2017 CHIEF FOIA OFFICER REPORT

Images: Department of the Interior Seal and photograph of bobcat hiding in a cactus at the Organ Pipe Cactus National Monument (taken by the National Park Service)

Contents

The Department of the Interior 2017 Chief FOIA Officer Report[1]

Section I: Steps Taken to Apply the Presumption of Openness

A. FOIA Training:

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

Yes.

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

The Departmental FOIA Policy Staff attended several training sessions provided by the Department of Justice, including several best practices sessions, OIP's Public Liaison and FOIA Improvement Act trainings, year-end meeting, and a refresher training session going over the reporting requirements for Fiscal Year 2016 Annual FOIA Reports and 2017 Chief FOIA Officer Reports. Department employees also attended FOIA training and conferences provided by other entities.

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[1] This report describes actions taken to ensure overall compliance with the FOIA taken by the Department's Chief FOIA Officer (Sylvia Burns, the Department's Chief Information Officer), the Departmental FOIA Policy Staff, and FOIA programs in the Department's 11 bureaus and offices that are responsible for receiving and responding to FOIA requests and for administering their own FOIA programs (hereafter referred to as bureaus). These individuals and bureaus have all provided input into this report.

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

FOIA professionals: 95%. Staff with FOIA responsibilities: at least 80%. Total: at least 80%.

4. OIP has <u>directed agencies</u> 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.

Not applicable.

B. Outreach:

5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

Yes, in addition to the Department engaging in ongoing outreach and dialogue with the requester community during the request/appeal process, the Departmental FOIA Policy Staff has also engaged in outreach and dialogue by participating in efforts related to the third Open Government National Action Plan (including participating in and commenting on efforts toward expanding the services offered on FOIA.gov, improving proactive disclosures, improving agency FOIA websites, and increasing understanding of FOIA); attending meetings of the Federal FOIA Advisory Committee); and attending meetings of the new Chief FOIA Officers Council. These efforts have brought the Departmental FOIA Policy Staff into frequent contact with members of the requester community as they are sharing their most urgent and deeply-felt FOIA concerns.

6. If you did not conduct any outreach during the reporting period, please describe why?

Not applicable.

C. Other Initiatives:

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

The Departmental FOIA Policy Staff engages in ongoing conversations with Departmental staff on FOIA matters. These conversations sometime include training, but more frequently serve to distribute new policy documents on the FOIA and to provide notice of FOIA matters and to reinforce the importance of providing responsive records in a timely manner. Additionally, the Departmental FOIA Policy Staff continues to offer OIP's eLearning modules FOIA for Federal Employees and FOIA for FOIA Professionals on the Department's electronic training platform (DOI Learn). All Departmental employees with an occupational series of 0306 were assigned the FOIA for FOIA Professionals course in DOI Learn. Employees who were not in the 0306 occupational series, but worked with FOIA, were invited to self-register and encouraged to share this information with colleagues who may be interested in the training. Additionally, all of the Department's employees requiring network access must take annual Federal Information System Security Awareness Plus Privacy and Records Management Training, which discusses the FOIA. Finally, OIP's briefing video and FOIA infographic is still on the Department's FOIA Guidance webpage at https://www.doi.gov/foia/news/guidance

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

In addition to our ongoing general efforts on FOIA libraries and releasing information through careful application of exemptions, the presumption of openness is a reoccurring issue in formal and informal training given by (and to) Department employees, including in the training discussed below.

- The Departmental FOIA Policy Staff continued to host monthly FOIA Officer meetings. The meetings are led by the Departmental FOIA Policy Staff on behalf of the Chief FOIA Officer and attended by the bureau FOIA Officers and members of the Office of the Solicitor (SOL).

- The Departmental FOIA Policy Staff, bureau FOIA Officers, and other Departmental FOIA personnel continued to provide briefings and training for bureau FOIA personnel as needed to reinforce Departmental policy and procedures and to make them aware of changes in FOIA, FOIA case law, the Administration's policies, and DOJ requirements. For example:

  o The Departmental FOIA Policy Staff continued the (quarterly) FOIA open forums begun three years ago. Department employees who work with the FOIA intermittently as well as FOIA professionals are all invited to attend. During the open forums, the Departmental FOIA Policy Staff and members of the SOL answer any FOIA-related questions that are raised by the participants, the participants can share best practices, and there is a particular focus on facilitating discussion on emerging and interesting FOIA issues.

  o The SOL continued a FOIA Practice Group begun three years ago, with the assistance of the Departmental FOIA Policy Staff. Subjects ranged from the newest FOIA case law to new Departmental guidance and issues.

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

A. Processing Procedures:

1. For Fiscal Year 2016, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2016 Annual FOIA Report.

7 days.

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

Not applicable.

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

Yes. The Departmental FOIA Policy Staff regularly conduct self-assessments of the Department's FOIA program, by reviewing Annual Report data, conducting audits of each bureau at least bi-annually, and reviewing and updating processing procedures, including its FOIA regulations.

4. Please provide an estimate of how many your requests processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

A bit more than 1,000 of the requests we processed in Fiscal Year 2016 were from commercial use requesters. The Department's FOIA program is decentralized, but none of the components within the Department received a majority of their requests from commercial use requesters.

B. Requester Services:

5. Does your agency provide a mechanism for requesters to provide feedback about their experience with the FOIA process at your agency? If so, please describe the methods used, such as making the FOIA Public Liaison available to receive feedback, using surveys posted on the agency's website, etc.

Yes. The FOIA Public Liaison is available to receive feedback and on our FOIA Contacts webpage we solicit feedback via a customer comment form and a toll-free telephone number.

6. The FOIA Improvement Act of 2016 requires additional notifications to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison.

As discussed above, the Department's FOIA program is decentralized. We estimate requests sought assistance from component's FOIA Public Liaisons approximately once a month, although the requests are often not framed as seeking help from the FOIA Public Liaisons in that capacity.

7. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.

The Department provides a wide variety of FOIA guidance for the requesting community and FOIA professionals at https://www.doi.gov/foia/news/guidance/. The Department provides a fillable form that guides requesters making FOIA requests at https://www.doi.gov/foia/foia-request-form.

Other Initiatives:

8. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

- The Departmental FOIA Policy Staff worked with the Department's Privacy Act Officer to update its FOIA System of Records Notice (SORN), as discussed further in our Success Story, below.
- The Department issued a final rule revising the regulations that the Department follows in processing records under the FOIA. The revisions clarify and update procedures for requesting information from the Department and procedures that the Department follows in responding to requests from the public, particularly in light of the changes to the FOIA itself under the FOIA Improvement Act of 2016.
- The Department employs the EFTS, a centralized, Web-based, electronic FOIA tracking system, to electronically assign request numbers and track request data.
  - The EFTS was designed to increase information-sharing, eliminate redundancy, provide greater accountability and consistency in responses, and accommodate enhancements to meet future requirements. The Departmental FOIA Policy Staff initiated a number of updates and improvements to the EFTS this year, including:

- Enhancing the Department's fee calculation and tracking system with new business logic in accordance with the changes made by the FOIA Improvement Act of 2016, including for unusual circumstances;
- Adding automated email notification for requesters placed on the delinquent requesters list to all bureaus; and
- Building a predefined reports feature, so bureaus can run, at any time, within date parameters they choose: Open Request Reports, Completed and Closed Requests Reports, Fees Reports, Consultations Reports, and Backlog Reports.

- The Departmental FOIA Policy Staff also continued efforts to add FOIA/Privacy Act appeals data to the EFTS.
- The Departmental FOIA Policy Staff repeatedly conducted audits with each of the bureaus' FOIA Officers, using reports generated from the EFTS, to flag issues and improve reporting accuracy.

Section III: Steps Taken to Increase Proactive Disclosures

A. Posting Material:

1. Describe your agency's process or system for identifying "frequently requested" records that should be posted online

A specific provision in the Department's <u>FOIA regulations</u> addresses frequently requested records. Additionally, sections 2.7 and 3.3 of the Department's <u>FOIA Handbook</u> discuss this issue. This topic is frequently discussed by Departmental FOIA Policy Staff, bureau FOIA Officers, and other Departmental employees. Bureau FOIA Officers are familiar with the requests that come in and regularly review their FOIA logs for frequently requested records.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

Yes. A specific provision in the Department's FOIA regulations requires each bureau to review all responsive records for proactive disclosures, and the Departmental FOIA Policy Staff provide training on such disclosures and review particular documents where proactive disclosures may be appropriate, when requested. Additionally, proactive disclosures are an agenda item at each monthly FOIA Officers meeting. Finally, Chapter 3 and Section 2.7 of the Department's FOIA Handbook specifically address this issue for all of the Department's components.

3. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

Yes.

4. If so, please briefly explain what those challenges are and how your agency is working to overcome them.

Complying with Section 508 of the Rehabilitation Act of 1973 (as amended) directly, and negatively, impacts our ability to make proactive disclosures. We fully support Section 508's goals of eliminating barriers in information technology and giving disabled employees and members of the public access to information that is comparable to access available to others. However, ensuring each document posted is in compliance with Section 508 can be extremely time consuming and takes time away from processing FOIA requests. We are working internally within the Department to see if we can partner with other offices and non-FOIA focused employees to work on Section 508 issues in a

mutually-beneficial way. We also continue to address a past challenge; some FOIA personnel (though their number is decreasing) have to go through an information technology (IT) intermediary in order to get documents posted, which can impact the timeliness of updates.

5. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

The Department proactively disclosed many types of materials this past reporting year. For example:

- BOEM and BSEE's joint Public Information Data System (PIDS) is regularly updated with a wealth of information regarding Active/Inactive/Expired Leases, Adjudications, Geological and Geophysical Permits (G&G), Exploration/Development/Production Plans, Renewable Energy Lease Files, and Unit Agreements, and Well Information. These documents include the Public Information copies of Plans, Permits, Environmental Analyses, and Well information submitted by stakeholders.
  https://www.data.boem.gov/homepg/data_center/other/WebStore/pifront.asp
- BLM regularly updates lists of renewable energy projects and recent oil and gas lease sales.
  http://www.blm.gov/wo/st/en/prog/energy/renewable_energy/2014-15_Renewable_Energy_Projects.html and
  http://www.blm.gov/wo/st/en/prog/energy/oil_and_gas/recent_lease_sales.html
- OS regularly updates its FOIA library on many subjects, including correspondence with politicians, contracts, and OS FOIA logs.
  https://www.doi.gov/foia/os

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

Yes, the Department and its bureaus have social media presences and important updates to websites (including proactive disclosures) are often promoted on social media platforms (including YouTube, Instagram, Tumbler, Google+, Twitter, Facebook, and Flickr), links to which can be found at: https://www.doi.gov/news/doi-social-media.. For example:

- The USGS responds to public inquiries through a variety of communications channels, including one called **Ask-USGS**. The Office of Communications and Publishing staffs these activities in the Science Information Services group. They provide the public with useful information through Frequently Asked Questions, links to Social Media content (Twitter, Facebook, and Instagram), online webchat, email responses, and a toll-free phone number. https://education.usgs.gov/ask.html

- OSMRE announced a Mining Decision Plan modification was approved following environmental assessment of a particular coal mine. https://www.osmre.gov/resources/newsroom/news/2016/042916.pdf and http://www.wrcc.osmre.gov/initiatives/trapperMine.shtm

B. Other Initiatives:

7. If there are any other steps taken your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

The Department has taken other steps to improve proactive disclosures. For example:

- The Departmental FOIA Policy Staff worked with the Communications Office to coordinate proactive disclosures and with bureaus to increase their technical knowledge on making proactive disclosures;

- The importance of proactive disclosures is a reoccurring theme in formal and informal training given by (and to) Department employees, including at monthly FOIA Officer meetings;

- The BOR engaged with its Public Affairs Office to help publicize posted documents; and

- BLM program offices highlight important postings on their landing pages and the BLM uses social media to highlight and link to new and important documents and resources.

Section IV: Steps Taken to Greater Utilize Technology

A. *Making Material Posted Online More Useful:*

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

Yes.

2. *If yes, provide examples of such improvements.*

The Department's main FOIA website (http://www.doi.gov/foia) is updated throughout the year with new information and contains links to all of the bureau FOIA websites and FOIA Libraries to make them easy for the public to find, and all of the links (along with contact information) were frequently checked and updated as needed.

- The Department's website contains a "Customer Comment Form" inviting feedback from visitors via email.

- The bureaus are also seeking to improve their websites. For example:
    - The OS made its FOIA Library more user-friendly by categorizing each set of records so that the public can more easily find responsive records; and
    - BSEE made significant strides in transparency to stakeholders regarding U.S. Energy on the Outer Continental Shelf. With the launch on July 22, 2016 of the redesigned BSEE.GOV website, navigation and search for pertinent information is appreciably easier. The new platform is designed for mobile platforms and also incorporates a more-exhaustive search engine capability throughout the site. An additional contract has resulted in massive re-engineering of Outer Continential Shelf archives into Section 508-compliant documents.

3. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

Yes. The Departmental FOIA Policy Staff meets with other agency staff who are experts in Section 508, records management, and website management (including libraries) to, among other matters, identify new and more effective ways to post agency information online.

B. Use of Technology to Facilitate Processing of Requests:

4. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools?

> Yes. The Departmental FOIA Policy Staff issued updated training slides on how to use the EFTS (the Department's centralized, Web-based, electronic FOIA tracking system) to reflect updates to the EFTS and provide guidance on a number of subjects where EFTS usage is not intuitive. The Departmental FOIA Policy Staff also worked with the Office of the Chief Information Officer's Service Delivery Division to update the Department's existing FOIA DMU (Document Management Unit) Processing Tool (as discussed further below). Notification of this 2.0 version of the Tool was shared Department wide through an all-employee email, and training on how to use the Tool was attached to this message.

5. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, describe the technological improvements being made and the impact of using these technologies on your agency's request processing.

- Yes. In 2012, the Department released an IT Transformation Strategic Plan. The strategic plan was a high-level roadmap to transform the Interior's IT operations. It identified an initial set of high priority IT services as part of the transformation process, including a single email system for the department, a Cloud-based electronic forms system, Cloud-based electronic records, telecommunications, account management, hosting services, workplace computing services, risk management, and an enterprise service desk (help desk). The implementation of the strategic plan is now underway and the Departmental FOIA Staff has been offering input and suggestions. Bureaus are using the new tools made available

through this effort. As discussed above, one of these tools, the FOIA DMU
Processing Tool was updated this year. The updates include the following
features:

- o Individual emails can be selected from email threads;
- o Each email thread can be saved as individual PDF documents; and
- o Most email images will now be included in generated PDF documents.

- Additionally, some bureaus reported using collaboration software and shared
drives to facilitate the review process for documents requiring review by multiple
offices or multiple individuals within the bureau. Some bureaus also use these
tools to post internal procedural guidance for the processing of documents in
response to requests.

6. Are there additional tools that could be utilized by your agency to create further efficiencies?

More resources (technological and otherwise) would always be welcome. For example:

- We would very much like to have access to litigation software that would allow
for advanced and accurate de-duplication of responsive records.
- We also would greatly appreciate tools that would allow for quicker and better
conversion of documents to comply with Section 508.

C. Other Initiatives:

7. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2016?

Yes.

*8. If your agency did not successfully post all quarterly reports, with information appearing on
FOIA.gov, please explain why and provide your agency's plan is for ensuring that such
reporting is successful in Fiscal Year 2017.*

Not applicable.

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

A. *Simple Track:*

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

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

Yes.

2. If so, for your agency overall in Fiscal Year 2016, was the average number of days to process simple requests twenty working days or fewer?

Yes.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.

5%.

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

Not applicable.

B. Backlogs:

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015?

No.

6. If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog.

Four of the Department's bureaus' (BIA, BLM, NPS, and OSMRE) backlogs exceeded their backlog reduction goals for FY 16 by at least 30% for the following reasons:

- *An increase in the number of incoming requests*
  - In FY 16, NPS saw a 12.4% increase in the volume of requests over FY 15.
  - In FY 16, BLM saw a 22.6% increase in requests received over FY 15.
- *A loss of staff*
  - The BIA Western Region's FOIA Coordinator ceased that duty near the end of FY 15. The replacement did not receive FOIA training until the middle of FY 16.
  - Four BLM FOIA staff members left their position in FY 16 and were replaced by new personnel six times. In each instance, the BLM had to train and mentor a new FOIA employee while continuing its efforts to process both incoming and backlogged requests. Additionally, a Washington Office FOIA staff member spent six months on a Presidential Management Fellows rotation, outside of the Bureau, and a second staff member was on a four month, critical detail, to the Director's Office. These gaps were filled with rotating personnel detailees from

the state offices all of whom needed orientation on the Washington Office processes and its organizational structure.

- o During FY 16, one of the two NPS FOIA staff in the Pacific West Region (PWR) was detailed to another region for two months. During FY 15, the US Park Police lost more than 50% of their records management staff, whose duties include searching and retrieving records responsive to USPP FOIA requests, causing significant delays in USPP response times. At the beginning of FY 16, the NPS's Intermountain Region (IMR) hired a new public affairs specialist, who was assigned FOIA as a collateral duty. She had limited FOIA experience so the processing of IMR requests were slower than what was normal under the previous IMR FOIA Officer. In March 2016, the IMR hired an additional Public Affairs specialist, who was tasked with FOIA as her primary job. However, she too had limited prior FOIA experience; as a result IMR response times were slower than normal.
- o *An increase in the complexity of the requests received*
  - The BLM has seen a drastic increase in the number of complex and voluminous requests that require coordination with multiple BLM offices and third party agencies. The need to manage this type of coordination has had an impact on processing times.
  - During FY 16 the volume of exceptional and voluminous requests received by NPS increased by more than 25% as compared to FY 15.

- *Other reasons*
  - o All four bureaus noted that many of their FOIA processors work on FOIA matters only as a **collateral duty**, which has the effect of FOIA work repeatedly being pushed to the bottom of the stack by other duties.
  - o **Litigation.**
    - During FY2016, two requests in the NPS's Pacific West Region (PWR) resulted in litigation with both requiring processing voluminous amount of records, including one to requiring Solicitor review for more than 225,000 pages. Unfortunately, the attorney who is responsible for reviewing those records is the same attorney who is responsible for reviewing the majority

of the PWR FOIA responses. There were also several requests in PWR, Midwest Region, and the Washington Office that related to non-FOIA litigation, all of which required additional review and consultation with staff in the US Attorney's Offices.

- OSMRE was unable to meet its backlog goal for FY16, mainly due to two Stream Protection Rule (SPR) FOIA litigation, with court deadlines and voluminous responsive records straining OSMRE's limited resources.

- o **Potentially Responsive Material Volume.** The earlier version of FOIA DMU Processing Tool (discussed above), used by many employees to extract potentially responsive emails for FOIA responses, did not allow the extraction of only the single message or specific messages within a responsive conversation thread. As a result the volume of emails extracted by each employee could grow exponentially, depending on the number of messages within a given conversation thread.

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received *by your agency in Fiscal Year 2016.*

- *To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2016 Annual FOIA Report by the number of requests received in Fiscal Year 2016, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.*

11%.

BACKLOGGED APPEALS

8. If your agency had a backlog of administrative appeals in Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015?

No.

9. If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

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

A loss of staff. [We are still seeking additional information.]

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

179%.

C. *Backlog Reduction Plans:*

11. In the 2016 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2015 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2016.

Not applicable.

12. If your agency had a backlog of more than 1000 requests in Fiscal Year 2016, what is your agency's plan to reduce this backlog during Fiscal Year 2017?

Not applicable.

D. *Status of Ten Oldest Requests, Appeals, and Consultations*

TEN OLDEST REQUESTS

13. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

No.

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Nine of the ten oldest requests that were reported pending as of the end of Fiscal Year 2015 were closed in Fiscal Year 2016.

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

None of these requests were closed because they were withdrawn by the requester.

TEN OLDEST APPEALS

16. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

No.

17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

One of these appeals was closed by the end of the fiscal year.

TEN OLDEST CONSULTATIONS

18. In Fiscal Year 2016, did your agency close the ten oldest consultations reported pending in your Fiscal Year 2015 Annual FOIA Report?

The Department only had three consultations pending as of the end of Fiscal Year 2015, all of which arrived at the end of September in 2015. All of those consultations were closed in Fiscal Year 2016.

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Not applicable.

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

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2016.

The single oldest request that was not closed in fiscal year 2016 involved complicated legal issues. The oldest appeals that were not closed in fiscal year 2016 that required extensive review.

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

Not applicable.

22. *If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2017.*

The Department is engaged in ongoing efforts to close its oldest pending request. The responsive records for this request have now all been reviewed and are pending with a Magistrate Judge for review pursuant to a settlement agreement. As for the oldest pending appeals, the FOIA/PA Appeals Officer now had more staff and is working to close these appeals as soon as possible.

F. Interim Responses:

23. *Does your agency have a system in place to provide interim responses to requesters when appropriate? See OIP Guidance, "The Importance of Good Communication with FOIA Requesters." (Mar. 1, 2010)*

Yes.

24. *If your agency had a backlog in Fiscal Year 2016, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.*

The Department estimates that it provided a substantive, interim response for 13% of the requests that ended up on its Fiscal Year 2016 backlog.

G. Success Stories

Out of all the activities undertaken by your agency since March 2016 to increase transparency and improve FOIA administration, describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

This year, the Department has worked to collaborate more often and effectively with the Office of Government Information Services (OGIS). For example:

- The Departmental FOIA Policy Staff worked with the Department's Privacy Act Officer and the Office of the Solicitor (SOL) to add a routine use to the Department's Electronic FOIA Tracking System and FOIA Case Files System of Records Notice (SORN DOI-71). This new routine use allows the Department to proactively share data with OGIS and therefore allows the Department to proactively initiate dispute resolution discussions.
- In order to save time for OGIS and help ensure the accuracy of the information provided to OGIS (and the requesters it serves), the Departmental FOIA Policy Staff now coordinates data calls from OGIS to bureaus on a regular basis, instead of OGIS reaching out to bureaus on an ad hoc basis.
- When OGIS expressed concern about the amount of time the SOL takes to review FOIA requests, SOL and the Departmental FOIA Policy Staff worked together to formally assess the extent the Bureau FOIA Officers perceive this to be an issue.