



2018
CHIEF
FOIA
OFFICER
REPORT

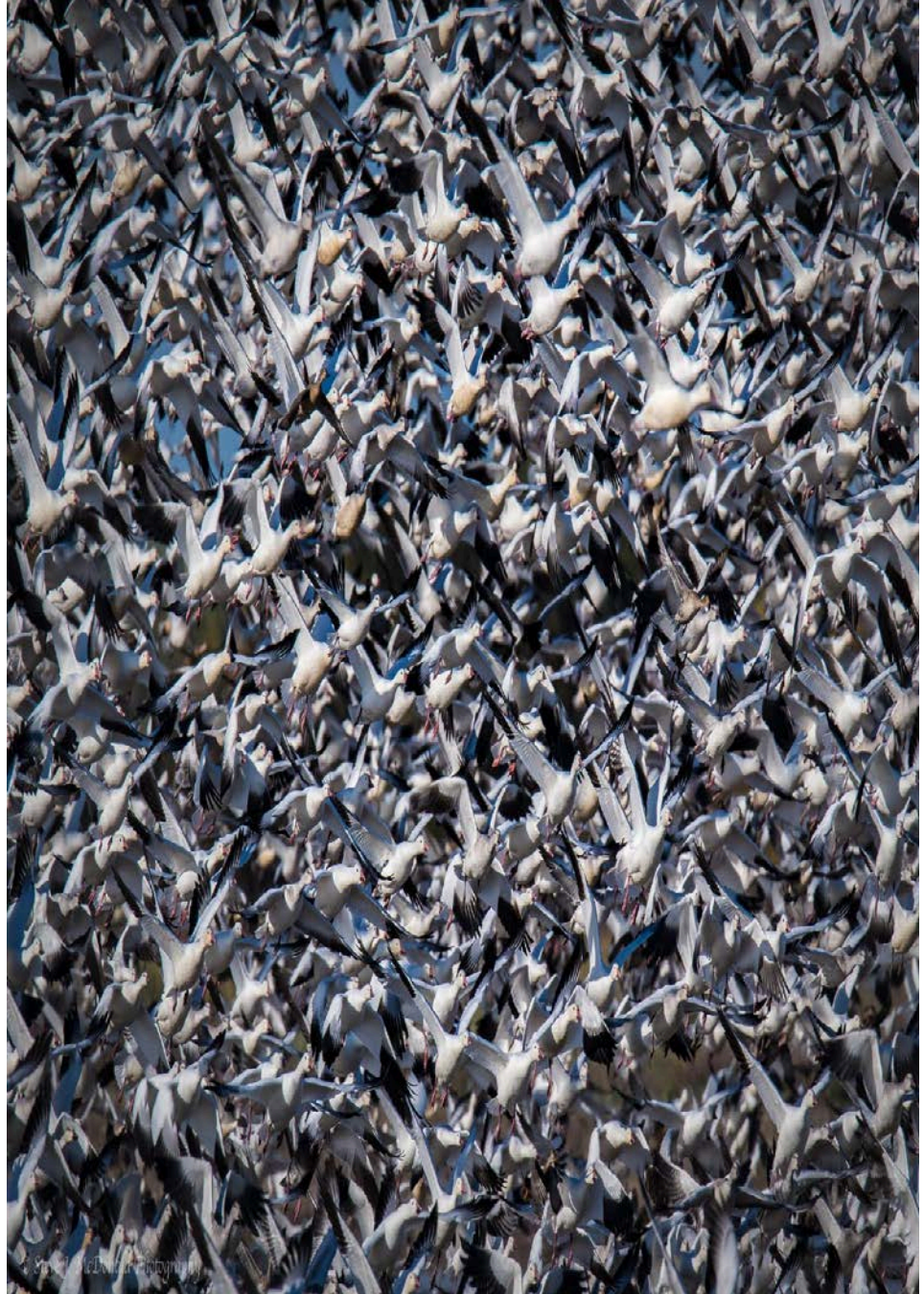


Photo of snow geese by Steve McDonald, U.S. Fish and Wildlife Service

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The Department of the Interior 2018 Chief FOIA Officer Report¹

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 substantive 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 Department FOIA Policy Staff attended training sessions provided by the Department of Justice, including several best practices sessions. Department employees also attended FOIA training and conferences provided by other entities.

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.*

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 Department 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.

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

4. *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.*

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 Department FOIA Policy Staff has also engaged in outreach and dialogue by participating in efforts related to the National FOIA Portal; attending meetings of the Federal FOIA Advisory Committee; and attending meetings of the Chief FOIA Officers Council. These efforts have brought the Department FOIA Policy Staff into contact with members of the requester community as they are sharing their most urgent and deeply-felt FOIA concerns. Finally, as discussed further below, discussions with the representative of an open government group lead to the Department building an engine to help automate the production of certain types of raw data.

C. Other Initiatives:

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

The Department 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 Department 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>

7. 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 Department FOIA Policy Staff continued to host monthly FOIA Officer meetings. The meetings are led by the Department 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 Department 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:
 - The Department FOIA Policy Staff continued the (quarterly) FOIA open forums begun four 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 Department 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.
 - The SOL continued a FOIA Practice Group begun four years ago, with the assistance of the Department 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

1. For Fiscal Year 2017, 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 2017 Annual FOIA Report.

5 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 Department 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. In response to this self-assessment, the Department FOIA Policy Staff created and distributed guidance, including [a memorandum](#) examining one aspect of the FOIA Improvement Act of 2016--the foreseeable harm standard. The memorandum provides background on the standard and instructions on when to consult with the SOL and/or seek additional information from a subject matter expert.

4. 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 the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2017 (please provide a total number or an estimate of the number).

As discussed above, the Department's FOIA program is decentralized. We estimate requesters sought assistance from components' FOIA Public Liaisons 56 times during FY 2017, although such requests for assistance are not always specifically framed as seeking assistance from the FOIA Public Liaisons in that capacity.

5. Optional Survey Question: If possible, please provide an estimate of the average number of pages that your agency processes for each request. You may provide estimates for each track.

Although we do not have this exact information, we estimate an average of 1,100 pages were released for each request processed in FY 2017.

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

- 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 Department FOIA Policy Staff initiated a number of updates and improvements to the EFTS this year, including:
 - Enhancing the predefined reports feature (that was built and reported on last year), so bureaus can run, at any time, within date parameters they choose: Open Request Reports and Completed and Closed Requests Reports that mirror the audits the Department FOIA Policy Staff conducts with bureaus twice a year; and
 - Assisting with a Privacy Impact Assessment for the EFTS.
- The Department FOIA Policy Staff also continued efforts to add FOIA/Privacy Act appeals data to the EFTS. In FY 17, the Office of the Inspector General's FOIA program began entering their appeals data into the EFTS.

- The Department 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

1. 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:

- BOR updates provisional information on flow and storage data for major storage reservoirs in the Deschutes River Basin on a daily basis.
<https://www.usbr.gov/pn/hydromet/destea.html>
- BOEM and BSEE's joint Data Center is regularly updated with a wealth of information regarding Active/Inactive/Expired Leases, Adjudications, Geological and Geophysical (G&G) Permits, 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. For example, during the second quarter of Fiscal Year 2017, 27 G&G permit files, 920 Leasing Files, and 126 Exploration/Development/Production Plans and supporting Environmental Analyses were imported into the system and are available publicly.
<https://www.data.boem.gov/Main/Default.aspx>
- FWS's Region 2 posted Texas and Arizona Recovery Plans and Biological Opinions, project updates, and draft plans and reports on wolves (a high-interest topic).
<https://www.fws.gov/southwest/es/arizona/Biological.htm>
https://www.fws.gov/southwest/es/mexicanwolf/BRWRP_notes.cfm

<https://www.fws.gov/southwest/es/mexicanwolf/MWRP.cfm>

2. *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:

- Every time a report—whether an audit, evaluation, inspection, investigation, or summary of investigation—is posted to the OIG website, an email is sent to those signed up to receive OIG report notifications emails and a notification is posted on OIG’s Twitter feed.

<https://twitter.com/doioig?lang=en>

- BOEM regularly notifies the public when there is an announcement in the Federal Register through Press Releases, Media Advisories and Notes to Stakeholders. BOEM uses social media outlets including Facebook, Twitter, Flickr, RSS feeds, and publishes Science Notes and BOEM Ocean Science Magazine, both of which are available on BOEM’s web site.

<https://www.boem.gov/>

3. *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.

4. *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:
 - BLM launched an entire new format for its website and reorganized the website's content to be better indexed and more easily searchable.
<https://www.blm.gov/>
 - NPS worked to post Section 508-compliant versions of records in its FOIA library, even if that process was not always straightforward. For example, NPS worked with a contractor to create a Section 508-compliant version of the Great Smoky Mountains National Park Fire Management Plan.
https://www.nps.gov/aboutus/foia/upload/grsm_firemanagementplan_Section508.pdf

5. *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 Department's FOIA library is now hosted on an improved search system; and

- 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.

Section IV: Steps Taken to Greater Utilize Technology

1. Has your agency identified any best practices to leverage 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, please describe the best practices, the type of technology used, and the impact on your agency's processing.

- Yes. In 2015, the Department released an Information Resources Management Strategic Plan (replacing the Department's Information Resource Management plan from 2012). The Strategic Plan was designed to define and communicate an informed strategy to integrate disparate efforts across the Department to achieve greater effectiveness, and to consolidate resources and services for greater efficiency. It identified an initial set of high priority IT goals and services, including a single email system for the Department and Cloud-based electronic records, telecommunications, account management, and hosting services. The implementation of the Strategic Plan is now underway. The Department is pursuing the acquisition of cloud-based "Software as a Service" email and collaboration services from a commercial provider of Cloud Computing services and the Departmental FOIA Staff has been offering input and suggestions into that effort, including raising the issue of de-duplication. Additionally, the Department is about to issue a Records Management Improvement Plan so the Department will: have 100% electronic records management by 2022; ensure records retrieval is consistent and comprehensive across the Department (including for FOIA requests); and implement simplified, consistent records retention schedules. Supporting document deduplication in a FOIA context is a specific priority of the Improvement Plan.

- 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.

2. *Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2017?*

Yes.

3. *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 2018.*

Not applicable.

4. *The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2016 Annual FOIA Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report.*

<https://www.doi.gov/foia/DOI-FOIA-Annual-Reports>

5. *If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.*

The Department FOIA Policy Staff and the Communications Team revamped the Department's FOIA website to focus on using plain language and examined

existing user metrics and data to provide quicker access to what users are most interested in.

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 2017, 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 2017 that were placed in your simple track.

7.5%.

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 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?*

No.

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

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

This year there was an extraordinary increase in the number of incoming requests (for example, compared to FY16, the number of FOIA requests the OS received in FY17 increased by well over a hundred percent); a loss of staff due to hiring freezes and budgeting issues; an increase in the complexity of the requests received; and an increase in litigation, which required the Department's FOIA staff to spend a good deal of time assisting in the Department's litigation responses. Additionally, many of 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.

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 2017.*

- *To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2017 Annual FOIA Report by the number of requests received in Fiscal Year 2017, 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.*

20%

BACKLOGGED APPEALS

8. *If your agency had a backlog of administrative appeals in Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?*

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.*

This year there was an increase in the number of incoming appeals; a loss of staff; an increase in the complexity of the appeals received (for example, several of the appeals included thousands of documents that required the FOIA Appeals Officer's line-by-line, page-by-page review for adjudication); and an increase in litigation, which required the Department's FOIA & Privacy Act Appeals Officer to spend a good deal of time assisting in the Department's litigation responses.

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 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A."

200%.

C. Backlog Reduction Plans:

11. In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2016 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 2017.

Not applicable.

12. If your agency had a backlog of more than 1000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018?

We have hired contractors and recruited detailees to form a strike team to try to reduce this backlog, but the strike team will be limited in duration due to limited funds available.

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

TEN OLDEST REQUESTS

13. In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

Yes.

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 2017 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Not applicable.

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 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 Annual FOIA Report?*

Yes.

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 2017 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

Not applicable.

TEN OLDEST CONSULTATIONS

18. *In Fiscal Year 2017, did your agency close the ten oldest consultations reported pending in your Fiscal Year 2016 Annual FOIA Report?*

The Department only had one consultation pending as of the end of Fiscal Year 2016, which arrived on the last day of Fiscal Year 2016. This consultation was closed in Fiscal Year 2017.

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 2016 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 2017.*

Not applicable.

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 2018.*

Not applicable.

F. Success Stories

Out of all the activities undertaken by your agency since March 2017 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, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Utilizing technology, the Department took steps to apply the presumption of openness, ensure it has an effective system in place for responding to requests, and improve timeliness in responding to requests by building an engine that helps automate the raw data export from the EFTS that is now required for the Annual Report. This engine was created after a query from (and close communication with) a FOIA requester hoping to access the raw data on a more frequently than on a yearly basis. It will both reduce labor time for the Department and allow much of the Department's preliminary raw data for the Annual Report to be periodically exported to a CSV file upon request (Exemption 3, appeals, and consultation raw data is not included in the engine).