments impacting FOIA administration and an overview of recent FOIA court decisions; Exemption 4 and Exemption 5 Workshop – provided overview of exemption requirements and processes; Advanced FOIA Training – discussed topics in FOIA administration including privacy considerations and procedural requirements; Exemption 1 and Exemption 7 Training – gave an overview of Executive Order 13526 and the withholding of classified national security information and an overview of withholding law enforcement records; Privacy Considerations Training – discussed the interface between the FOIA and the Privacy Act and an overview of Exemptions 6 and 7(C); and Processing from Start to Finish Workshop – discussed the process of a FOIA request from receipt of the agency to final response to the requester. Board FOIA professionals also attended the following programs provided by the American Society of Access Professionals: 15th Annual National Training Conference – provided information and guidance on numerous FOIA topics, including commonly used FOIA exemptions, the Privacy Act and related privacy issues, records management and searches, and hot topic panel discussions; FOIA and Privacy Interface – discussed the complex relationship between the Privacy Act and FOIA, recognizing the issues affected by both Acts and when to apply the statutes; and FOIA Procedural Overview – discussed the key procedural elements of the FOIA and a summary of its exemptions.</p>
<p>Central Intelligence Agency</p>	<p>Newly arrived CIA public access professionals attend day-long internal training courses, such as a course focused on substantive understanding of how laws and executive orders apply to the CIA with regards to reviewing, declassifying, and releasing information to the public, or a course that provides an understanding of the FOIA statute, amendments, and case law. Other refresher training is provided to address updates in the FOIA statute and case law, processing and technological improvements, and FOIA issues related to this agency's unique equities and business. · CIA public access professionals also attend conferences, meetings, and professional networking functions. During the reporting period, CIA personnel attended the DOJ/OIP's virtual training to keep abreast of the latest changes and developments in the field.</p>
<p>Commodity Futures Trading Commission</p>	<p>So far during this reporting period, CFTC FOIA professionals attended the Virtual FOIA Summit for Agency FOIA Professionals, Annual Report Refresher, Chief FOIA Officer Report Refresher, and the Litigation Seminar. Before the end of this reporting period, CFTC FOIA professionals will also attend the Virtual Privacy Considerations Training, Procedural Requirements and Fees Training, and the Advanced FOIA Training.</p>

Consumer Financial Protection Bureau	Attended: • Procedural Requirements and Fees Training • FOIA Tech Showcase • DOJ Virtual Litigation Workshop Conducted by FOIA team members and attended by FOIA team staff: • Processing a Request from Start to Finish • Quality Control Process • Administrative Appeals • Request For Documents Workshop and Relativity Capabilities • Identifying CFPB Stakeholders • Exemption 5 • Exemption 8 • Administrative Appeals • Best Practices for Negotiation and Processing Strategies Conducted by FOIA team member and attended by CFPB FOIA POCs, Key FOIA Stakeholders and FOIA team staff: • FOIA POC Guide • Conducting FOIA Searches • Utilizing exemption 5 (including the foreseeable harm standard)
Council of the Inspectors General on Integrity and Efficiency	One attorney attended 2 OIP remote training sessions and another attorney took a different OIP remote training session. These sessions collectively addressed: Exemptions 1 and 7; privacy considerations; and Exemptions 5 and 7.
Court Services and Offender Supervision Agency	The Agency’s FOIA Officer provided FOIA training to staff and newly hired Agency personnel at the Agency’s New Employees Orientation. The training consisted of an overview of the FOIA and the FOIA Exemptions, specifically, (b)(6), (b)(7)(C), and (b)(7)(E). The FOIA staff attended the following training: 2022 American Society of Access Professionals, Inc. (ASAP) National Training Conference, 2022 ASAP FOIA/Privacy Act Workshop. Department of Justice, Office of Information Policy’s 2022 Procedural Requirements and Fees, Virtual Introduction to FOIA, Virtual Annual FOIA Report Refresher and Quarterly Report Training.
Development Finance Corporation	The DFC FOIA Office offers FOIA training to new agency personnel and refresher training to employees by request. The FOIA Office is also made available to any employee to answer questions during day-to-day agency operations.

Environmental Protection Agency	<p>Department of Justice, Office of Information Policy Trainings (External). EPA FOIA professionals and staff with FOIA responsibilities attended the following training offered by the Department of Justice (DOJ), Office of Information Policy: Virtual FOIA Summit for Agency FOIA Professionals: An opportunity for agency FOIA professionals to hear about how some of their colleagues are modifying their FOIA plans and process in light of COVID-19 and best practices for leveraging FOIA data to strengthen FOIA programs. Discussion of recent Government Accountability Office FOIA reports and recommendations, and perspectives on FOIA litigation trends. Virtual Exemption 4 and Exemption 5 Workshop: An overview of the requirements of Exemption 4, protecting trade secrets and certain commercial and financial information, as well as the submitter-notice process for exemption determinations. An overview of Exemption 5, which incorporates civil discovery privileges into the FOIA. Virtual Freedom of Information Act Litigation Seminar: Discussion of current legal and policy developments impacting FOIA administration, and an overview of recent FOIA court decisions. Virtual Procedural Requirements and Fees Training: Overview of the FOIA's procedural requirements, and statutory fees and fee waiver provisions. Virtual Advanced Freedom of Information Act Training: Introduction of the FOIA's personal privacy exemptions, an overview of the various FOIA procedural requirements and, an advanced overview of the FOIA's requirements to make information available proactively to the public. Virtual Privacy Considerations Training: Overview of FOIA Exemptions 6 and 7(C) and interface between the FOIA and the Privacy Act. Virtual Continuing FOIA Education: Discussion of current topics in FOIA administration, including an update of current legal and policy developments impacting FOIA administration, and an overview of recent FOIA court decisions. Virtual Annual/Quarterly FOIA Report Training: Overview of requirements for completing and submitting agencies' Annual and Quarterly FOIA Reports in accordance with the FOIA and DOJ guidance. Virtual Chief FOIA Officer Report Training: Overview of requirements for agencies' Chief FOIA Officer Reports. American Society of Access Professionals (External). EPA FOIA professionals and staff with FOIA responsibilities attended the National Training Conference offered by the American Society of Access Professionals. EPA FOIA Training Committee (In-house). In FY 2021, EPA launched a new, centralized FOIA training committee to review and progressively strengthen the training provided throughout EPA's decentralized FOIA processing program. This initiative aims to increase the quality and consistency of EPA's training while building on EPA's strong tradition of encouraging EPA FOIA professionals to share their skills, knowledge, enthusiasm, and leadership by developing or presenting FOIA trainings to the EPA FOIA Community and EPA at-large. The Committee leverages the FOIA knowledge and expertise of its members from regional and headquarters FOIA professional staff to ensure the quality of FOIA training provided throughout EPA. The Committee has the following objectives: • Identify and respond to EPA FOIA Community needs for new training resources; • Facilitate access to</p>
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existing training resources, including the development and maintenance of an archive or library for use by the EPA FOIA Community; • Ensure training resources are tailored to diverse roles, tasks, and concepts related to EPA FOIA processing; and • Design resources that emphasize prevailing FOIA best practices and improve consistency in FOIA practice across the Agency in accordance with statutory requirements, regulatory requirements, and EPA FOIA Policy and Procedures. Building on its accomplishments from last fiscal year, in FY 2022 the EPA FOIA Training Committee: • Delivered a training at a monthly FOIA Community Meeting on the Attorney General’s FOIA Guidelines, with particular focus on the foreseeable harm statements in response letters; • Provided training on fee assessments to support EPA’s FOIA Fee Invoice Verification and Improvement Project; • Continued a regular practice of reporting at FOIA Community Meetings on significant new court decisions and on frequent counseling questions; and • Oversaw the creation of the FY 2023 all-staff training and initiated the conversion of the companion Supervisor Training eLearning module on the application of exemptions, to be hosted in EPA’s FedTalent learning management system. Focused EPA FOIA Training Events (In-house). FOIA experts in EPA’s Office of General Counsel also provided a wide variety of training, briefing, and assistance on an as needed or project-specific basis throughout the year. • The National FOIA Office, in the Office of General Counsel, provided comprehensive training to FOIA professionals and agency employees in several FOIA topic areas, including: Identifying Proactive Disclosures; Choosing the Appropriate Disposition at Closeout; Negotiating with FOIA Requesters; Conducting Self-Audits of Due Date Extensions and Supporting Documentation; EPA’s Awareness Notification Process; several fees-related topics; EPA Proprietary Business Information Procedures; Foreseeable Harm Statements in Release Letters; and Protecting Privileges Practice Tips. EPA FOIA Community Meetings (In-house). The National FOIA Office held monthly meetings with the Agency’s FOIA Community to provide guidance and updates on FOIA-related matters. These monthly meetings provided key FOIA personnel with ongoing training relevant to the performance of their duties, including but not limited to: information on Agency FOIA processes and procedures; explanations of how to apply FOIA exemptions, negotiate with requesters and appropriately extend the response due date, estimate fees, and make discretionary disclosures; as well as guidance on other administrative processing matters, case law developments, and FOIA related topics. E-Discovery & Technology Training for FOIA Experts (External & In-house). EPA FOIA professionals attended several eDiscovery training events: • RelativityFest 2022 conference to stay abreast of advances in eDiscovery technology and best practices applicable to processing FOIA document reviews using Relativity software. • The EPA provided training throughout the year to EPA FOIA professionals on the analytics tools included in EPA’s e-Discovery Relativity platform that can be leveraged to more efficiently review records for response to FOIA requests.

Equal Employment Opportunity Commission	The Office of Legal Counsel conducted training for all FOIA professionals. The training addressed FOIA's requirements; FOIA's exemptions, with particular emphasis on the exemptions utilized most often by the EEOC, importance of acknowledgement letters, determination letters, identifying redactions, etc. New FOIA employees were also provided FOIA on-boarding training by the FOIA Division. In addition, FOIA Division staff attended the following: DOJ Chief FOIA Officer Report – 10-17-22, DOJ Annual & Quarterly Report Refresher 10-4-22
Council on Environmental Quality (EOP)	CEQ FOIA professionals attended a FOIA summit offered jointly by the Department of Justice Office of Information Policy and Department of Homeland Security, as well as training on the Privacy Act. Additionally, CEQ conducted internal FOIA training focused on disclosure exemptions, White House-specific FOIA issues, and CEQ-specific workflow.
Office of Management and Budget (EOP)	In addition to participating in virtual training offered by the Justice Department's Office of Information Policy (OIP), OMB's FOIA staff regularly meet informally to discuss recent developments in the law, share best practices, and socialize FOIA information and knowledge acquired from its interactions with the Justice Department's trial attorneys and Assistant United States Attorneys' from across the country.
Office of Science and Technology Policy (EOP)	OSTP welcomes the opportunity for its staff to regularly attend FOIA training throughout the year. The training sessions help to ensure that the professionals who are engaged in FOIA processing are knowledgeable about legal developments and technological advancements (for example, predictive coding and the latest e-discovery review platforms) in the field. Learning about changes in the laws or practices governing the Act as well as the most recent or best tools in the field help us to effectively and efficiently process FOIA requests. Fiscal Year 2022 was a challenging year due to the ongoing outbreak of COVID-19, which resulted in the cancellation of several in-person training programs. However, our commitment to FOIA training did not wane. In furtherance of that commitment, OSTP FOIA professionals attended various virtual training sessions held by the DOJ.
Office of the U.S. Trade Representative (EOP)	USTR FOIA staff attended the Virtual FOIA Summit for Agency FOIA Professionals, Virtual FOIA Exemption 1 and 7 Training and Virtual Exemption 4 and Exemption 5 Training offered by the Department of Justice
Export-Import Bank	In FY 2022, EXIM's FOIA professionals attended the following training: The Department of Justice (DOJ) FOIA Virtual Annual/Quarterly FOIA Report Training, Procedural Requirements and Fee Workshop; DOJ Litigation Workshop; DOJ Exemption 1 & 7 Training; Virtual Privacy Consideration Workshop; FOIA Exemption 4 and Exemption 5 Training; and Virtual Exemption 6 Training. Topics discussed included Proactive Disclosures, Request Processing, Appeals, Fees, and changes to the FOIA.

<p>Farm Credit Administration (FY22)</p>	<p>FCA has a FOIA training section as part of FCA’s Human Resources onboarding presentation for all newly hired employees. During each orientation session, an overview of the FOIA, including records disclosure guidelines and employees’ FOIA responsibilities, is part of the training. This is an on-going activity that occurs regularly throughout the year. • The Chief FOIA Officer attended the ASAP 15th Annual National Training Conference held July 19-21, 2022. This training consisted of Basic/Refresher Track - FOIA Processing: Key Procedural Elements, FOIA Case Law, Defining a Federal Record, FOIA Exemption 6 and 7(C) Privacy Interest, Exemption 5, FOIA and Privacy Act Interface, and FOIA Redaction Workshop. • DOJ OIP Training: Chief FOIA Officer Refresher Training</p>
<p>Federal Communications Commission</p>	<p>• DOJ FOIA Training: FOIA Tech Showcase Follow Up Workshop - March 31, 2022 Virtual Introduction to the Freedom of Information Act - April 6, 2022 Virtual Processing from Start to Finish Workshop - April 19, 2022 Virtual Procedural Requirements and Fees Training - May 3, 2022 Virtual FOIA Summit for Agency FOIA Professionals - May 4, 2022 Virtual Litigation Workshop - May 11, 2022 Virtual Exemption 1 and Exemption 7 Training - June 1, 2022 Virtual Exemption 4 and Exemption 5 Workshop - June 14, 2022 Virtual Privacy Considerations Training – July 7, 2022 Virtual Continuing FOIA Education – July 12, 2022 Virtual Annual/Quarterly FOIA Report Training – October 4, 2022 Virtual Chief FOIA Officer Report Training – October 18, 2022 Virtual Introduction to the Freedom of Information Act – November 8, 2022 Virtual Freedom of Information Act Litigation Seminar – November 9, 2022 Virtual Procedural Requirements and Fees Training – December 6, 2022 Virtual Exemption 1 and Exemption 7 Training – January 11, 2023 Virtual Exemption 4 and Exemption 5 Training – January 18, 2023 Virtual Privacy Considerations Training – January 25, 2023 Virtual Advanced Freedom of Information Act Training – February 8, 2023 • On July 13 and August 18, 2022, OGC conducted virtual training titled, “Freedom of Information Act (FOIA) Workshop: What FCC Employees Need to Know,” providing a basic overview of the FOIA and the procedural requirements involved in processing a FOIA request. The training was offered agency-wide and intended for staff with FOIA responsibilities. On December 6, 2022, OGC conducted a similar training session for staff of the International Bureau. • On December 8, 2022, the OMD Performance Evaluation and Records Management (OMD-PERM) conducted training for new staff regarding agency programs and requirements, including administration of the agency’s FOIA program, for which PERM is responsible. • The FCC mandates an annual Records Management training course for all agency staff. The National Archives and Records Administration (NARA) also requires mandatory annual records management training for all agency personnel including federal employees, contractors, volunteers, and others that create, receive, access, or use Federal records on behalf of the agency. The course is offered by video on demand through the agency’s Intranet. The agency monitors completion of this mandatory training requirement. • FOIA training materials are widely available to all staff, including staff with FOIA</p>

	<p>responsibilities, on demand through the agency’s Intranet. Among these are a FOIA Overview; detailed information from the joint DOJ - FCC training held onsite several years ago; FOIAonline resources including the FOIAonline User Training Manual, FOIAonline coordinator list and best practices, as well as a detailed FOIA “Things to Remember” worksheet for issuing initial responses.</p>
<p>Federal Deposit Insurance Corporation</p>	<p>FOIA training taken by FDIC FOIA professionals or staff with FOIA responsibilities consisted of virtual training provided by DOJ OIP, to include the following topics: “Continuing FOIA Education,” “Privacy Considerations,” “Exemption 4 and Exemption 5,” and “Litigation Seminar.”</p>
<p>Federal Election Commission</p>	<p>4/19/2022 – Processing from Start to Finish Workshop 11/8/2022 – Introduction to the Freedom of Information Act 11/9/2022 – Freedom of Information Act Litigation Seminar 5/4/2022 -- FOIA Summit for Agency Professionals 12/6/2022 --Procedural Requirements and Fees Training</p>



Federal Housing Finance Agency	Procedural Requirements and Fees Workshop - overview of the FOIA procedural requirements, as well as fees and fee waivers provisions. • Virtual Litigation Workshop – overview of considerations that arise during FOIA litigation, guidance on successful litigation strategy, and details on the preparation of Vaughn Indices and declarations. • Annual FOIA Report Refresher and Quarterly Report – overview of annual and quarterly FOIA reporting requirements. • Continuing FOIA Education – current legal and policy developments impacting FOIA administration, and an overview of recent court decisions. • Privacy Considerations Workshop – interface between FOIA and Privacy Act, and an overview of FOIA Privacy Act, and an overview of FOIA privacy-related Exemptions 6 and 7(c). • Exemption 4 and Exemption 5 Workshop – overview of the requirements of protecting trade secrets, certain commercial and financial information, and the submitter-notice process, as well as an overview of civil discovery. • Virtual Litigation Seminar – overview of litigation considerations, advanced litigation considerations, and attorney fees. • FOIA Summit for Agency Professionals – overview of trends in FOIA litigation, using FOIA data for program management, recent FOIA Reports from the Government Accountability Office and the impact of COVID on FOIA Programs.
Federal Labor Relations Authority	In December 2022, the FLRA asked all FOIA professionals to complete a FOIA training provided by the Department of Justice at the following link: <a href="https://www.justice.gov/oip/training/elearning/federal-employees/story.html">https://www.justice.gov/oip/training/elearning/federal-employees/story.html</a> . This training included information on records subject to FOIA, searching for responsive records, FOIA exemptions, FOIA response times, responses to requesters, fees that may be charged for requests, and the appeal process available to requesters.
Federal Trade Commission	The FOIA professionals attended several trainings over the course of the fiscal year including the below: November 2021- FOIA Litigation Seminar May 2022- Fee and Procedures July 2022 – OIP Virtual Privacy Considerations July 2022 – FTC Foreseeable Harm July 2022 - OIP Virtual FOIA Continuing Education
General Services Administration	Courses offered by the Department of Justice are the primary source of training. However, OGC attorneys have also developed training courses to meet the unique needs of certain individuals or offices across GSA. Courses attended during the reporting period by FOIA professionals or GSA personnel who have FOIA responsibilities include the following: • DOJ, FOIA Litigation Seminar; • DOJ, Introduction to FOIA; • DOJ, Advanced FOIA; • DOJ, Processing a Request from Start to Finish; • DOJ, Procedural Requirements and Fees Workshop; • DOJ, Exemption 1 and Exemption 7 Workshop; • DOJ, Exemption 4 and Exemption 5 Workshop; • DOJ, Privacy Considerations Workshop; • DOJ, Litigation Workshop; • DOJ, FOIA Report Refresher and Quarterly Report Training; • DOJ, Chief FOIA Officer Report Refresher Training; • DOJ, FOIA Summit for FOIA Professionals; • NARA/DOJ/Chief FOIA Officers Council, NexGen FOIA Tech Showcase; • GSA, Briefings for New Attorneys: FOIA and Privacy Act; • GSA, FOIA

	Overview; • GSA, FOIA Basics for SMEs; • GSA, Region 4 FOIA Redaction and Exemption Training; and • Chief FOIA Officers Council Meetings.
Merit Systems Protection Board	MSPB staff attended training offered by DOJ’s Office of Information Policy (OIP), including Advanced Freedom of Information Act Training. Training topics included an in-depth discussion on FOIA Exemptions 6 and 7(C), proactive disclosures, and procedural requirements such as a defining a reasonable search and a proper record.
National Archives and Records Administration	• DOJ, OIP B6 and B7 training. • DOJ, OIP Virtual Best Practices for FOIA Programs in the Intelligence Community. • 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 Professionals Continuing Education: Advanced training on specific components of the FOIA, new court decisions, and successful implementation of other agency best practices. • FOIA Litigation Seminar: Guidance on successful litigation strategy, advanced litigation considerations, and details on the preparation of Vaughn Indices and declarations.
National Credit Union Administration	NCUA FOIA staff attended the Department of Justice’s training, such as FOIA training for attorneys and access professionals. The training covered the basic principles for processing FOIA requests from start to finish and the FOIA’s proactive disclosure requirements.
National Endowment for the Arts	Information and Best Practices sessions hosted by the Department of Justice Office of Informational Policy, to include Report Refresher, and Virtual FOIA Summit for Agency FOIA Professionals. During 2022, the former FOIA Officer was also a member of the American Society for Access Professionals (ASAP), which offers access to ondemand FOIA webinars

National Endowment for the Humanities	In CY 2022, NEH staff with FOIA responsibilities attended OIP’s trainings on various topics including: Annual/Quarterly Reports; the Chief FOIA Officer Report; Virtual Procedural Requirements and Fees; FOIA Litigation Seminar; and Virtual Privacy Considerations. NEH staff plan to attend OIP’s Advanced FOIA training in February 2023. OGC’s new attorney with FOIA responsibilities has also received substantive FOIA training from NEH since joining the agency in August 2022. In November 2022 the agency’s new attorney with FOIA responsibilities and the administrative assistant in NEH’s Office of General Counsel (OGC) attended OIP’s FOIA Training on the Introduction to FOIA. NEH regularly provides substantive training for its agency personnel who have FOIA responsibilities, as detailed in response to Question II.A.1, above.
National Labor Relations Board	Throughout 2022 and 2023, one or more NLRB FOIA Branch staff attended the following trainings and meetings: • DOJ OIP Training: Virtual Advanced FOIA Training • DOJ OIP Training: Virtual Annual FOIA Report Training • DOJ OIP Training: Virtual Chief FOIA Officer Report Training • DOJ OIP Training: Virtual Continuing FOIA Education Training • DOJ OIP Training: Virtual Exemptions 1 and 7 Training • DOJ OIP Training: Virtual Exemptions 4 and 5 Training • DOJ OIP Training: Virtual FOIA Litigation Workshop • DOJ OIP Training: Virtual Privacy Considerations Training • DOJ OIP Training: Virtual Procedural Requirements and Fees Training • DOJ / HHS Meeting: Virtual FOIA Summit for Agency FOIA Professionals • NARA Meeting: Chief FOIA Officers Council Meetings • NARA Meeting: FOIA Advisory Committee Meetings • NARA Meeting: Meetings with the Co-chairs of the Chief FOIA Officers Council • E-Discovery, Records & Information Management Virtual Conference 2022
National Science Foundation	NSF FOIA staff participated in at least one of the following FOIA training sessions: the DOJ virtual course “FOIA Training for FOIA Professionals,” the DOJ virtual course “FOIA Training for Federal Employees,” the DOJ virtual course “FOIA Training for Executives,” the DOJ training course “Privacy/FOIA Considerations,” and/or the American Society of Access Professionals 15th Annual Training Conference.
National Transportation Safety Board	• Department of Justice – Quarterly and Annual reporting requirements • AINS – FOIA processes and updates on FOIA Case Laws • USDA – FOIA & Privacy Act Training • Westlaw – Legal search for FOIA Case Laws
Nuclear Regulatory Commission	Refresher Training for Annual and Quarterly Report ASAP National Training Conference Procedural Requirements and Fees
Occupational Safety and Health Review Commission	Our FOIA professionals attended a Litigation Workshop, Privacy Considerations Workshop, Procedural Requirements and Fees Training, Annual FOIA Report Training, and Chief FOIA Officer Report Training offered by OIP. The FOIA Public Liaison also attended OGIS’ Annual Open Meeting, as well as the FOIA Summit for Agency FOIA Professionals and multiple Chief FOIA Officer Council meetings held by OIP.

	Additionally, all of our FOIA professionals completed OIP's new, in-depth, online FOIA training module for FOIA professionals.
Office of Government Ethics	The personnel at OGE who have FOIA responsibilities attended various courses and seminars offered by DOJ's Office of Information Policy including the Virtual Exemption 4 and Exemption 5 Workshop, the Mid-Year FOIA Virtual Get-Together, the Virtual Continuing FOIA Education, the Virtual Processing from Start to Finish Workshop, the Virtual Procedural Requirements and Fees Workshop, the Virtual Litigation Workshop, the Virtual Exemption 1 and Exemption 7 Training, the Virtual FOIA Summit for Agency FOIA Professionals, the Chief FOIA Officers Council Meeting, the Virtual Freedom of Information Act Litigation Seminar, and the Virtual Chief FOIA Officer Report Training.
Office of Personnel Management	The FOIA Manager attended the American Society of Access Professionals' FOIA/Privacy Act Training Workshop, which provided training on a variety of FOIA and Privacy Act processing topics for all levels of FOIA/PA professionals. OPM's FOIA program professionals attended a variety of virtual training events provided by the Department of Justice; specifically: Privacy Considerations, the FOIA Summit, and Continuing FOIA Education.
Office of Special Counsel	OSC's FOIA professionals attended/completed the following: • Initial Review Training • Virtual Processing from Start to Finish Workshop • Virtual Privacy Considerations • Virtual Unified Agenda Training • Council of Agency PRA Officers • Virtual Exemption 7 Workshop • Best Practices Workshop on Technology in FOIA • NARA Controlled Unclassified Information Training • FOIA Tech Showcase Follow-up Workshop • Virtual Continuing FOIA Education • Virtual Annual FOIA Report Refresher and Quarterly Report Training • Box.com in-house training • Fundamentals of Marking Controlled Unclassified Information • OSC Cybersecurity Training: Privacy and Data Protection • Virtual Procedural Requirements and Fees Training • Virtual FOIA Summit for Agency FOIA Professionals • Virtual Litigation Workshop • Virtual Exemption 1 and Exemption 7 Training • Virtual Exemption 4 and Exemption 5 Training
Office of the Director of National Intelligence	All full-time staff officers devoted to processing FOIA requests attended the training conference presented by the American Society of Access Professionals (ASAP). The majority of FOIA staff officers also attended the virtual FOIA training offered by Graduate School USA. All employees with FOIA related duties were encouraged to access the Department of Justice Office of Information Policy (OIP) website to review current FOIA guidance and to take available virtual training. We also conducted numerous in-house training sessions for FOIA personnel.

Peace Corps	Peace Corps FOIA staff attended DOJ's Office of Information Policy (OIP) virtual seminars through the year. These covered a wide variety of topics, discussing basic procedural steps in FOIA case processing, to more advanced topics, such as FOIA community forums or litigation matters. Members attended DOJ's Virtual Exemption 1 and Exemption 7 (January 2022); Advanced Freedom of Information Act (FOIA) Training (February 2022); Chief FOIA Officers Council Meeting (April 2022); Virtual Privacy Considerations (July 2022); and the Virtual Annual/Quarterly FOIA Report Training (October 2022).
Pension Benefit Guaranty Corporation	The Division conducts and attends periodic training on a variety of topics to ensure efficient and accurate processing of FOIA requests. FOIA Exemption 4 Grammar Gremlins TWG Memorandums-An Appeal Discussion Disclosure Division Derailers and Solutions Fear and Critical Thinking Business Process Training Fee Waivers FOIA Exemption 6 Overview of System of Record Spectrum Green Team Onboarding Training-Income Verifications Privacy Act/FOIA-Income Verifications Exemption 6 Yellow Team Onboarding Training- 3rd Party Requests Privacy Act/FOIA-QDROs Orange Team Onboarding Training-Requests regarding Deceased Individuals Orange Team Onboarding Exemption 5 Training Exemption 4 Training Disclosure Division to Appeals FOIA Overview Onboarding SFA Proactive Disclosure Training Yellow Team Training- 3rd Party Requests Time Management and Task Focused Disclosure Division Performance: Understanding FOIA Metrics Overview of Exemption 4 Submitter's Notice Process Displaying Data Visually in Excel Conscious Equity 2.0: Fostering a Connected Culture Writing Reports The 15th National American Society of Access Professional Training Conference July 19-21, 2022 OEEO's Education & Enrichment Real Talk Series: Allyship in Workplace FOIA Consultation Process Distress Terminations 4042 Terminations Leadership Skills for NonSupervisors Overview of the FOIA Overview of the Privacy Act S.M.A.R.T. Goal Training Interface Privacy Act/FOIA and Privacy Act Exemptions (Onboarding Session) Standard of Review that Apply to PBGC's Determination under Title IV of ERISA Risk Management Exemption 4 Training (Onboarding Session) Exemption 5 Training (Onboarding Session) Pension Benefits Corporate (agency-wide) Training: The Division conducts agency-wide corporate training and specific program office FOIA discussions. Income Verifications Processing and Expediting Requests Overview of FOIA to PBGC's New Hires Privacy Act-Congressional Inquiries Involving Constituents and the Privacy Act-Legislative Affairs and Interagency Disclosures Disclosure Division Metrics Briefing Interagency Disclosures FOIA and Advocate Records FOIA and Voluminous Records Search Requirements FOIA and Participant Benefit Statements HR Representative: FOIA Search Overview and Collection of Records Settlement Agreements and FOIA Disclosures DOJ Training Virtual Exemption and Exemption 5 Training Virtual Privacy Considerations Training Virtual Continuing FOIA Education Virtual Annual FOIA Report Refresher and Quarterly Report Training Virtual Chief FOIA

	Officer Report Training Virtual Introduction to FOIA Training Virtual FOIA Litigation Seminar Procedural Requirements and Fees Training
Railroad Retirement Board	During the reporting period all FOIA professionals attended at least one training. One General Attorney, and an Assistant General Counsel participated in FOIA training provided by the Department of Justice concerning overview and completion of the Annual FOIA Report.
Securities and Exchange Commission	SEC's Annual Whistleblower training SEC's Annual FOIA Training offered by the Office of Information Policy, U.S. Department of Justice Litigation Seminar Continuing FOIA Education Advanced FOIA Training NexGen FOIA Technology Showcase FOIA Technology Showcase Follow-Up Workshop Procedural Requirements and Fees Training FOIA Summit for Agency FOIA Professionals Annual FOIA Report Refresher and Quarterly Report Training Chief FOIA Officer Report Training Open Government Public Engagement Session American Society of Access Professionals 15th Annual National Training Conference AINS Annual Summit and User Conference FOIA Advisory Committee Meeting Chief FOIA Officers Council Meeting
Small Business Administration	OIP conducted a FOIA overview virtual training for all SBA personnel. Additionally, SBA's Web-based training module provides a general introduction and overview of FOIA. SBA FOIA Coordinators with

	additional FOIA duties were able to attend the Virtual Introduction to the Freedom of Information Act Seminar.
Social Security Administration	<ul style="list-style-type: none"> <li>• Monthly FOIA Staff Meetings – Our monthly meetings include, but not limited to FOIA appeals, exemptions, recent Federal court cases, partial disclosures, FOIA fees and fee waivers, requirements for perfected requests under the FOIA, communications with the requester, and Office of Government Information Services (OGIS) inquiries.</li> <li>• Bi-monthly FOIA/Privacy Act (PA) coordinator meetings – Discussions included the interface between the FOIA and the PA, FOIA fees, and fee waivers. We also discussed cases that may be of public interest or may become common.</li> <li>• The Federal Privacy Council’s Privacy Bootcamp– Included sessions on The Privacy Act (PA), the PA exemptions, FOIA/PA interplay, best practices, and updates from the courts.</li> <li>• Training provided by SSA’s Office of General Law (OGL) – Discussions on 7114(b)(4) and interplay of FOIA/PA, section 1106 of the Social Security Act, and FOIA search and scope.</li> </ul>
Tennessee Valley Authority	American Society of Access Professionals Virtual Training Conference and training offered by OIP throughout the year. Topics covered in training include procedural matters, FOIA exemptions, privacy considerations, data management, and updates and discussion on current FOIA litigation and issues of interest to FOIA professionals and the requester community. TVA subscribes to Access Reports newsletter, among other things, to stay current on emerging FOIA and Privacy Act issues.
U.S. Agency for International Development	Every member of the USAID workforce must complete one of the two online courses detailed below each year: Records-Management for Senior Officials is a mandatory online course for individuals in executive positions at USAID who are responsible for oversight, management, and decision-making. The course describes the role and importance of senior officials in properly managing Federal Government records and complying with the FOIA. Records-Management for Everyone is a mandatory-online course for non-senior officials designed to inform USAID’s workforce of their records-management responsibilities and obligation to adhere to the requirements of the FOIA. In addition to the above-mentioned mandatory courses, during Fiscal Year (FY) 2022 USAID’s FOIA professionals also participated in the substantive training described below: Best Practices Workshop: Administrative Appeals Taught by the Office of Information Policy at the U.S. Department of Justice, this is a full-day program that provides lectures and discussions on the importance of establishing good relationships with Agency Operating Units to obtain records and information; communicating effectively with requesters; managing administrative appeals to provide timely responses; and collaborating with the Agency’s FOIA attorney, Assistant U.S. Attorneys, and the courts regarding litigation. Freedom of Information Act for Attorneys and Access Professionals Taught by the Office of Information Policy at the U.S. Department of Justice, this is a two-day program that provides an overview of the FOIA’s procedural requirements and each of the law’s nine individual

	<p>exemptions, basic principles for processing requests under the FOIA from start to finish, the FOIA's proactive disclosure requirements, and the interface between the FOIA and the Privacy Act. 14th Annual National Conference on FOIA and the Privacy Act of the American Society for Access Professionals (ASAP) This three-day conference provides in-depth analysis on the administration of the FOIA, updates to case law, and direct dialogue with members of the requester community. This conference is mandatory for all USAID's professionals with primary FOIA responsibilities.</p>
U.S. Agency for Global Media	We both did FOIA Exemption 5 training. Our former employee took a DOJ/OIP Virtual Class - title/date unknown
U.S. Chemical Safety and Hazard Investigation Board	Virtual Litigation Seminar November 10, 2021 Exemption 1 and Exemption 7 January 11, 2022
U.S. Consumer Product Safety Commission	DOJ's virtual training on exemptions, fees, and procedures.



U.S. Postal Service	<p>American Society of Access Professionals (ASAP) training: • ASAP Annual National Training Conference • ASAP Presidential Records – Myths, Ironies and Facts • Webinar - Significant Recent FOIA Decisions • Webinar - Exemption 5 Civil Discovery Privileges • Webinar - FOIA Procedural Overview • Webinar -- Interplay Between the Privacy Act and the FOIA • Webinar -- Virtual Fees &amp; Fee Waiver Workshop • Webinar -- Processing from Start to Finish Workshop</p> <p>Department of Justice training: • Sunshine Week Meeting • FOIA Training on Agency Records • Procedural Requirements and Fees Workshop • Advanced FOIA Training • Litigation Workshop • Continuing FOIA Education • Procedural Requirements and Fees Workshop. • Annual FOIA Report Refresher and Quarterly Report Training • Chief FOIA Officer Report Training • Best Practices for FOIA Administration during the Pandemic • Privacy Considerations Training • Artificial Intelligence for FOIA Professionals • Introduction to the FOIA • Exemption 1 and 7 Workshop • Exemption 4 and 5 Workshop • Processing FOIA requests from Start to Finish User Conference and Technology Summit (a vendor sponsored workshop) – topics included: • FOIAXpress New User Training • User Conference • FOIA Search Issues • Steps to Reduce FOIA Request Backlog • Recent Significant FOIA Decisions • FOIA Tracking System • EDR Workshop Roundtables: • Use of Personal Email, Computer Chat Feature, and Text Message for Postal Business • Beyond the Privacy Act • Exemption 5 • Exemption 6 • Exemption 3 and 39 U.S.C. § 410(c)(2) • Supreme Court FOIA case law review • Quarterly FOIA and Privacy Act Client Awareness Training</p> <p>Brown Bags: • Sensitive FOIA Requests and Proper Responses • Exemption 6 and 7(C) • Responsibilities of FOIA Coordinators • The Glomar Response • Final Response Letters • Definition of a Record, Reasonably Described Records for Electronic of Records, Search Cut-Off Dates • Preparing Records in Response to FOIA Requests • Redactions under 39 U.S.C. § 410(c) • FOIA Website Tour</p>
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## **2023 Chief FOIA Officer Report**

### **Section II**

#### **Question 5**

**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.**

The following pages contain sixty-one agency responses to Section II Question 5

- beginning with Department of Agriculture, and
- ending with U.S. Postal Service.

<b>Agency</b>	<b>Answer</b>
Department of Agriculture	Not applicable. More than 80% of USDA's FOIA professionals participated in substantive FOIA training courses.
Department of Commerce	N/A
Department of Education	N/A
Department of Energy	N/A.
Health and Human Services	N/A
Department of Homeland Security	N/A

Dept. of Housing and Urban Development	N/A.
Department of Labor	N/A
Department of State	N/A
Department of the Interior	Not applicable
Department of the Treasury	N/A
Department of Transportation	N/A
Department of Veterans Affairs	N/A
AMTRAK (National Railroad Passenger Corporation)	N/A
Board of Governors of the Federal Reserve System	N/A
Central Intelligence Agency	· Not Applicable
Commodity Futures Trading Commission	N/A.

Consumer Financial Protection Bureau	N/A
Council of the Inspectors General on Integrity and Efficiency	<p>As a very small agency with less than 30 permanent employees, CIGIE currently has no full-time FOIA professionals. All CIGIE personnel who have FOIA responsibilities support the FOIA program in addition to numerous other duties and areas of responsibility. Moreover, all but one of the staff members who support CIGIE’s FOIA program are attorneys. Accordingly, due to scheduling conflicts and other demands, attending available training can be difficult. With that said, the individuals who attended trainings shared highlights from them with those who were unable to attend. Additionally, CIGIE legal staff routinely discuss FOIA issues at regularly scheduled meetings to ensure all those with FOIA responsibilities are aware of pressing and/or novel legal issues. CIGIE will continue to strive to send at least 80% of staff that have FOIA responsibilities to FOIA training, such as that provided by the DOJ.</p>
Court Services and Offender Supervision Agency	Not Applicable.

Development Finance Corporation	DFC Staff attended the following DOJ OIP training sessions: Procedural Requirements; Fees and Fee Waivers; Litigation Considerations; Exemption 4; Exemption 5; and Advanced Litigation Considerations.
Environmental Protection Agency	This is not applicable to EPA.
Equal Employment Opportunity Commission	N/A
Council on Environmental Quality (EOP)	N/A.
Office of Management and Budget (EOP)	Not applicable
Office of Science and Technology Policy (EOP)	N/A.
Office of the U.S. Trade Representative (EOP)	USTR is in full compliance with this OIP guidance.
Export-Import Bank	Not applicable.

Farm Credit Administration (FY22)	Not Applicable.
Federal Communications Commission	Not applicable.
Federal Deposit Insurance Corporation	N/A
Federal Election Commission	N/A
Federal Housing Finance Agency	N/A
Federal Labor Relations Authority	N/A.
Federal Trade Commission	N/A.
General Services Administration	Not applicable.
Merit Systems Protection Board	Not applicable.
National Aeronautics and Space Administration	404error

National Archives and Records Administration	N/A, NARA exceeded 80%.
National Credit Union Administration	N/A.
National Endowment for the Arts	N/A.
National Endowment for the Humanities	Not applicable. NEH expects that 100 percent of its FOIA professionals will attend substantive FOIA training before the end of the reporting period.
National Labor Relations Board	This does not apply to the NLRB because all FOIA staff attended substantive FOIA trainings.
National Science Foundation	N/A
National Transportation Safety Board	N/A
Nuclear Regulatory Commission	N/A
Occupational Safety and Health Review Commission	N/A
Office of Government Ethics	N/A



Office of Personnel Management	Not applicable.
Office of Special Counsel	Not Applicable
Office of the Director of National Intelligence	N/A
Peace Corps	Training slides and summary updates are shared with staff members who cannot attend a particular event.
Pension Benefit Guaranty Corporation	N/A. More than 80% of PBGC's FOIA professionals attended training.
Railroad Retirement Board	N/A
Securities and Exchange Commission	N/A
Small Business Administration	N/A
Social Security Administration	N/A
Tennessee Valley Authority	N/A.

U.S. Agency for International Development	N/A
U.S. Agency for Global Media	N/A.
U.S. Chemical Safety and Hazard Investigation Board	N/A
U.S. Consumer Product Safety Commission	N/A
U.S. Postal Service	N/A

## **2023 Chief FOIA Officer Report**

### **Section II**

#### **Question 10**

**Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.**

The following pages contain sixty-one agency responses to Section II Question 10

- beginning with Department of Agriculture, and
- ending with U.S. Postal Service.

Agency	Answer
Department of Agriculture	<p>Yes. USDA’s FOIA components routinely evaluate the allocation of agency personnel resources needed to respond to both current and anticipated FOIA demands. As an example, the OIA as a new stand-alone, recently prepared for consideration by the General Counsel, the Office of Budget and Program Analysis (OBPA), and the Office of the Chief Financial Officer (OCFO) a proposed budget to support the services it provides to all USDA staff offices in addition to the Research, Education and Economics (REE) and Trade and Foreign Agricultural Affairs (TFAA) mission areas. Currently, the OIA is funded entirely by Interagency Agreements with the offices and mission areas it supports. If received, a direct appropriation will better equip the OIA to process its requests and provide the requisite support for USDA’s FOIA community as it will be able to hire more GISs. APHIS continues to devote significant contract resources to the processing of Animal Care records requests as those requests generally account for 50% of APHIS’s FOIA queue annually. The APHIS contract team closed 279 requests and reviewed +100k pages of records. APHIS will use this same contract team in FY23 and intends to increase funding to ensure increased processing for this same queue. The FS’ Washington Office (FS-WO) reported receiving authorization to fill all existing GIS vacancies. To date, eight of the nine positions have been filled and the last position is on track to be filled prior to the close of fiscal year 2023. This same office was also authorized to utilize the OIA’s Blanket Purchase Agreement for FOIA contract support to bring onboard two senior FOIA contract analysts. The FS-WO is also exploring other non-traditional opportunities for support in the fiscal year 2023. These opportunities include the Agricultural Conservation Experienced Services (ACES), a cost effective and efficient program that allows the FS to acquire skilled personnel aged 55 and older with “ready to apply knowledge” and “shared” FOIA positions funded by program area(s) with the heaviest caseload. The FS Regional FOIA Service Centers have also been evaluating their respective program structures. Many of these Service Centers are creating additional FOIA positions, updating position descriptions, and evaluating the GS grades for current staff</p>

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Department of Commerce	<p>Yes. Changes that have been or will be implemented follow:  CEN is trying to hire more FOIA staff.  ITA is currently reallocating resources to respond to the programs growing demands. Currently, ITA is restructuring the process to provide additional support to the FOIA program.  NIST discusses workload metrics with staff to assess best practices to handle cases.  NTIA is in the process of expanding its FOIA team to include a full-time FOIA person and more staff attorneys assigned to review FOIA matters.  NTIS is mentoring another staffer to assist with processing FOIA requests.  MBDA is in the process of hiring additional FOIA staff.  NOAA utilizes an approach called Tiger Team processing which utilizes a small core group of FOIA professionals that can transition their FOIA processing efforts from office to office as needed depending on caseload and office bandwidth. NOAA notes how beneficial this approach was considering the partial-FTE FOIA Staff at the Staff and Line Offices, to have a dedicated team that can help lift the load when one office is inordinately impacted by shifts in request emphasis. In addition, NOAA has incorporated a single point awareness vetting of high-visibility and litigation items through General Counsel. This has reduced the impediments to visibility and expedited General Counsel involvement to give quick visibility to leadership.  USPTO continuously monitors the staff needed to run an effective FOIA program. Based on the increased complexity and volume of requests, USPTO hired another FOIA attorney in April of 2022.  OGC/Info Law added four (4) non-FOIA professionals to aid the FOIA appeals process.</p>
Department of Education	<p>To address current and anticipated need, the ED funded and hired two additional senior-level directors within FSC. Further, the FSC has submitted a comprehensive budget request for additional positions to be added in fiscal year 2024, if approved.</p>

Department of Energy	Yes. The Department has evaluated its FOIA resources needed to respond to current and anticipated FOIA demands. For example, at HQ a review of its FOIA program and processes was conducted. One of the areas reviewed was staffing to determine if additional staff was necessary to respond to FOIA requests. The BPA office, after evaluating their personnel resources, posted a vacancy for a new FOIA program lead. Other DOE sites are considering hiring additional contractor staff to meet the demands in their offices, while others have determined that current staffing is adequate at this time
Health and Human Services	All HHS FOIA RSCs have evaluated the allocation of agency personnel and resources needed to respond to current and anticipated demands. OS FOIA backfilled two FOIA positions and hired additional resources to focus specifically on backlogged requests. The backlog reduction team includes eight contract FOIA analysts and IT resources. These additional resources are focused solely on processing old cases and electronic email searches/review. OS FOIA also anticipates hiring a new Deputy Agency Chief FOIA Officer in 2023, who will provide leadership to the Department on all FOIA-related matters. With these additional resources in place, OS FOIA anticipates that it will be in a better position to respond to current and anticipated FOIA demands. CDC FOIA has added new FOIA analyst and team lead positions to bolster its processing capabilities. CMS FOIA has and will continue to add additional federal and contract support to address the increase in new requests and anticipated new requests in FY 2023 due to legislative improvements on drug pricing and negotiation. HRSA FOIA has continued to add additional resources, hiring its most recent FTE in November of 2022. HRSA has also hired two students through intern programs. IHS FOIA hired an additional specialist to process FOIA requests as needed. NIH FOIA hired five full-time equivalents (FTE) in response to the surge of pandemic related requests. In addition, NIH FOIA plans to hire approximately four FTEs in FY 2023. SAMHSA FOIA hired a new FOIA Officer in 2022. ACF and ACL FOIA plan to backfill key FOIA positions in FY 2023.

<p>Department of Homeland Security</p>	<p>Yes. The Privacy Office issues performance metrics for DHS FOIA Processing Centers and monitors progress monthly. The Privacy Office also directs DHS FOIA Officers to analyze trends and, based on the findings, prepare for the current year and multi-year personnel staffing needs to handle the increase in incoming FOIA requests. In addition, the Privacy Office utilizes contract vehicles to assist DHS FOIA Processing Centers with surge capacity support. Further, the Deputy Chief FOIA Officer meets monthly with DHS FOIA Officers and as needed in one on-one meetings to discuss workforce demands and ways to address them. The Deputy Chief FOIA Officer also assisted various DHS FOIA Officers with their backlog reduction plans. DHS FOIA Processing Centers' additional responses: CBP: • CBP continued to work with CBP leadership to ensure sufficient resources to meet an expected increase in demand for video from Body Worn Cameras. CBP also continued to execute its FOIA contract and renewed its Service Level Agreement (SLA) with the Privacy Office for FOIA support. Additionally, an interagency FOIA team was created to focus on complex FOIA requests and records, utilizing temporary personnel. CRCL: • CRCL evaluated the allocation of FOIA resources for current and future needs. CRCL hired two support contractors and is working to hire more Full Time Equivalents (FTE) to support its FOIA program. FEMA: • FEMA evaluated the allocation of FOIA resources and does so on an annual basis. FLETC: • FLETC conducted a cost-benefit analysis to assess current FOIA allocations and future staffing needs. I&amp;A: • I&amp;A evaluated its FOIA workload, including ongoing litigation. I&amp;A anticipates doubling the size of the FOIA team to meet the increased workload. ICE: • ICE conducted a resource needs analysis to determine FOIA staffing requirements for the expected increase in FOIA requests for video from Body Worn Cameras and other immigration-related matters. OIG: • In FY 2022 OIG hired a Deputy FOIA Officer, and for FY 2023 it submitted a resource request for additional FOIA staff to meet current and future demands. Privacy Office: • PRIV is drafting a revision to the DHS backlog reduction plan to incorporate unexpected increases and changes in FOIA trends. TSA: • TSA FOIA worked with TSA leadership to ensure the TSA FOIA program has adequate support to meet processing needs. USCG: • USCG collaborated with USCG leadership to assess whether staffing is sufficient to meet expected FOIA demand, including provision of contract staff. • Conducted annual personnel and procedures assessments to determine whether there is a need to adjust the current allocation of FOIA staff or other resources. USCIS: • USCIS routinely assesses the strength of its FOIA program through the following actions: • Review the Annual FOIA Report Data and modify workflows and processes where necessary. • Conduct quarterly compliance reports that analyze USCIS FOIA compliance rates and the volume of USCIS backlogged requests. • Use production data to determine when USCIS FOIA resource shifts are</p>
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	<p>needed. • Utilize historical data and forecasting tools to advocate for additional positions in the USCIS FOIA program</p>
<p>Dept. of Housing and Urban Development</p>	<p>Yes. In FY22, a new FOIA Division Director was hired after a 2-year vacancy. Filling this key leadership position has provided strategic and tactical guidance to the staff and improved HUD's efficiency, processes, and guidance to the department, resulting in continued reduction of HUD's backlog. In addition, HUD hired FOIA contract support to supplement HUD's federal staff. In support of efforts to continue to grow the staff, the FOIA Office has budgeted for additional staff in FY23.</p>

Department of Labor	The U.S. Department of Labor operates within a decentralized FOIA program. Although the administrative management of the program is within the Office of the Solicitor, each of its 23 agency components is responsible for determining and allocating agency personnel resources that are necessary in order to respond to their FOIA demands. The Department currently has a "ROAD" detail program where employees have an opportunity to cross over from their respective agencies and for a specified amount of time, they can work within other DOL agency components to gain experience, knowledge and training to enhance their career paths. This program has been utilized by a number of components in an effort to gain additional FTE resources that would not otherwise be available to meet their FOIA demands.
Department of State	Yes, the IPS FOIA office has hired and continues to hire additional FOIA personnel to address the current and anticipated FOIA demands, primarily filling vacancies for positions located in Charleston, SC. This transition from Washington, DC to Charleston resulted in a significant restructuring of the IPS FOIA program, as the majority of the affected FOIA employees chose not to move to Charleston and either transferred to other positions in the Department's records and information access programs (including to FOIA litigation) or left the Department. In July 2022, the Department began actively recruiting to fill existing Government Information Specialist positions from the GS-7 to GS-14 levels for Charleston. To recruit in this new market, the Department reached out to millions of potential hires by posting the USAJOBS announcements for these vacancies on Handshake, an online recruitment tool that can "reach the largest, most diverse, and active early talent network in the US" with over 10 million enrolled college students and graduates including 1,200 national colleges and universities. The Department also began actions to recruit and hire up to 16 student-trainees and additional contract support. By March 2023, the Department had successfully onboarded five new employees, with others in the hiring and clearance process.
Department of the Interior	An ongoing initiative of the DFO is to conduct targeted assessments of the FOIA processing offices in the Department's component bureaus and issue data-driven recommendations to bureau leaders for improving FOIA processing staffing and operations. In light of strong public interest in law enforcement issues and in support of the Department's efforts to increase public transparency on this topic, the DFO is currently assisting the National Park Service (NPS) to realign and strengthen the capability of the FOIA processing team that serves the Department's largest and most visible law enforcement component. This effort includes a comprehensive assessment of current staffing levels and processing procedures, as well as recommended strategies to reduce backlogs and address the anticipated increase in FOIA workload due to the expanded use of body-worn cameras.

Department of the Treasury	<p>In an effort to improve the FOIA request process by improving response times and reducing the backlog, DO initiated Lean Six-Sigma methodology review of the current activities and resource allotments dedicated to FOIA. Challenges were defined, measured, analyzed, and improvements were identified. DO announced and awarded a new contract for FOIA support services to meet current and future FOIA demands. The newly awarded contract's Performance Work Statement has a clause that enables the option to add additional personnel to support all areas of FOIA process, including intake, processing, appeals, and litigation support, as DO's staffing needs evolve over time. This mechanism is available to all DO program offices when there is a need for resources to support their FOIA requirements. BEP, Fiscal Service, IRS, OCC, TIGTA, and TTB have or are in the process of onboarding additional staff resources to support the anticipated FOIA demands and to backfill vacated positions.</p>
Department of Transportation	<p>The FAA continued to utilize a contract vehicle which allows individual program offices to take out task orders for office specific FOIA processing support services. FHWA continually evaluated its staffing needs throughout the year. Prior to 2020, FHWA's FOIA Office consisted of one full-time employee (FTE) only. In 2020, that number rose to two (2) FTEs; in 2022 three (3) FTEs; and in January 2023 four (4) FTEs as it continues to adjust its personnel needs as its workload increases. During its FOIA Program Evaluation, FMCSA statisticians reviewed the agency's FOIA data from Fiscal Years 2017-2022. During this time FMCSA has seen a 143 percent increase in received requests. The analysis showed that in order to keep up with its incoming requests, at least 3 additional FTEs needed to be added. FMCSA is restructuring the FOIA Division and adding 5 FTEs in Fiscal Year 2023. During Fiscal Year 2022, FRA added two full-time Government Information Specialists to the FOIA team to address the backlog and in anticipation of increased FOIA requests arising out of Bipartisan Infrastructure Law activities. NHTSA evaluated the allocation of FOIA resources and increased its contract staff to assist with current and anticipated FOIA demands. OIG has utilized non-FOIA personnel that have been internally trained in document review to assist with limited access processing of FOIA requests on an "ad-hoc" basis. OIG also has occasionally used Honors Attorneys and Law Students to assist with FOIA. Finally, OIG has also been approved to hire a second part-time intern under the Pathways program. In response to its incoming number of requests doubling since Fiscal Year 2016, OST FOIA has hired two additional Government Information Specialists to begin work in Fiscal Year 2023 to help lower the office backlog. PHMSA continues to evaluate the need for additional FOIA contractor support. PHMSA's FOIA Officer position was vacant for five months of 2022. However, PHMSA has hired a FOIA Officer who will onboard in January 2023.</p>

Department of Veterans Affairs	Yes, VA is evaluating the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands. VA is studying and is considering which in a suite of options we will ultimately adopt.
AMTRAK (National Railroad Passenger Corporation)	Yes, in FY22 we added an additional staff member to assist in part with FOIA processing. In the beginning of FY23 additional contract staff were brought on short term to assist in processing the backlog of request
Board of Governors of the Federal Reserve System	Yes, the Board evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands. The Board plans to hire an additional FOIA professional to address the increased FOIA demands.
Central Intelligence Agency	CIA continually assesses current and anticipated FOIA demands in relation to the allocation of its resources. Through the use of regular reporting and metrics, resources can be surged or reallocated as needed. The office responsible for processing public access requests has recently created a production manager position focused on monitoring and facilitating the allocation of review resources across programs.
Commodity Futures Trading Commission	Yes – we have evaluated our resource needs and determined that the FOIA Office requires an additional staff member to assist with administrative tasks. We hope to receive such hiring authority and are exploring temporary solutions in the meantime.
Consumer Financial Protection Bureau	The FOIA team conducted an evaluation of the personnel resources needed to keep up with the 71 percent increase year-over-year in new incoming requests, the request backlog, and ongoing litigation while it continues to implement greater quality controls. This evaluation was used to inform CFPB leadership on how to best allocate agency resources to address current and anticipated FOIA needs.
Council of the Inspectors General on Integrity and Efficiency	The CIGIE OGC continues to work closely with the legal team of CIGIE’s Pandemic Response Accountability Committee (PRAC) (which operates in a separate supervisory structure) to ensure CIGIE can continue to operate under a centralized FOIA scheme, while also leveraging the subject matter expertise of the attorneys in the PRAC to process PRAC-related requests. CIGIE also continues to adapt its FOIA program to the statutory changes resulting from the Inspector General Empowerment Act of 2016, Public Law 114-317, 130 Stat. 1595 (IGEA). Most notably, the IGEA expanded CIGIE’s responsibilities to include maintenance of the records of CIGIE’s Integrity Committee by CIGIE’s Chairperson. Before the IGEA’s passage, the Federal Bureau of Investigation maintained Integrity Committee records. Requests for Integrity Committee records have continued to be numerous, highly complex, and time consuming.

Court Services and Offender Supervision Agency	Yes, the Agency routinely evaluates the allocation of Agency personnel resources needed to respond to current and anticipated FOIA demands. The Agency has allocated two paralegals to assist with processing FOIA requests. This totals approximately 3 full-time personnel to process.
Development Finance Corporation	How often and in what formats does your agency provide FOIA training or briefings to non-FOIA staff. FOIA Staff met with managers and other staff to discuss the FOIA program generally, as well as to provide guidance on specific disclosures. • If senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations and expectations during the FOIA process? Incoming DFC senior leaders as a part of initial ethics training also received a period of instruction on the FOIA to include obligations and expectations of federal employees under the FOIA.
Environmental Protection Agency	In 2022 EPA has continued to use lean management principles, methods and techniques to continuously review and improve EPA’s FOIA response processing. By deploying lean management methods agency-wide, many offices across the agency conducted lean management improvement events around FOIA processing and deployed visual management tools to bring greater focus to FOIA processing. Root cause analysis is a critical lean management method that requires offices to analyze whether FOIA processing goals and targets can be met through process improvements, deployment of technology, or changes in personnel resources. Through application of these methods, some EPA offices reorganized FOIA processing in various ways including by changing personnel resource allocations. In FY 2022, in looking at root cause analysis pertaining to loss of momentum on backlog reduction, EPA identified delays in hiring and onboarding staff to replace certain key employees who retired or left the agency in offices with the highest backlogs. EPA concluded that the existing allocation of agency personnel resources remained appropriate, subject to filling these vacancies. Replacement hiring was completed in one office by the end of the fiscal year. EPA’s National FOIA Office has conducted several office-specific and agency-wide reviews of FOIA staffing. As an outgrowth of those reviews, EPA’s National FOIA Office partnered with EPA’s Office of Chemical Safety and Pollution Prevention, EPA’s Office of Water, and EPA’s Office of the Administrator to establish a contract for FOIA document reviewers for up to 3 years and \$4 million in contractor document review services. This contract is a pilot designed to provide additional contractor staff to assist with two offices that have the largest backlogs of overdue FOIA requests at the agency and as surge capacity where needed in response to evolving circumstances during the life of the contract.
Equal Employment Opportunity Commission	Yes. Best practices used to ensure that your FOIA system operates efficiently and effectively. Fully staffing the FOIA components.

Council on Environmental Quality (EOP)	Yes. In FY2022 CEQ employed additional detailees and continued to employ two FOIA Specialist contractors to assist with FOIA demands.
Office of Management and Budget (EOP)	During the reporting period, OMB undertook a comprehensive review of its short- and long-term staffing and resource needs. As a result of this review, OMB provided additional funding to the FOIA Team to hire a sixth contractor on a short-term basis. The agency is actively working on a long-term staffing and resource plan.
Office of Science and Technology Policy (EOP)	Yes. OSTP is actively recruiting FOIA personnel to manage its ever expanding and complex FOIA requests. We also work with requestors to narrow overly broad requests so they can be promptly processed. Thus, ensuring that FOIA personnel maximize their time on reviewing records that are responsive to the requests.
Office of the U.S. Trade Representative (EOP)	In September 2021, USTR onboarded a new full time hire to the administrative legal team to fill a vacant FOIA program manager/attorney position. USTR does not anticipate making any additional staffing changes at this time.
Export-Import Bank	Yes, as part of the annual budget request process, the Chief FOIA Officer evaluated whether additional FTEs were needed. The Chief FOIA Officer determined that current staffing levels are sufficient to meet any anticipated demand.
Farm Credit Administration (FY22)	The FOIA Officer performed an internal review of FOIA demands and the review concluded that the FOIA Office complied with the law and that there was an efficient and effective program. Therefore, no additional FOIA resources are needed at this time.
Federal Communications Commission	Yes. The agency reviews its personnel resources on an ongoing basis to meet its program objectives, including FOIA. FOIA responsibilities are assigned to full-time FOIA staff, as well as to other staff, on an as-needed basis to meet variations in the FOIA workload. During the reporting period and as part of its overall workforce planning efforts, the agency initiated the process to hire additional FOIA professionals in light of retirements and other departures
Federal Deposit Insurance Corporation	Yes. Earlier this year, the FDIC filled a staffing gap by hiring a new Senior Attorney in the FOIA Group. We have also utilized the resources available through the FDIC's Honors Attorney Program. We have hosted three Honors Attorneys who rotated through the FOIA Group and worked on both technical and legal matters, and these attorneys have been a great asset to our program. Going forward, the FOIA Group is assessing whether it may need additional support at the Government Information Specialist (GIS) level to ensure adequate staffing due to the continued increase in the number of requests received each year and the volume of documents responsive to each request.

Federal Election Commission	In FY 22 the Agency sought to hire two new attorneys who can complete FOIA duties if needed. These employees will be onboarded in FY23. The Agency has also made improvements in the Xera FOIA software that we use to process requests.
Federal Housing Finance Agency	FHFA-HQ – Yes, FHFA-HQ anticipates hiring a new staff person for whom FOIA duties will comprise 50% of their duty time. FHFA-HQ will continue to engage one full-time contractor support. Personnel resources will be evaluated on an annual basis to ensure FOIA demands are met. • FHFA-OIG – Yes, FHFA-OIG current staffing level is sufficient to respond to our current and anticipated FOIA demands.
Federal Labor Relations Authority	Yes. The office of the Chief FOIA Officer expects to be fully staffed in 2023. Moreover, the FLRA anticipates changing FOIA providers in 2023. No other changes are anticipated at this time.
Federal Trade Commission	This fiscal year, the FTC experienced peak levels of requests, some of which were particularly complicated. For the second year in a row, FOIA requests rose significantly to a record 1,615 requests – up 17 percent, or more than 200 requests from the prior year. Steadily, an increase in overdue requests materialized as a consequence of the normal attrition of FOIA staff and FOIA requests reaching extraordinarily high counts and eliciting greater complexities. In response to the rising demand and resulting overdue backlog, the FTC first implemented measures to streamline the lengthy records-gathering component of the process by conducting additional training of agency senior managers and other non-FOIA staff who facilitate record searches in their individual agency division or office. This effort has helped to alleviate some of the internal bottlenecks that typically clog FOIA staff’s complex request dockets. Second, FTC senior management proposed new approaches to combat attrition, including adding personnel on a term basis to assist with simple FOIA requests and the rigors of FOIA litigation document reviews and revising FOIA staff’s position descriptions to better correspond with their additional responsibilities. In doing so, the agency should be able to handle the projected FOIA demand and increase FOIA professional retention.
General Services Administration	Yes—As part of the effort to fully integrate the FOIA program into OGC and to improve the program’s performance, OGC has converted the FOIA Program Manager position from a non-attorney to an attorney (and is currently hiring for that position). GSA is also adding contractor support to the FOIA program to fulfill both ongoing and surge capacity needs, as well as to increase the technical capacity of the program. This will help to ensure that GSA can continue to respond to current and anticipated FOIA demands.

Merit Systems Protection Board	Yes. In mid-FY 2021, MSPB added a 0.5 FTE to further support the FOIA program; however, MSPB has not been able to adequately evaluate whether the additional resource is sufficient given that the individual providing the support departed MSPB in FY 2022. MSPB is committed to annually evaluating the allocation of agency personnel resources in light of current and anticipated FOIA demands.
National Archives and Records Administration	Yes. NARA's Management Team has considered proposals for increased resources for FOIA technology and staff.
National Credit Union Administration	Yes. FOIA assignments are being distributed to additional members of the Information and Access Law team to increase preparedness in case of an uptick in requests.
National Endowment for the Arts	Yes, the Agency has evaluated and shifted the allocation of its personnel resources needed to respond to current and anticipated FOIA demands. With the sudden need at the end of 2022 to have a new FOIA officer and a new Chief FOIA Officer, agency personnel have been immediately shifted to fulfill the FOIA officials' roles. In addition, the agency has hired a government contractor to facilitate timely FOIA processing and is in the process of securing a non-NEA government employee on a detail, to further strengthen the agency's FOIA administration.
National Endowment for the Humanities	NEH evaluates the allocation of agency personnel resources for FOIA demands on an as-needed basis and does not have any current changes planned.
National Labor Relations Board	Yes. The FOIA Branch continually assesses its resources against changing business demands. Where additional resources are needed, the FOIA Branch adjusts staffing assignments to leverage expertise among current staff, as well as augments staff resources through collaboration with other offices or by seeking authorization to hire additional FTEs. This past year, the FOIA Branch sought and received authorization to hire one additional FTE (and backfilled a vacant position) to respond to current and anticipated FOIA demands.
National Science Foundation	NSF has evaluated the needs of its FOIA program given the current number of incoming FOIA requests, the complexity of those requests and the current FOIA request backlog. NSF previously had two full-time staff processing FOIA requests. Late this year, NSF created and filled a new Government Information Specialist position for its FOIA program. In addition, NSF procured a FOIA support tool to help its FOIA staff more efficiently process and track FOIA requests.
National Transportation Safety Board	If a surge in current or anticipated FOIA demands occurs, a process is in place to add contractual resources, if needed and if funds are available.



Nuclear Regulatory Commission	Yes, NRC posted an external vacancy announcement in FY22 to hire a Government Information Specialist to process FOIA. NRC was able to make a selection, with the new employee starting in early FY23, October. NRC also onboarded an additional contractor support for a FOIA analyst. Currently, NRC FOIA team has 3 Government Information Specialist, 1 Team Lead/FOIA Officer, and a contractor team of 3 FOIA analyst and 1 Team Lead. Additionally, NRC has FOIA Coordinators in each of its program offices and regional offices to help support the responsibility of responding to FOIA.
Occupational Safety and Health Review Commission	Yes. OSHRC evaluated staffing resources and finalized changes in how privacy reviews of responsive records are conducted in order to ensure that requests continue to be efficiently processed and FOIA exemptions are applied as necessary.
Office of Government Ethics	Yes. Over the past few years, OGE has evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands. This resulted in OGE restructuring its FOIA Team and hiring an additional FOIA attorney.
Office of Personnel Management	Yes. During the reporting period, OPM's FOIA program determined the need to fill a FOIA intake specialist position that became vacant in May 2021. To this end, OPM hired a new Government Information Specialist for this position to start in January 2023. From March to September 2022 and again in December 2022, OPM's FOIA program was able to staff a detail position to carry out essential tasks of the FOIA intake specialist role.
Office of Special Counsel	Yes. OSC leadership evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands. OSC plans to hire two (2) additional FOIA professionals to address anticipated FOIA demands.
Office of the Director of National Intelligence	Yes, ODNI has evaluated the need for additional resources to process FOIA requests and has prioritized the hiring of additional FOIA staff officers. Additionally, ODNI has also been working to improve the internal processes in order to search and review records quicker and more accurately.
Peace Corps	Yes. Our agency recently allocated funds to add an additional Government Information Specialist for the FOIA Office, which was recently filled. Also, our agency hired and additional two contractors to provide support in reducing our backlog.

Pension Benefit Guaranty Corporation	Yes. The Disclosure Division regularly evaluates the allocation of personnel resources needed to respond to current and anticipated FOIA demands and has implemented changes as necessary. These changes occurred in the areas of training and workload distribution. Throughout the fiscal year, the Disclosure Officer used metrics and trends to trigger additional and targeted training topics. This data was also used to manage and improve median and average processing times, using strength-based employee engagement strategies and making individual well-being a competing priority with trending demands. Such strategies include reviewing the volume and complexity of incoming requests and matching requesters' expectations/requests for records with individuals' critical skill gaps and competencies. This includes, but is not limited to, determining, and adjusting the appropriate number of staff members assigned to review, redact, and complete quality assurance standards on a singular case. Keeping training and knowledge management at the center of performance management has been essential to identifying and making ad hoc staff adjustments accordingly.
Railroad Retirement Board	Yes. The agency annually reviews its FOIA staffing levels and plans personnel resources to ensure accomplishment of its FOIA mission. No changes are needed this fiscal year.
Securities and Exchange Commission	Yes. OFS continually assesses resource allocation and staff utilization based on FOIA demand, making adjustments as necessary. For example, during the reporting period, consideration was given to staffing levels to ensure that Simple track requests and Complex track requests were being addressed and responded to within an appropriate length of time. The OFS management team is aware that monitoring and addressing FOIA staffing levels is of paramount importance to maintaining efficiency and ensuring compliance. In addition to full time staff, OFS utilizes contractor staff to meet FOIA demands.
Small Business Administration	Yes, the FOIA Office is currently in the process of recruiting a FOIA Specialist and is onboarding a contract FOIA Specialist as well. the Office of Capital Access (OCA) has hired a second full-time FOIA Specialist, the Office of Inspector General (OIG) has hired a full-time FOIA Specialist as well as a Paralegal who has part-time FOIA duties.
Social Security Administration	Yes – In Fiscal Year 2022, we used full time detailees and the agency's Skills Connect program, which provides highly motivated part-time detailees from other agency components to assist with the processing of simple FOIA requests and projects remotely.
Tennessee Valley Authority	N/A.
U.S. Agency for International Development	Yes, USAID assessed its personnel resources and implemented limited term direct hire staffing and increased contracted staff to address backlog and current volume of new inquiries in 2022.

U.S. Agency for Global Media	The agency lost its sole FOIA attorney in March 2021 and its sole FOIA paralegal January 2023. A new FOIA lawyer was hired, and a new FOIA contract paralegal onboarded (both March 2023).
U.S. Chemical Safety and Hazard Investigation Board	In view of the tripling of FOIA requests experienced by the CSB over the last two years, the CSB FOIA Officers recently met with the CSB Board Members and requested, in the short term, an assistant/intern to perform searches for responsive records, and in the long-term, a full-time FOIA officer.
U.S. Consumer Product Safety Commission	Yes. CPSC's FOIA Office has been operating at reduced employee staffing for the past several fiscal years. In FY 22, the agency funded contract resources to eliminate the resulting backlog of pending FOIA requests.
U.S. Postal Service	Yes. We are exploring increased staffing options.

## **Appendix B for Recommendation 6**

# **Recommendation Regarding Shared FOIA Case Management System and Central Record Repository**

# **FOIAonline Screens Public facing site**

FOIAonline Log In Create Account

FOIAonline Decommissions In

**01 02 21 19**  
DAYS HOURS MINUTES SECONDS

September 30, 2023

**Search Requests Create Request Generate Report**

**Quick Search**  **Go!**

Agency: All Agencies

**FOIAonline Decommissioning FAQs**

FOIAonline will decommission at 5:00pm ET Saturday, September 30, 2023, leaving the application inaccessible.

The help desk will no longer offer assistance after 6:00pm ET Friday, September 29, 2023.

To ensure minimal interruptions while working in FOIAonline Saturday, download files and exit the system earlier in the day, as it will likely be taxed later in the afternoon.

**FOIAonline Partner Status**

Active	No Longer Active
Submit request via <a href="https://www.foiaonline.gov">FOIAonline.gov</a>	Submit request via <a href="https://www.foia.gov">FOIA.gov</a>
<ul style="list-style-type: none"> <li>✓ Chemical Safety and Hazard Investigation Board</li> <li>✓ Defense Logistics Agency</li> <li>✓ Department of the Navy</li> <li>✓ Environmental Protection Agency</li> <li>✓ Federal Communications Commission</li> <li>✓ Federal Labor Relations Authority</li> <li>✓ General Services Administration</li> <li>✓ Merit Systems Protection Board</li> <li>✓ National Labor Relations Board (NLRB)</li> <li>✓ Surface Transportation Board</li> </ul>	<ul style="list-style-type: none"> <li>✗ DOJ - U.S. Parole Commission</li> <li>✗ National Archives and Records Administration</li> <li>✗ Nuclear Regulatory Commission</li> <li>✗ Office of Inspector General</li> <li>✗ Pension Benefit Guaranty Corporation</li> <li>✗ Small Business Administration</li> <li>✗ Social Security Administration</li> <li>✗ U.S. Customs and Border Protection</li> <li>✗ U.S. Department of Commerce</li> <li>✗ U.S. Department of the Interior</li> </ul>

## Public facing site: Search Requests

Requesters could search FOIA requests with keywords, phrases, case tracking number, and fiscal year.

FOIAonline Decommissions In

01 02 20 02  
DAYS HOURS MINUTES SECONDS

September 30, 2023

Search Requests Create Request **Generate Report**

\* Report Type: Requests

\* Agency: Select an Agency

\* Time Period: Choose a From Date To Choose a To Date

Generate Report

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### FOIAonline Partner Status

Active Submit request via <a href="https://FOIAonline.gov">FOIAonline.gov</a>	No Longer Active Submit request via <a href="https://FOIA.gov">FOIA.gov</a>
<ul style="list-style-type: none"> <li>✓ Chemical Safety and Hazard Investigation Board</li> <li>✓ Defense Logistics Agency</li> <li>✓ Department of the Navy</li> <li>✓ Environmental Protection Agency</li> <li>✓ Federal Communications Commission</li> <li>✓ Federal Labor Relations Authority</li> <li>✓ General Services Administration</li> <li>✓ Merit Systems Protection Board</li> <li>✓ National Labor Relations Board (NLRB)</li> <li>✓ Surface Transportation Board</li> </ul>	<ul style="list-style-type: none"> <li>✗ DOJ - U.S. Parole Commission</li> <li>✗ National Archives and Records Administration</li> <li>✗ Nuclear Regulatory Commission</li> <li>✗ Office of Inspector General</li> <li>✗ Pension Benefit Guaranty Corporation</li> <li>✗ Small Business Administration</li> <li>✗ Social Security Administration</li> <li>✗ U.S. Customs and Border Protection</li> <li>✗ U.S. Department of Commerce</li> <li>✗ U.S. Department of the Interior</li> </ul>

## Public facing site: Generate Report

Requesters could generate reports (regarding information for FOIA personnel, costs, appeals, requests, exemption 3 statutes, processing time, complex, expedited processing, fee waivers, consultations, ten oldest requests, and backlogged requests) for the FOIAonline partner agencies during a requested time period.



**FOIAonline Decommissions In**


**01** DAYS **02** HOURS **10** MINUTES **38** SECONDS

**September 30, 2023**

**Search Requests**   **Create Request**   **Generate Report**

FOIAonline supports certain federal agencies. For a listing of agencies that use FOIAonline, please click on participating agencies, or select "begin" to select from a drop down list.

**Begin**



Search FOIAonline...

**Submit a Request**   **New Request**

The Freedom of Information Act (FOIA) is a federal law that gives the public the right to make requests for federal agency records. Agencies may withhold information according to [certain exemptions](#) contained in the statute. The FOIA applies only to federal agencies. It does not apply to records held by Congress, the courts, or by state or local government agencies. Each state has its own public access laws that should be consulted for access to state and local records.

**Search Requests**   **Agency Selection**   **Request Type**   **Contact Information**   **Processing Fees**   **Description**   **Request Expedited Processing**   **Request a Fee Waiver**   **Attach Supporting Files**

**Agency Selection**

Agency:

**Request Type**

Request Type:

**Contact Information**

Salutation:

First Name:

Middle Initial:

Last Name:

Email Address:

Organization:

Phone Number:

Fax Number:

Mailing Address Location:

Address Line 1:

Address Line 2:

City:

State/Province:

Zip Code/Postal Code:

**Processing Fees**

Why are fees required?:

Will Pay Up To:

**Description**

0/10000

**Request Expedited Processing**

Under certain conditions, you may be entitled to have your request processed on an expedited basis. Please see agency specific regulations for the criteria that the agency uses to grant a request for expedited processing.

Make Request?:

**Request a Fee Waiver**

Any FOIA requester may request that all fees associated with the request be waived. Note: some agencies require that fee waiver requests be submitted with the FOIA request. Please see agency specific regulations for instructions.

Make Request?:

**Attach Supporting Files**

No supporting files have been uploaded.

Drag files here

Attach Supporting Files

I'm not a robot

## Public facing site: Create Request

Requesters could file FOIA requests with the various FOIAonline partner agencies.

FOIAonline Search FOIAonline... Go! Log In Create Account

Submit a Request **Create a Public Account**

If you are an agency user requesting access to FOIAonline, please contact your FOIA Officer.  
 \* indicates a required field.

Search Requests

Run a Report

**Create an Account**

---

**User Information** Collapse

Salutation	<input type="text"/>	Two-Factor Text Message	<input type="text"/>
* First Name	<input type="text"/>	Phone	<input type="text"/>
Middle Initial	<input type="text"/>	Fax Number	<input type="text"/>
* Last Name	<input type="text"/>	Mailing Address Location	<input type="text" value="United States/US Territories"/>
Organization	<input type="text"/>	* Address Line 1	<input type="text"/>
* Email	<input type="text"/>	Address Line 2	<input type="text"/>
* Confirm Email	<input type="text"/>	* City	<input type="text"/>
SIPR (Alternate Email)	<input type="text"/>	* State/Province	<input type="text"/>
Phone Number	<input type="text"/>	* Zip Code/Postal Code	<input type="text"/>


---

**Password** Collapse

Password must be at least 12 characters and contain at least 3 of the following character types:

- Upper Case Letters
- Lower Case Letters
- Numbers
- Special Characters

\* Password  \* Confirm Password

I'm not a robot 

## Public facing site: Create a Public Account

Requesters could create an account to receive large record sets inside the FOIAonline system and track their FOIA requests.



FOIAonline

Search FOIAonline... Go! Log In Create Account

Submit a Request

**Quick Search**

Enter search criteria into the Keyword Search field. Multiple keywords can be used, which will search using OR logic. To find a request by tracking number, enter the entire number (EPA-2012-000123), or a partial number (000123). Results will include both requests and records that match the entered criteria. If you can't find what you are looking for, then try [Advanced Search](#).

Keyword Search  Go!

**Search Results** Collapse

Clear Filters

Showing 1 to 50 of 2,000 entries Show 50 entries Filter

Tracking Number	Type	Requester	Requester Organization	Received Date	Due Date	Phase	Detail
<a href="#">GSA-2021-000844</a>	Appeal	Monika Anic	FD Stonewater	03/22/2021	04/19/2021	Closed	+
<a href="#">EPA-R6-2013-009775</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/09/2013	10/07/2013	Closed	+
<a href="#">EPA-R1-2013-009787</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/10/2013	10/08/2013	Closed	+
<a href="#">EPA-R3-2013-009776</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/09/2013	10/08/2013	Closed	+
<a href="#">EPA-R4-2013-009784</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/10/2013	10/08/2013	Closed	+
<a href="#">EPA-R7-2013-009706</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/06/2013	10/09/2013	Closed	+
<a href="#">EPA-R8-2013-009703</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/06/2013	10/07/2013	Closed	+
<a href="#">EPA-R9-2013-009782</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/09/2013	11/12/2013	Closed	+
<a href="#">DON-NAVY-2015-004054</a>	Request	Mr. Gary L Eastman	Eastman & McCartney LLP	02/25/2015		Closed	+
<a href="#">EPA-R10-2013-009705</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/06/2013	10/15/2013	Closed	+
<a href="#">DON-NAVY-2020-004727</a>	Request	Mr. Marcus McPhail		02/18/2020	03/17/2020	Closed	+
<a href="#">DON-NAVY-2021-001378</a>	Request	Mr. Ron Hartke	Ardent Technologies Inc.	11/23/2020	12/22/2020	Closed	+
<a href="#">EPA-2021-001683</a>	Request	Mr. Ron Hartke	Ardent Technologies Inc.	12/28/2020	03/03/2021	Closed	+
<a href="#">EPA-HQ-2013-003537</a>	Request	Ms. Maureen Bykowicz	FOIA Group Inc	02/11/2013	03/12/2013	Closed	+
<a href="#">EPA-HQ-2014-001600</a>	Referral	Ms. Rose Santos	FOIA Group, Inc.	12/04/2013	01/06/2014	Closed	+
<a href="#">EPA-2020-006487</a>	Request	Ashlee Eggleston		08/24/2020	09/24/2020	Closed	+
<a href="#">EPA-HQ-2018-002794</a>	Request	Sara K Creighton	American Oversight	12/20/2017	02/28/2018	Closed	+
<a href="#">EPA-HQ-2018-004450</a>	Request	Stephanie Ebbs	ABC News	02/12/2018		Closed	+
<a href="#">EPA-HQ-2014-000802</a>	Request	Steven Faulkner		11/01/2013	12/03/2013	Closed	+
<a href="#">EPA-HQ-2014-007542</a>	Request	Mr. Edward M Hennessey	Pegasus Technical Services, Inc.	06/17/2014	07/16/2014	Closed	+

## Public facing site: Search Example Part 1

Example of a Requester's search using the keyword contract.

Note: This is an example of the FOIAonline record repository. The search results are limited to 2,000 FOIA requests.

FOIA Online Search FOIAonline... Go! Log In Create Account

Submit a Request

**Quick Search**

Enter search criteria into the Keyword Search field. Multiple keywords can be used, which will search using OR logic. To find a request by tracking number, enter the entire number (EPA-2012-000123), or a partial number (000123). Results will include both requests and records that match the entered criteria.

If you can't find what you are looking for, then try [Advanced Search](#).

Keyword Search

**Search Results** Collapse

Clear Filters

Showing 1 to 50 of 2,000 entries Filter

Tracking Number	Type	Requester	Requester Organization	Received Date	Due Date	Phase	Detail
<a href="#">GSA-2021-000844</a>	Appeal	Monika Anic	FD Stonewater	03/22/2021	04/19/2021	Closed	+
<a href="#">EPA-R6-2013-009775</a>	Request	Mr. Daniel Kinn	The Heritage Group	09/09/2013	10/07/2013	Closed	-
Please send me via email a spreadsheet list of all active contracts relating to Superfund for Region 6. Please include the following: Contract Name, Contract Number, Contract Description, Awardee Company, Contract Amount, Contract begin and end date. Thanks, Dan Kinn							
<a href="#">EPA-R1-2013-009787</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/10/2013	10/08/2013	Closed	+
<a href="#">EPA-R3-2013-009776</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/09/2013	10/08/2013	Closed	+
<a href="#">EPA-R4-2013-009784</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/10/2013	10/08/2013	Closed	-
Please send me via email a spreadsheet list of all active contracts relating to Superfund for Region 4. Please include the following: Contract Name, Contract Number, Contract Description, Awardee Company, Contract Amount, Contract begin and end date. Thanks, Dan Kinn							
<a href="#">EPA-R7-2013-009706</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/06/2013	10/09/2013	Closed	+
<a href="#">EPA-R8-2013-009703</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/06/2013	10/07/2013	Closed	-
Please send me via email a spreadsheet list of all active contracts relating to Superfund for Region 8. Please include the following: Contract Name, Contract Number, Contract Description, Awardee Company, Contract Amount, Contract begin and end date. Thanks, Dan Kinn							
<a href="#">EPA-R9-2013-009782</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/09/2013	11/12/2013	Closed	+
<a href="#">DON-NAVY-2015-004054</a>	Request	Mr. Gary L Eastman	Eastman & McCartney LLP	02/25/2015		Closed	+
<a href="#">EPA-R10-2013-009705</a>	Request	Mr. Daniel J Kinn	The Heritage Group	09/06/2013	10/15/2013	Closed	+
<a href="#">DON-NAVY-2020-004727</a>	Request	Mr. Marcus McPhail		02/18/2020	03/17/2020	Closed	+
<a href="#">DON-NAVY-2021-001378</a>	Request	Mr. Ron Hartke	Ardent Technologies Inc.	11/23/2020	12/22/2020	Closed	+

## Public facing site: Search Example Part 2

Example of a Requester's search using the keyword contract.

Requesters may click on the Detail to obtain the description of the FOIA request.

FOIAonline Search FOIAonline... Go! Log In Create Account

Submit a Request Search Requests Run a Report Create an Account

### EPA-R4-2013-009784 Request Details

Submitted Evaluation Assignment Processing **Closed**

**Request Information** Collapse

<b>Full Name</b>	Mr. Daniel J Kinn	<b>Date Submitted</b>	09/09/2013
<b>Organization</b>	The Heritage Group	<b>Estimated Date of Completion</b>	10/08/2013
<b>Fee Category</b>	Commercial	<b>Final Disposition</b>	Full Grant

**Description** Collapse

Please send me via email a spreadsheet list of all active contracts relating to Superfund for Region 4. Please include the following: Contract Name, Contract Number, Contract Description, Awardee Company, Contract Amount, Contract begin and end date. Thanks, Dan Kinn

**Released Records** Collapse

Records released online have a hyperlink to open the record. When no hyperlink is provided, please contact the agency directly.

Showing 1 to 1 of 1 entries Show 25 entries

Download	Title	Size (MB)	File Type	Release Date
<input type="checkbox"/>	<a href="#">Superfund Active Contracts EPA Reg 4</a>	0.0512	Adobe PDF Document	09/19/2013 09:50 AM

Download Selected Download All
Previous 1 Next

**Public facing site: Search Example Part 3**

Example of a Requester's search using the keyword contract.

Under Released Records, Requesters may click on the record to view and download it.

# **FOIAonline Screens**

## **Federal agency site**

FOIAonline

Search FOIAonline... Go! Home Search Reports Audit Reports Administration Patricia

**My Cases**

Showing 1 to 2 of 2 entries Show 25 entries Filter

Tracking Number	Type	Track	Requester	Assigned	Due	Status	Detail
<a href="#">EPA-R2-2022-005576</a>	Interim Release Review Task	Complex	[REDACTED]	09/29/2023	09/29/2023	Submitted	+
<a href="#">EPA-R5-2022-003294</a>	Interim Release Review Task	Complex	[REDACTED]	07/26/2022	07/26/2022	Submitted	+

Copy to Clipboard Export to CSV Previous 1 Next

## Federal agency site: My Cases

My Cases was the Dashboard for agency FOIA professionals, which listed their assigned cases and tasks.

**FOIAonline** Search FOIAonline... Go! Home Search- Reports- Audit Reports- Administration - Patricia

**New Request**

The Freedom of Information Act (FOIA) is a federal law that gives the public the right to make requests for federal agency records. Agencies may withhold information according to [nine exemptions](#) contained in the statute. The FOIA applies only to federal agencies. It does not apply to records held by Congress, the courts, or by state or local government agencies. Each state has its own public access laws that should be consulted for access to state and local records.

\* Indicates a required field.

**Agency Selection** Collapse

\* Agency: Select an agency  
 \* Submitted Date: 12/26/2023  
 Perfected Date:

**Request Type** Collapse

Request Type: FOIA

**Contact Information** Collapse

Salutation: --  
 \* First Name:   
 Middle Initial:   
 \* Last Name:   
 Email Address:   
 Organization:   
 Phone Number:   
 Fax Number:

Mailing Address Location: United States/US Territories  
 \* Address Line 1:   
 Address Line 2:   
 \* City:   
 \* State/Province: --  
 \* Zip Code/Postal Code:

**Processing Fees** Collapse

[Why are fees required?](#)  
 \* Will Pay Up To:

**Federal agency site: FOIA professionals could create new FOIA requests, new referrals, new consultations.**

**Note:** FOIAonline partners were able to submit consultations and referrals inside FOIAonline to other FOIAonline partners. This feature saved the agencies time.

FOIAonline Search FOIAonline... Go! Home Search Reports Audit Reports Administration Patricia

**EPA-2022-004595 Task Details** Case Phase: Processing Case Status: Final Preparation of Response Task Status: Submitted Task Due Date: 09/28/2023

Submission Details Case File Admin Costs Assigned Tasks (1) Comments (2) Review

**Requester Information** Collapse

Requester	[REDACTED]	Tracking Number	EPA-2022-004595
Organization	[REDACTED]	Submitted Date	06/03/2022
Requester Has Account	No	Received Date	06/03/2022
Email Address	[REDACTED]	Perfected Date	06/03/2022
Phone Number	[REDACTED]	Last Assigned Date	06/06/2022
Fax Number	[REDACTED]	Assigned To	[REDACTED] (OGC Ethics Office)
Address	[REDACTED]	Last Assigned By	[REDACTED] (OGC Ethics Office)
City	[REDACTED]	Request Track	Simple
State/Province	[REDACTED]	Fee Limit	\$0.00
Zip Code/Postal Code	[REDACTED]		

**Task Details** Collapse

Task Type	Case File Review	Assigned To	Patricia Weth (Headquarters)
Task Submitted Date	09/28/2023	Last Assigned Date	09/28/2023
Task Due Date	09/28/2023	Last Assigned By	[REDACTED] (OGC Ethics Office)

**Request Handling** Collapse

Requester Info Available to the Public	Yes	Request Perfected	Yes
Request Track	Simple	Perfected Date	06/03/2022
Fee Category	Media	Acknowledgement Sent Date	06/03/2022
Fee Waiver Requested	Yes	Unusual Circumstances	No
Fee Waiver Status	Deny: Sent fee waiver determination letter to requester 6/8/2022	5 Day Notifications	No
Expedited Processing Requested	No	Litigation	No
Expedited Processing Status			

**Description** Collapse

**Description** I request copies of emails, records and other documents related to the public financial disclosure reports (OGE Form 278) filed by [REDACTED] from Jan. 2019 to the present. Specifically, I am seeking any conflicts or ethics waivers or recusals or authorizations sought (both granted and rejected) for [REDACTED]. I am also seeking any email discussion by EPA officials (including emails involving the agency's ethics officials) or [REDACTED] 278 filings, including email regarding potential conflicts or requests for waivers or recusals. I am also seeking any warning letters or statement made by agency ethics officials regarding [REDACTED] financial holdings. I would like to limit the scope of my request to the period between Jan. 1, 2019 and the present.

**Short Description**

Description Available to the Public	Yes
Has Description Been Modified	No

**Additional Information** Collapse

Unusual circumstances N/A  
 Invoked and Due Date Extended  
 Date Unusual Circumstances N/A  
 Invoked - you MUST go to EXTEND DUE DATE in LEFT-HAND NAVIGATION BAR and COMPLETE FIELDS including ESTIMATED DATE OF COMPLETION  
 Records Locations - Identify Headquarters  
 one or more locations where records may be located

**Attached Supporting Files** Collapse

Attachments Available to the Public	Yes	
Attached File Name	Size (MB)	File Type
Pages from image2022-06-03-124720-4.pdf	0.2177	Adobe PDF Document

## Federal agency site: Task Details

FOIA professionals could close out tasks and were able to create new tasks.

**FOIA Online** Search FOIAonline... Go! Home Search Reports Audit Reports Administration Patricia

**EPA-2022-004595 Task Details** Case Phase: Processing Case Status: Final Preparation of Response Task Status: Submitted Task Due Date: 09/28/2023

Submission Details Case File Admin Costs Assigned Tasks (1) Comments (2) Review

Requester Information

- Appeals
- Consultations
- Correspondence
- Financing
- Records
- Restricted Materials

Requester Organization

Requester Has Account

Email Address

Phone Number

Fax Number

Address

City

State/Province

Zip Code/Postal Code

Tracking Number: EPA-2022-004595

Submitted Date: 06/03/2022

Received Date: 06/03/2022

Perfected Date: 06/03/2022

Last Assigned Date: 06/06/2022

Assigned To: (Redacted) (OGC Ethics Office)

Last Assigned By: (Redacted) (OGC Ethics Office)

Request Track: Simple

Fee Limit: \$0.00

Task Details Expand +

Request Handling Expand +

## Federal agency site: Case File

The case file contained the appeals, consultations, correspondence, financing, records, and restricted materials.

On the green margin, there was a dropdown for admin costs, assigned tasks, and comments.