



I. Steps Taken to Apply the Presumption of Openness

1. All OS FOIA Office staff attended Department of Justice (DOJ) seminars focusing on topics such as the new reporting requirements mandated by the OPEN Government Act and how to implement the presumption of disclosure and openness in response to the President's FOIA Memorandum and Attorney General's FOIA Guidelines. In addition, the OS FOIA Office disseminated the President's FOIA Memorandum and Attorney General's FOIA Guidelines to all of the program and policy offices that it responds to FOIA requests on behalf of (see Section II.). The OS FOIA Office also provided training to Bureau of Indian Affairs (BIA) employees and others during FY09 on these issues.

Some of the categories of information that the OS FOIA Office has been making discretionary releases of include: Draft documents that are not substantially different from the final document, older documents, pre-decisional/deliberative documents (exemption 5) that will not cause harm if released, most/all information that we used to withhold under "low 2," etc.

2. The OS FOIA Office saw an increase in the number of total grants in FY09 (130) over FY08 (119). Also, the number of partial grants declined from 79 in FY08 to 47 in FY09 (at least partly because more releases were full releases as opposed to partial releases).

II. Steps Taken to Ensure an Effective System for Responding to Requests

The current organizational structure of the OS FOIA program is directly related to the execution of the Department's FOIA Improvement Plan mandated by Executive Order 13392, "Improving Agency Disclosure of Information," and in compliance with the new mandates of the Open Government Act of 2007, as well as the presumption of disclosure and openness set forth in the President's FOIA Memorandum and Attorney General's FOIA Guidelines.

The OS FOIA Office responds to FOIA requests on behalf of the Secretary of the Interior, the Deputy Secretary of the Interior, all of the Assistant Secretaries and Deputy Assistant Secretaries (with the exception of Indian Affairs), all of the OS program and policy offices, Office of the Special Trustee (OST), Office of Hearings and Appeals (OHA), Office of Historical Trust Accounting (OHTA), and the National Business Center (NBC). All FOIA responses on behalf of the aforementioned offices are coordinated centrally in the OS FOIA Office. However, since we generally do not maintain the records that are being asked for in FOIA requests in our immediate office, we have primary and secondary FOIA contacts in each of the offices that we respond on



behalf of and specific follow-up procedures in place to ensure that we are being provided with the information that we need in a timely manner so that we can meet our statutory deadlines under the FOIA.

The OS FOIA Office is located in the Information Management Branch (IMB) of the Information Security Division (ISD), a component of the Information Technology Directorate (ITD) of the National Business Center. As such, we have sufficient IT support available to our FOIA professionals. Additionally, on January 7, 2010, Secretary Salazar signed Secretarial Order 3295: Realignment and Restructuring of the Office of the Assistant Secretary—Policy, Management and Budget (PMB), which realigned the National Business Center under the Deputy Assistant Secretary—Technology and Business Services.

III. Steps Taken to Increase Proactive Disclosures

The OS FOIA Office maintains an electronic reading room at <http://www.doi.gov/foia/os.html>, which includes OS policies and guidance, frequently requested FOIA documents, SOL and OHA final opinions, and administrative staff manuals and instructions. This website is updated as new information becomes available.

In the past, the OS FOIA Office has made the calendars and travel records of the Secretary and other high-level Departmental officials available electronically when three or more requests were received for this information. In FY10, the OS will post these records after it receives a single request for these records.

In October of 2008, OHA established its website at www.oha.doi.gov, which included an electronic reading room consisting of documents required to be made available by the FOIA and other publicly available information. Decisions by OHA's appellate review boards, the Interior Board of Land Appeals, and the Interior Board of Indian Appeals were made available on the website and are continually updated as new decisions are published. Since issuance of the new FOIA guidelines, OHA significantly increased the amount of material available to the public on its website by adding the [Interior Board of Land Appeals Manual](#) and the [Interior Board of Land Appeals Digest](#) (a comprehensive and searchable database).

IV. Steps Taken to Greater Utilize Technology

1. Yes, the OS receives requests via e-mail at osfoia@nbc.gov and by fax.



2. Not Applicable
3. Yes, the OS tracks and manages its requests using the DOI electronic FOIA tracking system (EFTS).
4. Not Applicable
5. Yes, the OS FOIA Office currently scans all FOIA requests, responses, and responsive documents—along with other FOIA-related materials—into an electronic database maintained by the Office. Additionally, it uses Appligent Redax redaction software.
6. Not Applicable
7. Yes, the OS prepares its annual report using the EFTS.
8. Not Applicable

V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

1. The OS FOIA Office saw an increase in its backlog from FY08 (46) to FY09 (154).
2. In July of 2008, there were administrative changes in the IMB that resulted in a shortage of staff by two people. Prior to the reduction in staff, there were six full-time FOIA Processors and a FOIA Officer who were handling all incoming requests. After the reduction, the OS FOIA Office continued to receive approximately the same number of incoming requests that had to be processed with the reduced staff of 4 people and 1 FOIA Officer.

At the end of FY09, the OS FOIA Officer assumed the responsibilities of the OS Privacy Officer and Records Officer. The increased workload has negatively impacted the OS FOIA backlog. This has been partially mitigated with the recent hiring of a new Privacy Officer. The level of administrative staff has remained constant since that time. Although the reduction is certainly a significant factor in the increase in backlogged requests, it is not the sole reason. Other issues that greatly contributed to the backlogged requests included the following:

- a. High Volume of Requests: The OS FOIA Office handles many complex FOIA requests involving voluminous records and often requiring coordination with the Secretary's Immediate Office (SIO) and SOL, other bureaus/offices within DOI, as well as other agencies. This adds to the delay in processing requests.



- b. Slow Response or Lack of Response from Various Program Offices: There are a select number of program offices that have been extremely slow to respond to our search requests. Additionally, some program offices have completely failed to respond, even when subsequent requests were made. Part of the problem stems from the fact that frequently, the people who are assigned to handle FOIA matters in these program offices do so only on a part-time, collateral duty basis. Also, these duties are often reassigned to different people in the respective offices. Most of the time, we do not find this out until we initiate a FOIA search request within that particular office. To help mitigate this problem, the OS FOIA Office contacts each program office on a quarterly basis to get the most current contact information for each Office's FOIA coordinator.
- c. Time Management: The team has been working on a substantial litigation FOIA request from FY09 that has specific deadline dates per court order. This request involves tens of thousands of pages of documents for review and possible redaction. Given the rigid production schedule, the team has had to periodically forgo processing other requests in order to process this large request. Additionally, as mentioned above, the staffing issue is a problem—especially when the entire team has to stop processing incoming requests or outstanding requests in order to process larger, and higher priority requests.

3. The OS FOIA Office backlog reduction plan includes the following procedures and practices to meet target goals of a backlog reduction of 25 percent by the end of the 2nd quarter (March 2010) and a 50 percent reduction by the end of the 3rd quarter (June 2010):

- a. Hiring of additional part- and/or full-time contract and/or government staff
- b. Several staff members will continue to work overtime hours to help reduce the backlog.
- c. Development of weekly quality control procedures to ensure that all data in the EFTS is updated in a timely manner and is reflected accurately.
- d. Outdated Equipment: Although a minor issue, given the amount of documents we process regularly, the interruptions experienced due to computer issues, fax issues, and scanning all contribute to slowing down our processing speed.