



2016 CHIEF FOIA OFFICER REPORT



Night sky at Owachomo Bridge.

Photo: National Park Service photo by Jacob W. Frank

Contents

Section I: Steps Taken to Apply the Presumption of Openness	3
Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests	8
Section III: Steps Taken to Increase Proactive Disclosures.....	10
Section IV: Steps Taken to Greater Utilize Technology	13
Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs.....	16
Use of FOIA’s Law Enforcement Exclusions	21
Success Story	21

The Department of the Interior 2016 Chief FOIA Officer Report¹

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's [FOIA Memorandum](#) and the Attorney General's [2009 FOIA Guidelines](#) is the presumption of openness.

FOIA Training:

1. Did your agency conduct FOIA training during the reporting period for FOIA professionals?

Yes.

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

- 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). These meetings include training and briefings to make FOIA personnel aware of changes to the FOIA, the Administration's FOIA policies, Department of Justice (DOJ)/Office of Management and Budget requirements, the latest FOIA case law, related statutes, and the Department's policies/procedures. Inconsistencies, errors, and other problems noted in appeals/lawsuits are also addressed.
- 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 case law, the Administration's policies, and DOJ requirements. For example:
 - This year the Departmental FOIA Policy Staff continued the (quarterly) FOIA open forums begun two years ago. Department employees who work with the FOIA intermittently as well as FOIA professionals are all invited to attend. At each meeting to date the phone lines available (around 45) have all been used. We have asked everyone who calls in to call in with groups of people

¹ This report describes actions taken to ensure overall compliance with the FOIA and the Administration's FOIA guidelines 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.

from their geographic area wherever possible (often the groups include 4 or more individuals) and around 15 people attend the meetings in person. 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.

- The SOL continued a FOIA Practice Group begun two 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. Throughout the year, it met on a regular basis, for a total of 11 meetings. Between 15 and 30 attorneys and paralegals attended each meeting and over 90 attorneys and paralegals regularly receive FOIA updates in addition to detailed agendas and meeting notes.
- The SOL provided training sessions to SOL employees and FOIA professionals on subjects that ranged from general training on the FOIA as a whole to very specific training on Departmental procedures and certain exemptions. These training sessions spanned a time period ranging from one hour to one day. They were sometimes presented to over a dozen people, sometimes to a handful of people.
- The Departmental FOIA Policy Staff provided training sessions to FOIA professionals and new bureau FOIA Officers on subjects that ranged from general training on the FOIA as a whole to very specific training on Departmental procedures, certain exemptions, and the Department's Electronic FOIA Tracking System (EFTS). These training sessions spanned a time period ranging from one hour to half a day. They were sometimes presented to over a dozen people, sometimes to a handful of people. The Departmental FOIA Policy Staff also provided many one-on-one training sessions over the year on a number of topics.
- A number of bureau FOIA Officers also provided training to their employees, both one-on-one and as a group.

3. If no, please explain why your agency did not hold training during the reporting period, such as if training offered by other agencies was sufficient for your agency's training needs.

Not applicable.

4. Did your FOIA professionals attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes. The Departmental FOIA Policy Staff attended several training sessions provided by the Department of Justice, including many of the new best practices sessions, OIP's year-end meeting, and a refresher training session going over the reporting requirements for Fiscal Year 2015 Annual FOIA Reports and 2016 Chief FOIA Officer Reports. 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.*

FOIA professionals: 100%. Staff with FOIA responsibilities: at least 90%.
Total: at least 90%.

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.

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?*

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 second Open Government National Action Plan (including participating in and commenting on efforts toward developing a consolidated online FOIA experience, a core FOIA regulation, and FOIA training; and attending meetings of the FOIA Modernization Advisory Committee). 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.

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

Not applicable.

Discretionary Releases:

9. Does your agency have a distinct process or system in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have such a process or system in place?

Yes. Last year, the Department issued a new [FOIA Handbook](#). Section 11.2 of this Handbook specifically addresses this issue for all of the Department's components. Additionally, the Attorney General's directions on this subject have been distributed, each bureau has been instructed to review all responsive records for discretionary release, and the Departmental FOIA Policy Staff provide training on such releases and review particular documents where discretionary releases may be appropriate, when requested. The Department's FOIA personnel consider making a discretionary release whenever the release would not foreseeably harm an interest protected by a FOIA exemption.

10. During the reporting period, did your agency make any discretionary releases of information?

Yes.

11. What exemption(s) would have covered the material released as a matter of discretion?

The bureaus that reported making discretionary releases did so primarily for material that would have been covered by Exemption 5 under the deliberative process privilege.

12. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

The Department's discretionary releases most often included drafts, internal memoranda, and emails. For example:

- The BOEM released internal discussions on a draft environmental impact statement connected with proposals to engage in fracking in the Gulf of Mexico OCS Region (GOMR) and internal discussions between BOEM and BSEE about development of a proposal to update an environmental study that better explains fracking in the GOMR.
- The BOR released its internal comments on a BIA document concerning dispute resolution issues.
- The FWS released drafts and regional comments pertaining to FWS personnel's viewpoints on interim wind energy guidelines.
- The NPS released deliberative discussions regarding the management of life estates at Isle Royale National Park.

- The OS released drafts, internal memoranda and emails relating to the Federal government shutdown of 2013.
- The USGS released draft presentations and letters involving coal-tar sealants.

13. If your agency was not able to make any discretionary releases of information, please explain why.

Not applicable.

Other Initiatives:

14. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. Efforts can include training for non-FOIA professionals, distributing memoranda on the FOIA, announcements on FOIA matters, making available OIP's [FOIA for Senior Executive's](#) briefing video, distributing the [FOIA infographic](#) developed by OIP, having your agency staff take OIP's [FOIA for all Federal Employees eLearning module](#), etc.

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 worked with OIP 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, the Departmental FOIA Policy Staff has added OIP's briefing video and FOIA infographic to the Department's FOIA Guidance webpage at <https://www.doi.gov/foia/news/guidance>

15. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. If any of these initiatives are online, please provide links in your description.

In addition to our 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. The Department is taking concrete steps towards improving efficiency in these matters, but our progress in this area was delayed this year by technical complications resulting from the Department moving from one website

hosting platform to another. We look forward to discussing these steps in next year's report.

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

The Attorney General's [2009 FOIA Guidelines](#) emphasized that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Processing Procedures:

1. *For Fiscal Year 2015, what was the average number of days your agency reported for adjudicating requests for expedited processing?*

3 days.

2. *If your agency's average number of days to adjudicate request 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. *If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps. If your agency is already handling the routing of misdirected requests in an efficient manner, please note that here and describe your process for these requests.*

The Department is handling the routing of misdirected requests in an efficient manner, but continues to strive for improvement. Therefore, bureaus took steps ranging from developing training and revising guidance (both internally and online) to inform staff and requesters of common mistakes and making sure to carbon copy requesters when requests needed to be rerouted so they could make more targeted requests going forward. Many of our smaller bureaus report they do not have an issue with routing, as there are few routing issues that occur. Larger bureaus work with leadership and public affairs offices to help ensure requests are rerouted efficiently. Additionally, Section 5.3 of the Department's [FOIA Handbook](#) specifically addresses what to do when receiving a request, including a misdirected request and the process for handling the routing of requests, including misdirected requests, is described in detail in the appendix to the Department's [FOIA Handbook](#).

4. *On July 2, 2015, OIP issued [new guidance](#) to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have*

had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

On July 6, 2015, the Departmental FOIA Policy Staff distributed OIP's new guidance on still-interested letters to the electronic mailing list used to distribute timely notifications and FOIA tips to the Departmental FOIA community. Since that time, many of our bureaus report that they have not sent still-interested letters. Of those that have, all of them have done so in accordance with OIP's new guidance.

Requester Services:

5. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

- If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here.*

After completing a survey of other Cabinet-level agencies' FOIA websites, it was clear that the Department's FOIA website's easily located contact information (including names and direct contacts) and explanation of what these services are (so requesters know when and how they may be utilized) meant the Department's services are already robust.

Other Initiatives:

6. 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 Department issued a proposed rule seeking to revise 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. After going through the notice and comment period, four comments were received and the final rule was published on March 3, 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 tracking system with new business logic for Advanced Payment, Processing Cost, Total Processing Cost, and Billing sections;
 - Adding automated email notification for fee payment tracking reminders to all bureaus; and
 - Eliminating redundancy in the Basic form/Requester block.
- 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

Both the [President’s](#) and [Attorney General’s](#) FOIA memoranda focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Posting Material:

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

A specific provision in the Department’s [FOIA regulations](#) addresses frequently requested records. Additionally, sections 2.7 and 3.3 of the Department’s [FOIA Handbook](#) 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.

- *Please note that this question is directed towards proactive disclosure of records that go beyond frequently requested records required to be posted under Subsection (a)(2) of the FOIA.*

Yes. A specific provision in the Department's [FOIA regulations](#) (which went into effect on January 30, 2013) 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, last year, the Department issued a new [FOIA Handbook](#). Chapter 3 and Section 2.7 of this Handbook specifically address this issue for all of the Department's components.

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.

- *Please note that this question is directed at the efforts of actually posting the records online once all disclosure determinations have been made. For example, efforts to load the records in your web content platform or making the releasable documents accessible in compliance with Section 508 of the Rehabilitation Act.*

Yes, to the extent proactive disclosures of records occur, the Department's FOIA professionals are usually the ones who code the records for Section 508 compliance and otherwise prepare them for posting. Therefore, the amount of proactive disclosures the Department makes is lower than it would otherwise be (otherwise the Department would be less timely in its responses to FOIA requesters). The Department has not previously tracked the amount of time it takes for each of our FOIA professionals and for our agency to code the records for Section 508 compliance and otherwise prepare them for posting (anecdotal evidence suggests that, when this occurs, it is a lengthy process that takes a substantial amount of time).

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

Yes.

5. If so, please briefly explain what those challenges are.

Our proactive disclosures are impacted by concerns about complying with Section 508 of the Rehabilitation Act of 1973 (as amended). 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 for our employees working with the FOIA and it takes time away from processing requests, which makes proactive disclosures much harder and more time consuming to accomplish. We 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.

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

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

- The BIA posted its most recent decisions on Indian gaming at <http://www.bia.gov/WhoWeAre/AS-IA/OIG/index.htm>
- The BLM posted its tentative Wild Horse and Burro Removal and Fertility Control Treatment Schedules at http://www.blm.gov/wo/st/en/prog/whbprogram/herd_management/tentative_gather_schedule.html
- The BOEM posted publications related to archaeological sites in the Gulf of Mexico at <http://www.boem.gov/BOEM-Newsroom/Library/Publications/Gulf/Archaeology.aspx>
- The FWS posted Conservation Plans and Agreements at http://ecos.fws.gov/conserv_plans/public.jsp
- The NPS posted the administrative history of Joshua Tree National Park at <http://www.nps.gov/jotr/learn/historyculture/upload/JOTRAAdministrativeHistory.pdf>
- The OIG posted a number of Investigative Reports on various issues at <https://www.doioig.gov/reports>
- The OS posted Congressional correspondence, contracts, and FOIA logs at <https://www.doi.gov/foia/os>

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts? For example, this can be done through social media or with the offering of e-mail subscription services.

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: <http://www.doi.gov/news/DOI-social-media.cfm>.

For example, the BOEM announces public engagement opportunities on Twitter and on Facebook such as notices that DOI archaeologists were available to answer questions at the 2015 Society for Historical Archaeology in Seattle and a public comment period for an offshore wind project in Virginia had been extended.

Other Initiatives:

8. If there are any other steps taken your agency has taken to increase proactive disclosures, please describe them here.

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. Additionally, 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

A key component of the President's [FOIA Memorandum](#) was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

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? Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

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. This year, the Department moved from one website hosting platform to another, resulting in a mobile-responsive experience for individuals accessing Departmental websites with mobile devices. Additionally, the main

FOIA website's mega menus were completely revamped and explanatory material was streamlined to make posted information easier to locate.

- 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 BOEM now hosts a Public Engagement Opportunities page and a Stakeholders page; posts dates, locations and agendas for upcoming public meetings on various energy projects; adds meeting notes after the meetings have occurred; and posts information about open comment periods at www.boem.gov
 - The BSEE added a Potential Incident of Noncompliance (PINC) – Checklist a list of inspection items that BSEE inspects to pursue safe operations on the Outer Continental Shelf at <http://www.bsee.gov/Inspection-and-Enforcement/Enforcement-Programs/Potential-Incident-of-Noncompliance--PINC/>
 - The NPS added a link to the NPS History E-Library site to its FOIA library page at <http://www.nps.gov/aboutus/foia/foia-reading-room.htm>

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 frequently with other agency staff who are experts in records management and website management to, among other matters, identify new and more effective ways to post agency information online.

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. Please note that this question is focused on training provided to your FOIA professionals for the use of technology and IT tools that assist them in their day-to-day work of processing requests. Your agency's efforts to provide substantive training on the FOIA itself and the requirements of the law should be addressed in response to Question 1 of Section I of your Chief FOIA Officer Report.

The Departmental FOIA Policy Staff issued extensive new 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.

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.*

- 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.
- 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.

Other Initiatives:

7. *Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2015?*

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 2016.*

Not applicable.

9. *Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? See OIP Guidance, "[The Importance of Good](#)*

[Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications.](#)" (Nov. 22, 2013) *If yes, what are the different types of electronic means are utilized by your agency to communicate with requesters? If decentralized, please indicate whether all components use email or other electronic means to communicate with requesters. Please note that this includes all types of communications throughout the FOIA process.*

Yes. All components use email or other electronic means to communicate with requesters.

10. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations? See [id.](#) If decentralized, please indicate whether any of your agency's components have specific limitations or restrictions for the use of such means and if those components have informed requesters of such limitations.

Not applicable.

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

The President's [FOIA Memorandum](#) and the Attorney General's [2009 FOIA Guidelines](#) have emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

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 2015, 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 2015 that were placed in your simple track.*

7%.

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.

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 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?*

Yes.

6. *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 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.*

Not applicable.

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 2015.*

- *To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the*

number of requests received in Fiscal Year 2015, 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.

8%.

BACKLOGGED APPEALS

8. *If your agency had a backlog of administrative appeals in Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?*

Yes.

9. *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 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.*

Not applicable.

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 2015. If your agency did not receive any appeals in Fiscal Year 2015 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 2015 Annual FOIA Report by the number of appeals received in Fiscal Year 2015, 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.*

122%.

Backlog Reduction Plans:

11. *In the [2015 guidelines for Chief FOIA Officer Reports](#), any agency with a backlog of over 1,000 requests in Fiscal Year 2014 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 2015.

Not applicable.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2015, what is your agency's plan to reduce this backlog during Fiscal Year 2016?

Not applicable.

Status of Ten Oldest Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

13. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Yes. All of the ten oldest requests that were reported pending as of the end of Fiscal Year 2014 were closed in Fiscal Year 2015.

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 2015 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?

Two requests were closed because they were withdrawn by the requester. One interim response was provided prior to the withdrawals.

TEN OLDEST APPEALS

16. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

No. Not all of the ten oldest appeals that were pending as of the end of Fiscal Year 2014 were closed in Fiscal Year 2015.

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 2014 Annual FOIA Report.

Nine of these appeals were closed by the end of the fiscal year.

TEN OLDEST CONSULTATIONS

18. *In Fiscal Year 2015, did your agency close the ten oldest consultations reported pending in your Fiscal Year 2014 Annual FOIA Report?*

The Department only had one consultation pending as of the end of Fiscal Year 2014. That single consultation was closed in Fiscal Year 2015.

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 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.*

Not applicable.

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 2014.*

The single oldest appeal that was not closed year involved complicated legal issues 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 2016.*

The single oldest appeal has now been closed.

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 2015, 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 5% of the requests that ended up on its Fiscal Year 2015 backlog.

Use of FOIA's Law Enforcement Exclusions

1. *Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?*

No.

2. *If so, please provide the total number of times exclusions were invoked.*

Not applicable.

Success Story

Out of all the activities undertaken by your agency since March 2015 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 of the Interior is proud to highlight the tremendous work of its FOIA community. Despite the fact that the number of requests and appeals the Department received in fiscal year 2015 increased markedly from fiscal year 2014 (in fiscal year 2014, the Department received 5,764 requests and 165 appeals—in fiscal year 2015, the Department received 6,792 requests and 191 appeals), the Department rallied, and with a concerted effort:

- Closed all ten of its oldest requests;
- Closed nine of its ten oldest appeals; and
- Reduced the overall number of requests backlogged at the end of the year.