



2020 CHIEF FOIA OFFICER REPORT



Photo of Indiana Dunes National Park by Rafi Wilkinson, National Park Service.

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The Department of the Interior 2020 Chief FOIA Officer Report

Section I: Steps Taken to Apply the Presumption of Openness

A. FOIA Leadership

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

Yes.

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

Daniel H. Jorjani, Solicitor.

B. FOIA Training:

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

Yes.

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

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

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

At least 85%.

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

Not applicable.

C. Outreach:

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

The Department engages in ongoing outreach and dialogue with the requester community during the processing of requests and during the appeal process. The Department also regularly interacts with the requester community by participating in efforts related to the Department of Justice's National FOIA Portal, assisting the Office of Government Service's ombudsman efforts related to the Department, and attending meetings of the Chief FOIA Officers' Council.

D. Other Initiatives:

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

As discussed further below in our Success Story, two Secretary's Orders have been issued in the last two years that are designed to improve our FOIA program and highlight the obligation of all Department employees to comply with the FOIA. Additionally, the OIP's briefing video and FOIA infographic is posted on the Department's FOIA Guidance webpage at <https://www.doi.gov/foia/news/guidance>. The Department FOIA Office staff members also engage in ongoing conversations with non-FOIA professionals on FOIA matters. These conversations provide training and notice of FOIA matters and reinforce the importance of providing responsive records in a timely manner.

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

The Department is undertaking significant improvements to its FOIA program, as discussed below in our Success Story. These improvements are designed to increase compliance with FOIA's statutory requirements of transparency, accountability, and prompt productions.

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

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

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.

This year, the Department conducted an analysis of the current state of the FOIA program to inform the planned improvements detailed in our Success Story. The Department also regularly conduct self-assessments of the Department's FOIA program by reviewing Annual Report data, conducting audits of each bureau's Electronic FOIA Tracking System entries at least bi-annually, and reviewing and updating processing procedures.

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 2019 (please provide a total number or an estimate of the number).*

We estimate requesters sought assistance from bureau FOIA Public Liaisons 50 times during FY 2019, although such requests for assistance are not always specifically framed as seeking assistance from the FOIA Public Liaisons in that capacity.

5. *Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.*

In light of the unprecedented surge in FOIA requests and litigation (discussed below in Section V), last year the Department determined changes to our regulations were necessary to best serve the requester community, the broader public, and our internal stakeholders and to comply with the FOIA as efficiently, equitably, and completely as possible. These proposed changes were published in a notice of proposed rulemaking last year. This year, the Department reviewed the extensive public comments to understand requesters' many viewpoints on the proposed changes and worked with other agencies and Congress before publishing and implementing our final rule.

Section III: Steps Taken to Increase Proactive Disclosures

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

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

- In February 2019, Bureau of Ocean Energy Management (BOEM) announced the launch of the Marine Minerals Information System (MMIS). The MMIS is a state-of-the-art tool to assist decision-makers in managing coastal recovery and planning coastal resilience projects. The release of the MMIS marks a big step forward in BOEM's efforts to build a National Offshore Sand Inventory, providing offshore sediment data including data and information from 30 years of BOEM-funded research and data from more than 40 partner organizations. The information on offshore sand and gravel covers resources throughout the U.S. Atlantic, Gulf of Mexico and Pacific outer continental shelf (OCS). OCS sand and gravel resources are vital sources of material for the construction of coastal protection and restoration projects, including efforts to protect coastal communities, national defense facilities, and federal and state infrastructure.
<https://mmis.doi.gov/BOEMMMIS>

- The Bureau of Reclamation and Idaho Water Resource Board (IWRB) have partnered to conduct a feasibility study for increasing water storage capacity within the Boise River system, particularly at Anderson Ranch Dam. The IWRB supports the need for increased water storage within the Boise River basin to provide long-term supplemental water in dry years and provide water where and when it is needed. In accordance with the National Environmental Policy Act, Reclamation is preparing an environmental impact statement on the Boise River Basin Feasibility Study. Related records are posted online for the public to review and comment on.
<https://www.usbr.gov/pn/studies/boisefeasibility/>
- Bureau of Safety and Environmental Enforcement is launching a safety initiative to bring critical safety information directly to offshore workers on the [Outer Continental Shelf](#). The *BSEE!Safe* program uses text messaging notification technology to send links for its published Safety Alerts and Bulletins, tools used to inform the offshore oil and gas industry of the circumstances surrounding an incident or near miss. The alerts and bulletins also contain recommendations to help prevent the recurrence of such an incident on the Outer Continental Shelf. <https://www.bsee.gov/newsroom/latest-news/statements-and-releases/press-releases/bsee-delivers-important-safety>
- U.S. Geological Survey mapping, imagery, and data sets are available at <https://nationalmap.gov>, which includes The National Map Downloader, [TNM Downloader](#), where, using the USTopo or historical topographic maps, members of the public can customize a map with various data such as hydrography, topography, structures, etc. These customized maps are downloadable at no charge.

2. *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.

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

The Department's main FOIA website (<https://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) are frequently checked for outdated information and broken links and updated as needed.

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

A number of bureaus also regularly improve their websites. For example:

- The Bureau of Reclamation's Upper Colorado Region started to consolidate pages with like functions onto one site, making it easier for the customer to find what they are searching for. The document pages now have a contact for each type of document. Reservoir operations are updated daily to ensure public awareness of reservoir elevations, storage, inflows, releases, etc.
- Office of the Solicitor hired a full time Resource and Communication Specialist who will be working on improving its online presence.

- Office of Surface Mining Reclamation and Enforcement established a site for posting NEPA documents concerning its Region 1 and Region 2.
- U.S. Geological Survey redesigned its public-facing FOIA website to have the capability to post the records in its FOIA Library.

4. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

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. We understand increased proactive disclosures lead to increased transparency, although it is challenging making proactive disclosure when the FOIA staff (who would typically be making the proactive disclosures) are focusing on responding to increasing backlogs, requests, and litigation.

Section IV: Steps Taken to Greater Utilize Technology

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

We noted last year that we were currently actively seeking to migrate from our homegrown, purely tracking-based Electronic FOIA Tracking System to a more modern case-management and tracking tool that is a shared service on the cloud. After evaluating the options available, we plan to migrate to FOIAonline this year. We anticipate this will greatly assist in our intake process (substantially decreasing the amount of time our processors spend on this step and decreasing errors that negatively impact requesters), facilitate proactive releases, streamline our internal tracking and review, and allow requesters to search for materials other requester have already received (decreasing the need for repetitive requests).

2. OIP issued [guidance](#) in 2018 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes.

3. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2019?

Yes.

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

Not applicable.

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's

Fiscal Year 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.

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

6. *Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.*

In addition to the case-management and tracking tool discussed above in this section, we are exploring other best practices in greater utilizing technology such as conducting centralized searches (where appropriate) and utilizing document review platforms. We continue to be part of the Chief FOIA Officers' Council Technology Subcommittee to ensure we are up to date on government-wide best practices and continued our internal Departmental subcommittee on FOIA and technology. This year our primary challenge is the Department's ongoing transition from a Google platform to a Microsoft 365 platform. We are working to train our personnel on the new platform and to ensure it is as efficient as possible.

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

Yes.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2019 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 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?*

No.

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

No.

7. *If your agency's request backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able 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.

Our backlog increased in Fiscal Year (FY) 2019, in part due to sustained increases in the volume and complexity of incoming requests. Specifically, from FY 2016 to FY 2019, incoming FOIA requests to the Department increased nearly 24 percent (from 6,428 to over 7,970).

The Department's attempts to respond accurately, completely, and in a timely manner to every request have been further hindered by the dramatic increase in litigation, particularly over agency non-response to initial FOIA requests. For example, at the close of FY 2019 the Department had approximately 175 active FOIA cases in litigation compared to just 6 cases in litigation in total at the close of FY 2015 and 30 cases in litigation in total at the end of FY 2016.

We have also been affected by attrition of staff. Additionally, many FOIA processors work on FOIA matters only as a collateral duty, which has the effect of FOIA work being a lower priority—an issue we are addressing through the activities discussed in our Success Story below.

8. *If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2019.*

To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2019 Annual FOIA Report by the number of

requests received in Fiscal Year 2019, 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.

52%

BACKLOGGED APPEALS

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

No.

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

No.

11. If your agency appeal backlog increased during Fiscal Year 2019, please 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 (one person is currently processing non-Office of the Inspector General FOIA and Privacy Act Appeals for the Department) and an increase in the complexity of underlying requests were contributing factors.

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

To calculate your agency's percentage, you must divide the number of backlogged appeals reported in Section XII.A. of your Fiscal Year 2019 Annual FOIA Report by the number of appeals received in Fiscal Year 2019, which can be found in Section VI.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

252%

C. Backlog Reduction Plans:

13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2018 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so,

describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2019.

As noted last year, we hired contractors and recruited detailees to form a limited-duration strike team to try to reduce the backlog resulting from a sharply-increased number of requests. This effort was not sufficient for the Department to achieve backlog reduction in Fiscal Year 2019.

14. If your agency had a backlog of more than 1000 requests in Fiscal Year 2019, what is your agency's plan to reduce this backlog during Fiscal Year 2020?

We have streamlined our FOIA regulations and are working to improve the Department's FOIA program, as discussed below in our Success Story. The newly established Departmental FOIA Office is already providing operational support to the Office of the Secretary's FOIA Office. We are also hopeful the technological improvements discussed above in this section will increase processing capacity and reduce the backlog in the long-term.

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

TEN OLDEST REQUESTS

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

Yes.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2019 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Not applicable.

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

Each bureau was strongly encouraged to close their 10 oldest requests, even if those requests were not on the list of the Department's 10 oldest.

TEN OLDEST APPEALS

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

Yes.

19. *If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2019 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

Not applicable.

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

Ongoing adjudication of open appeals.

TEN OLDEST CONSULTATIONS

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

Yes.

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

Not applicable.

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

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

Not applicable.

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

Not applicable.

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

Not applicable.

F. Success Stories

Out of all the activities undertaken by your agency since March 2019 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.

The Department issued a [Secretary's Order](#) on Improving the Department of the Interior FOIA Program. Last reporting year, Secretary's Order 3371 "The Department of the Interior Freedom of Information Act Program," dated November 20, 2018, designated the Solicitor as the Chief FOIA Officer for the Department and established the Deputy Chief FOIA Officer (DCFO) position in the Office of the Solicitor to oversee the Department's FOIA program. This year, Secretary's Order 3378, dated January 7, 2020, expanded upon Secretary's Order 3371 by:

- Establishing the Departmental FOIA Office in the Office of the Solicitor to expand the capacity of the FOIA offices in the Department's bureaus/offices to process FOIA request in a timely, efficient, transparent, and legal manner by:
 - Establishing Department-wide FOIA policies and procedures to incorporate best practices.
 - Deploying technology, human capital, and other resources in an efficient and strategic manner.
 - Hold bureau/office leaders and other record custodians accountable for fulfilling their obligations under the FOIA.
- Assigning additional FOIA-related responsibilities to Department employees.