



U.S. DEPARTMENT OF STATE

*CHIEF FREEDOM OF INFORMATION ACT OFFICER
ANNUAL REPORT
MARCH 2015*

Summary

The Department of State is responsible for formulating and executing the foreign policy of the United States and maintains records dealing with U.S. foreign relations as well as those relating to the programs and activities that support this mission. The Department's mission is global in nature as are the records that document that mission: as such, the Department maintains its records at dozens of locations domestically and at hundreds of posts located around the globe. Freedom of Information Act (FOIA) requests made to the Department can vary from those narrow in scope that seek a single document, to others that are more complex and expansive in nature. Such requests can require the review of thousands of documents, which are frequently retrieved from multiple sources. Moreover, many of the Department's records contain sensitive national security information and are classified pursuant to Executive Order 13526.

The Department makes every effort to respond to FOIA requests within the statutory response period. The review of records that are responsive to FOIA requests often require coordination with other federal agencies and foreign governments prior to an appropriate release determination being made. In an effort to respond to all requests in an efficient manner, the Department processes FOIA requests incrementally and makes interim responses to requesters as document searches and reviews are completed rather than waiting until all responsive records are located and reviewed. To implement its statutory responsibilities under FOIA efficiently, the Department has established a centralized and comprehensive FOIA Program, in which a single office receives and coordinates the processing of all FOIA requests made to the Department. Whether that coordination is with the Department's domestic offices and bureaus, its posts overseas, other federal agencies, or foreign governments; the process is managed by the FOIA Program in the Bureau of Administration's Office of Information Programs and Services ("IPS").¹

During the reporting period, the Department's FOIA backlog increased by 16%, which is due to a number of factors. In Fiscal Year 2014, the Department experienced a 60% jump in FOIA lawsuits, which necessitated the reallocation of resources from processing FOIA requests to handling FOIA litigation. In addition, during the reporting period the Department processed multiple special document productions that required reassigning several members of the information technology staff from handling FOIA matters to working on special document production matters. These resource realignments directly affected the Department's ability to process FOIA requests within the twenty-day statutory response time. Throughout the reporting period the Department continued to examine its processes to build in efficiencies where possible. Another factor that impacted the Department's ability to process FOIA requests within the statutory time period was the thousands of FOIA referrals received by the Department during the

¹ The Office of Inspector General (OIG) and the Bureau of Consular Affairs' Office of Passport Services (PPT) are the only exceptions to this process at the Department. OIG processes FOIA requests independently and provides information and statistics on its FOIA activities for inclusion into the Department's FOIA Annual Report. PPT processes FOIA requests independently, but IPS provides information and statistics on PPT's FOIA activities for inclusion into the Department's FOIA Annual Report.

year. The Department has dedicated resources to process only these referrals, yet the volume of referrals coming in to the Department outpaced our ability to process them all during this reporting period. In fact, to address the large volume of referrals another processing team assisted the team handling referrals and made substantial progress in processing this large volume of cases. Even with the additional resources assigned to this task the challenges associated with processing these cases remained.

Other key factors continue to affect how we allocate available resources in processing FOIA requests. The typical FOIA request received by the Department increasingly is very complex, requiring searches of multiple posts and bureaus around the world and resulting in the retrieval of large volumes of records that require declassification review and inter-agency coordination of sensitive content. Competing priorities include the appropriate handling of a significant number of FOIA litigation cases and managing special projects involving large document productions to Congress or for federal criminal cases. All of these time-sensitive priorities require the Department to realign resources to address current demands, which in turn impacts the Department's ability to promptly respond to FOIA requests.

Nevertheless, despite these challenges, the Department remains focused on full implementation of the President's goal of increased transparency in government by ensuring and continually improving the public's access to government information. The Department always has been and remains committed to achieving full compliance with FOIA while delivering superior customer service, with the overarching goal of building the best Freedom of Information Act Program in the federal government.

Name and Title of your Agency's Chief FOIA Officer:

Assistant Secretary Joyce A. Barr, Bureau of Administration, U.S. Department of State

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's **FOIA Memorandum** and the Attorney General's **FOIA Guidelines** is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

FOIA Training:

Agencies Receiving More Than 1,000 Requests

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

- Training can include holding an agency-wide FOIA conference, holding a seminar on a particular FOIA topic, or provided training to FOIA or agency staff during a staff meeting, among other types of training. However, the training provided should be substantive and should cover the application of the law and policy.

Yes. The Department conducted FOIA training during this reporting period.

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

The Department provided FOIA training to its FOIA professionals throughout the reporting period. The Department held its annual FOIA training program in October 2014, which included five sessions on important FOIA topics. The sessions included: FOIA Administrative Procedures; Exemption 2; Recent FOIA and Privacy Act Case Law; FOIA and Privacy Act Interface; and a requester panel with two representatives from the requester community that discussed the then-pending proposed FOIA amendments. With approximately 130 professionals with full-time and part-time FOIA duties in attendance, the program was a great success. In addition, the Department's FOIA professionals attended training on the FOIA's fee provisions, conducting adequate searches, and best practices in case management.

The Department also provides training four times per year to the professionals that review documents retrieved in response to FOIA requests. These professionals, and the Department's Appeals Review Panel, comprise retired Foreign Service Officers who are uniquely qualified to determine the potential harm in releasing national security and U.S. foreign policy information; which further enhances the high quality of the Department's FOIA review process. The training provided includes updates on the use of exemptions, consultations and referrals, and the requirements of Executive Order 13526, Classified National Security Information.

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

- Such training or events can include offerings from OIP, your own agency or another agency or organization.

Yes. The Department's FOIA professionals attended training throughout the year, including the best practice workshops and roundtables as well as the basic and advanced FOIA training courses offered by the Justice Department. The Department's FOIA professionals also attended several training programs sponsored by the American Society of Access Professionals.

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

One hundred percent of the Department's FOIA professionals attended FOIA training in this reporting period.

5. In the [2014 Chief FOIA Officer Report Guidelines](#), OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.

- Include any successes or challenges your agency has seen in implementing your plan.

The Department's training plan provides for a full day of FOIA training each year that combines sessions on the FOIA's procedural and legal requirements as well as a panel discussion with representatives of the requester community. In addition, throughout the year the Department offers targeted training to address issues that arise during the course of the year and refresher training on topics covered previously

The annual training has been a success since beginning in 2013. Each year, the Department receives positive feedback regarding both the quality of the presenters and the topics that are covered. For this program the Department invites staff from the Justice Department's Office of Information Policy as well as other recognized FOIA experts to present on various topics. This year, the Department videotaped the sessions so that Department personnel can view them via the internal FOIA SharePoint site and on BNet, the Department's broadcasting station. Making this training available on demand is not only cost effective, but also ensures that Department personnel have the resources that are needed to properly implement their FOIA responsibilities.

Outreach:

Agencies Receiving More Than 1,000 Requests

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

- This question addresses outreach that is conducted outside of the individual request or appeal

process. For example, outreach activities can include engaging with frequent requesters by holding meetings or events which include them, conducting surveys or otherwise soliciting requester feedback, or participating in any other requester initiative coordinated by your agency or by others, such as OIP.

As mentioned above, the Department hosted a requester panel at its annual FOIA training program, which provided a forum for a dialogue with two representatives of the requester community regarding the then-pending amendments to the FOIA. Part of this discussion included the panelist's ideas for additional improvements to the FOIA process. The Department's FOIA website offers requesters the option of providing feedback about the website. This feedback form is used by requesters to ask questions not just about the website, but also to raise concerns about the Department's FOIA process in general. Additionally, the Department's FOIA Public Liaison ("FPL") attended the Justice Department's requester roundtables throughout the year and also participated in the American Society of Access Professionals' ("ASAP") events which provide opportunities to communicate with the requester community. The FPL also participated in Sunshine Week events sponsored by Openthegovernment.org at the Newseum, and by the Collaboration on Government Secrecy at the American University Washington College of Law. All of these events provide opportunities for interaction between Federal FOIA professionals, the requester community and open government groups.

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

N/A

Discretionary Releases:

Agencies Receiving More Than 1,000 Requests

8. Does your agency have a distinct process or system in place to review records for discretionary release?

- If so, please briefly describe this process.

Yes. The Department has a long-standing policy of assessing the harm in the release of responsive information with the goal of ensuring that as much information as possible is released to the public. The Department has a two-tiered review process, which involves an independent examination of release decisions by a cadre of reviewers and an Appeals Review Panel. The reviewers and Appeals Review Panel comprise retired Foreign Service Officers who are uniquely qualified to determine the potential harm in releasing national security and U.S. foreign policy information; which further enhances the high quality of the Department's FOIA review process. The Department's practice is to release all material reviewed under FOIA unless an identifiable harm exists. All reviewers are trained to conduct FOIA reviews in compliance with the FOIA's legal requirements, relevant FOIA case law, the requirements of applicable executive orders

and with President Obama's and Attorney General Holder's FOIA Memoranda. The Department routinely makes discretionary releases in response to FOIA requests, particularly under Exemptions 2 and 5². The Department's use of Exemption 2 has sharply decreased since the Supreme Court's decision in *Milner v. Department of the Navy*, 131 S. Ct. 1259 (2011). The Department's reviewers have incorporated the Attorney General's FOIA Guidelines, especially the importance of making discretionary releases, into their review procedures. The reviewers are also well-versed in the foreseeable harm analysis and utilize it in every release determination. For reporting purposes, reviewers identify examples of discretionary disclosures they have made and provide it to the Department's FOIA Program Manager.

- If your agency is decentralized, please specify whether all components of your agency have such a process or system in place? N/A

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

Yes.

10. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance on [implementing the President's and Attorney General's FOIA Memoranda](#).

The Department makes discretionary releases in response to FOIA requests, particularly under Exemptions 2, 5 and 7(E)³.

11. 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.

Until 2007, the Department prepared reports entitled "Profile of Asylum Claims and Country Conditions," which were previously withheld in full in response to a FOIA request. These reports were produced for a variety of countries from which there were a large volume of asylum claims. Many of these reports are still found at the Department or in Alien Files, which are maintained by the Department of Homeland Security ("DHS"). In accordance with routine procedures, when DHS locates a report in its files it will refer the report to the Department for review. Portions of these reports are properly exempt from disclosure pursuant to FOIA Exemption (b)(7)(E) due to a concern that the material could provide insights to prospective claimants about how the Department identifies invalid asylum claims. This information could give the claimants a potential "roadmap" for circumventing filters in place. In the past, the Department did in fact withhold this type of material but, now makes a discretionary disclosure of the report in its entirety.

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

N/A.

Other Initiatives:

² 5 U.S.C. §§ 552(b)(2) and (b)(5).

³ 5 U.S.C. §§ 552(b)(2), (b)(5), and (b)(7)(E).

Agencies Receiving More Than 1,000 Requests

13. 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, etc.

Throughout the year, the FOIA Program Manager sends out announcements regarding training internally and externally, and information about changes to implementing the FOIA within the Department. The FOIA Program Manager has instituted an Outreach Program with the Department's bureaus to provide individualized FOIA briefings to Department personnel. The Outreach Program launched in June 2014 with an immediate and fulsome response from bureaus interested in receiving a FOIA briefing for employees who do not perform FOIA duties. The in-person briefings are intended to educate employees on the Department's, as well as their individual, obligations under the FOIA. The presentations give the attendees an opportunity to submit questions in advance of the presentation and to ask additional and follow-up questions afterwards. This format has proved to be a great tool for exposing Department employees to practical information about how the FOIA works and what is expected when they are tasked to conduct a search in response to a FOIA request. In November 2014 the FOIA Program Manager organized a briefing that included employees from eight bureaus. This briefing also included information related to records management and the requirements of Executive Order 13526, Classified National Security Information. This cross-bureau briefing marked the first time that we videotaped a briefing and we have posted the videotape on the internal FOIA SharePoint Site and provided a link to the Department's FOIA contacts. Leveraging the use of the FOIA SharePoint site to make this electronic media easily accessible will place FOIA training on the desktops of Department employees across the globe.

14. 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.

The Department maintains a public website, www.state.gov, that contains a rich collection of information, including speeches, reports, fact sheets, and many other information resources. The Department also updates its public FOIA website, www.foia.state.gov, to make more information available to the public at regular intervals, including documents already released under FOIA.

The FOIA website is easy to navigate, comprehensively informs users about the Department and its records, and offers a robust search feature to access to over 96,000 documents already released under FOIA and available for public viewing. The site also links to over 1.7 million declassified State Department electronic records that have been transferred to NARA.

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

As the Attorney General emphasized in his [FOIA Guidelines](#), "[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.

Please answer the following questions to describe the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

Personnel:

Agencies Receiving More Than 1,000 Requests

1. In the [2014 Chief FOIA Officer Report Guidelines](#), OIP asked agencies about the status of converting all eligible FOIA professionals to the new Government Information Series. If your agency reported that its staff was eligible for conversion but had not yet converted all professionals to the new series, what is the current proportion of personnel that have been converted?

The Bureau of Diplomatic Security has converted its entire FOIA staff to the Government Information Specialist series. The Bureau of Administration's ("A") Human Resources Division is currently evaluating certain positions in IPS for conversion to the new job series. The A Bureau has converted four IPS positions to the new series. To date, 4.8% of Department employees eligible for conversion have been converted.

2. If your agency has not converted all of its eligible employees yet, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

The A Bureau's Human Resource Division is working to convert the remaining eligible IPS FOIA professionals and position descriptions are in the process of being reclassified under the new job series. Conversion is pending Union notification and approval.

Processing Procedures:

Agencies Receiving More Than 1,000 Requests

3. For Fiscal Year 2014, 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 2014 Annual FOIA Report.

The Department's average number of days was 9.15 in Fiscal Year 2014.

- Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2014.

N/A.

4. 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.

N/A.

5. 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.

The Department is generally centralized, except for the Office of the Inspector General and Office of Passport Services, which receive and process their own requests. IPS is the Department's central FOIA office and has FOIA contacts located throughout the Department who are knowledgeable about the proper procedures to follow if a FOIA request is received by a bureau as opposed to IPS. In addition, the Department's internal and external FOIA websites list the proper addresses (e-mail and regular mail) to which FOIA requests should be sent.

6. 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.

See answer to 5. above.

Requester Services:

Agencies Receiving More Than 1,000 Requests

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration? *See OIP Guidance, "Notifying Requesters of the Mediation Services Offered by OGIS."* (July 9, 2010)

Yes. The Department provides contact information for OGIS in its final appeal adjudication letters.

8. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication? *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)

When processing fees are charged in the course of processing a request, the Department's final letter to the requester includes a general explanation of the types of fees charged and the hourly breakdown for duplication, search, and review.

9. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester? *See id.*

Yes. If a fee estimate is high the Department contacts the requester to explain the amount of time spent searching for responsive material, which includes the number of offices that conducted searches and the estimated volume of responsive documents/pages identified. At this point, the Department advises the requester that processing fees may be reduced by narrowing the scope of the request or by agreeing to pay up to a certain dollar amount.

Other Initiatives:

Agencies Receiving More Than 1,000 Requests

10. 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.

In Fiscal Year 2014, the Department received over 10,000 referrals from the Department of Homeland Security's U.S. Citizenship and Immigration Services ("USCIS"). Given the large volume of referrals received each year, IPS regularly assesses the processes in place to review these cases. In many instances this assessment involves working with USCIS to find efficiencies that will reduce the types of documents that must be referred to the Department for review. Recently, IPS identified several inefficiencies in the referral process. For example, IPS identified certain types of reports and memoranda that do not originate with the Department, and therefore, do not need to be sent here for review. Additionally, IPS pinpointed scores of duplicate documents that USCIS had referred here for processing. By taking the time to identify and remove these documents from the 1,000+ referrals received each month, the Department is improving the processing time for referrals and sharing cost saving strategies for both Departments.

The Department's FOIA website has streamlined the administrative process in some respects by allowing for quick access to information at any time of the day and in any location around the globe. With the redesigned website, the Department has been able to satisfy many requests by simply providing a link or directions on where to find the documents on the website.

Section III: Steps Taken to Increase Proactive Disclosures

Both the **President** and **Attorney General** focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

Agencies Receiving More Than 1,000 Requests

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

The Department has a well-established procedure for identifying records that have been processed under the FOIA for posting on the public website, www.foia.state.gov. The Department makes these proactive disclosures on a regular basis. After documents are released in response to a FOIA request the Requester Liaison Division (which manages the Department's FOIA website) works with the Statutory Compliance and Research Division (which processes the requests) to identify documents to be uploaded. Documents released in response to a Privacy Act request are not posted online. In addition, other bureaus within the Department also post documents of wide public interest on www.state.gov.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

In recognition of the fluidity of world events, the FOIA office routinely collaborates with regional bureaus before uploading documents to the public website.

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

Because the Department posts previously released FOIA documents on the FOIA website, www.foia.state.gov, the records posted include frequently requested records.

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

During the reporting period the Department has proactively disclosed documents related to current events at www.foia.state.gov. To access documents the public need only enter a subject into the search engine to locate the documents.

Numerous documents about Benghazi were posted on the Department's website through these links: <http://foia.state.gov/Search/results.aspx?searchText=benghazi&beginDate=&endDate=&publishedBeginDate=&publishedEndDate=&caseNumber>

Materials on the Keystone Pipeline were posted at this link: <http://foia.state.gov/Search/results.aspx?searchText=keystone&beginDate=&endDate=&publishedBeginDate=&publishedEndDate=&caseNumber>, as well as on the Office of Inspector General's website at www.oig.state.gov

As the Secretary's schedule, both former Secretary Clinton and current Secretary Kerry, are requested all the time, the Department proactively provides this information on the website:

<http://www.state.gov/r/pa/prs/appt/2014/index.htm> and at <http://www.state.gov/r/pa/prs/appt/index.htm>

Other Initiatives:

Agencies Receiving More Than 1,000 Requests

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

The Department has dedicated resources to ensuring that documents released pursuant to a FOIA request are posted online regularly. This team of FOIA professionals has made proactive disclosures part of their routine procedures. In addition, the FOIA Program manager emphasizes the Department's policy of making regular proactive disclosures in training sessions with reviewers, case analysts, and bureaus personnel.

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.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that describes your agency's efforts in this area.

Online Tracking of FOIA Requests and Appeals:

Agencies Receiving More Than 1,000 Requests

1. Can a member of the public track the status of his or her request or appeal electronically?

No.

2. If yes, how is this tracking feature provided to the public? For example, is it being done through the regular posting of status logs, an online portal, or through another medium?

N/A.

3. If your agency does provide online tracking, please describe the information that is provided to the requester through this feature. For example, some online tracking features may tell the requester whether the request is "open" or "closed," while others will provide further details throughout the course of the processing, such as "search commenced" or "documents currently in review."

N/A.

4. If your agency does provide online tracking for requesters, does this feature also provide an estimated date of completion?

N/A.

5. If your agency does not provide online tracking of requests or appeals, is your agency taking steps to establish this capability? If not, please explain why?

Yes, in addition to including this capability as part of the Department's concept of operations for the next version of our case processing and document management system, the Department is currently exploring IT development strategies, necessary to provide this capability. As all of the case processing is done on a separate classified network, the Department is exploring how the data could be loaded onto the unclassified front facing server, and if the information offered would be helpful to the requester.

Currently, requesters may e-mail the FOIA Requester Service Center at foiastatus@state.gov or call (202)261-8484 for a request status inquiry and an estimated completion date.

Making Material Posted Online More Useful:

Agencies Receiving More Than 1,000 Requests

6. Beyond posting new material, is your agency taking steps to make the posted information more useful 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, the Department's redesigned FOIA website provides better search capability to access documents that the Department adds regularly, as well as step-by-step guide to understanding the FOIA's legal requirements, and the FOIA administrative process at the Department. Furthermore, the Department's FOIA website offers users the opportunity to provide feedback about their experience using the website.

7. If yes, please provide examples of such improvements.

- If your agency is already posting material in its most useful format, please describe these efforts.

The improvements made to the Department's FOIA website allow the public easy access to PDF (portable document formatted) documents that are Section 508 compliant and are located via a robust search engine. The search engine identifies document through important metadata or via a full-text search.

8. 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?

The Department's FOIA Program Manager and representatives of the IT staff that support the FOIA Program participate in the inter-agency Open Government meetings and have had some interaction with the Department's IT division representatives also participating in these meetings.

9. 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.

The FOIA Program regularly advises requesters of the availability of a large number of documents on the Department's FOIA website through e-mail and telephone communications. In addition, the Department has a very active social media presence. For instance, www.state.gov provides proactively disclosed access to information via YouTube, a blog, Tumblr, twitter, Facebook, Flickr, Instagram, and Google+. Additionally, the public can stay in touch with the Department and learn about actions via a mobile app, videos, an RSS feed, subscription, and a "Contact Us" form.

For the Ebola outbreak, the Department created a webpage at <http://www.state.gov/p/af/rt/health/ebola/index.htm> to proactively provide information about the efforts to respond to the worldwide crisis.

Secretary Kerry's schedule of meetings and travel have been nonstop since his arrival. On the Department's website, <http://www.state.gov/secretary/travel/index.htm>, requesters can access information about the countries visited and even click on an interactive map to learn more about the visits.

The Bureau of Public Affairs also maintains the Major Department Publications page, <http://www.state.gov/r/pa/ei/rls/dos/221.htm>, which links to reports that the Department prepares throughout the year.

The Department also provides access to information about current emerging topics, such as the events occurring in the Ukraine, which can be found on the "Ukraine Remarks" page at <http://www.state.gov/p/eur/ci/up/c34194.htm>.

The Department also publishes a variety of works that provide insightful information about the Department's mission. For example, the Department publishes annually *Treaties in Force* to provide information on treaties and other international agreements to which the United States has become a party, as of January 1st in its most recent publication year. An electronic edition of *Treaties in Force* is available in text-searchable PDF format at <http://www.state.gov/s/l/treaty/tif/index.htm>.

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

Yes.

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

The FOIA Program endeavors to post on a regular basis the documents that are released to FOIA requesters. In

light of the fact that the Department's mission produces very sensitive records with multiple agency and foreign government equities, careful attention to international events and political sensitivities that are both recent and decades old is a necessity. The Department is meeting this challenge through close collaboration with the subject matter experts in bureaus, posts and offices before making a proactive disclosure of certain sensitive documents.

Use of Technology to Facilitate Processing of Requests:

Agencies Receiving More Than 1,000 Requests

12. 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 addition to recent enhancements that have improved the productivity of our duplicate detection resolution capabilities, we are currently exploring the capability of adding content comparison capabilities to further enhance the productivity of our duplicate detection and, by extension, our review processes. Furthermore, we are currently exploring options to accommodate for the electronic ingestion of documents and a multimodal (CD/DVD, e-mail, and/or online delivery) electronic delivery capability.

In addition, the Department is continuing to enhance the search capability of its corporate electronic archive, known as the State Archiving System ("SAS"). The FOIA Program searches SAS to locate responsive records. This system provides FOIA professionals with the tools to quickly and effectively carry out extensive searches for responsive records. An updated version of SAS is scheduled for release this fiscal year. This version of SAS will include over 70 developmental enhancements designed to improve and refine the search and retrieval capability of the archive, in addition to vastly improving the user experience and interoperability of the system with the classified FOIA case processing system.

In addition, the Department's FOIA Program has begun to use Inteldocs, which is a collaborative work space used for sharing sensitive documents developed by the Office of the Director of National Intelligence. Inteldocs is streamlining our internal processes as well as the referral and consultation process with other National Security agencies and with other agencies that can access Inteldocs.

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

Yes, the Department is exploring an upgrade in the system infrastructure to increase efficiency and productivity.

Other Initiatives:

Agencies Receiving More Than 1,000 Requests

14. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

Yes.

- Please see OIP's [guidance](#) for posting of quarterly reports to ensure that your agency is following all required steps (including using the correct file type and URL structure) so that your quarterly reports are properly appearing on FOIA.gov. (If your reports are posted to your website, but not appearing of FOIA.gov, please contact OIP in order to resolve the issue.)

15. 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 for ensuring that such reporting is successful in Fiscal Year 2015.

N/A.

16. 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)

Yes.

If yes, what are the different types of electronic means are utilized by your agency to communicate with requesters?

The FOIA Program uses e-mail communication to contact requesters. As stated above, requesters may contact the Department for a request status update via foiastatus@state.gov. In addition, FOIA professionals very effectively contact requesters by telephone and fax.

17. If your agency does not communicate electronically with requests 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.*

N/A.

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

The [President](#) and the [Attorney General](#) have emphasized the importance of improving timeliness in responding to requests. This section 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. *For the figures required in this Section, please use the numbers contained in the specified*

sections of your agency's 2014 Annual FOIA Report and, when applicable, your agency's 2013 Annual FOIA Report.

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.

Agencies Receiving More Than 1,000 Requests

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

Yes, the Department utilizes a separate track for simple requests. The Department's track for simple requests includes simple requests that the Department receives directly and documents referred to the Department by other agencies for direct response to the requester. In Fiscal Year 2014 the Department received over 10,000 simple cases referred here for processing by the U.S. Citizenship and Immigration Service. These cases composed more than 50% of all incoming requests and account for the majority of cases in the simple request track.

2. If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

No.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

In Fiscal Year 2014, 82% of all requests processed by the Department were in the simple request track, which equates to approximately 11,900 requests out of a total of 14,400 requests processed.

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

N/A.

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. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

Agencies Receiving More Than 1,000 Requests

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

The backlog increased in Fiscal Year 2014.

- 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

The following reasons contributed to the increased backlog this year.

- The number of requests received by the Department increased in Fiscal Year 2014 to 19,696, a five percent increase from 18,753 requests received in Fiscal Year 2013.
- The FOIA Program lost 18 employees in 2014 out of a total of 125 employees. The turnover in personnel not only leaves gaps in substantive areas, but it is also very disruptive, requiring the Department to redirect resources to train new personnel.
- Over one-third of the requests received in Fiscal Year 2014 were placed in the complex request track. This represents an increase of approximately 5% over the number of complex requests received by the Department in FY 2013. Complex requests require searches in multiple bureaus/posts/offices, result in large quantities of potentially responsive documents to review, and involved sensitive documents that may have multiple agencies' equities, as well as foreign government equities.
- During this fiscal year the Department experienced a 60% increase in FOIA lawsuits over those received in Fiscal Year 2013. The majority of new lawsuits involved voluminous sensitive records that required careful coordination with other federal agencies, and in some cases other foreign governments. To meet the demands of this upswing in FOIA lawsuits, the Department reallocated resources from FOIA processing to FOIA litigation, which directly impacted efforts to manage and reduce the backlog of pending FOIA requests that are not in litigation.
- The Department reallocated FOIA processing resources to provide assistance to the Department on significant special document productions throughout the fiscal year.

6. 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 2014.

- To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2014 Annual FOIA Report by the number of requests received in Fiscal Year 2014, 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.

Fifty-one percent of requests received in Fiscal Year 2014 make up the backlog.

BACKLOGGED APPEALS

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

In Fiscal Year 2014, the FOIA appeals backlog decreased by 13.7 %.

- If not, explain why and describe the causes that contributed to your agency not being able reduce backlog. When doing so, please also indicate if any of the following were contributing factors:
 - An increase in the number of incoming appeal
 - A loss of staff
 - An increase in the complexity of the appeals received

N/A.

8. 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 2014. If your agency did not receive any appeals in Fiscal Year 2014 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 2014 Annual FOIA Report by the number of appeals received in Fiscal Year 2014, 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.

In Fiscal Year 2014, 66% of the appeals received make up the backlog.

Backlog Reduction Plans:

Agencies Receiving More Than 1,000 Requests

9. In the 2014 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2013 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year?

No. As the Department's backlog decreased in the previous fiscal year, a plan was not provided.

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 2014? N/A.

10. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2014, what is your agency's plan to reduce this backlog during Fiscal Year 2015?

The Department is implementing the following plan in Fiscal Year 2015:

- Reach out to requesters to discuss complex requests to find ways to narrow the scope of the request and/or prioritize documents of interest to streamline the search and review process.
- Reach out to other agencies to discuss ways to better coordinate FOIA referrals and consultations to eliminate unnecessary referrals and consultations between agencies, with the goal of developing a memorandum of understanding to establish collaborative procedures.
- Improve the categorization of simple and complex requests, and develop methods to reduce the processing time of expedited requests. This plan includes a review of all currently pending

requests to find ways to process them quickly and/or reach out to the requester to discuss next steps to providing responsive documents. Following the evaluation, requests will be reassigned, as needed.

- The Department has set a goal to complete all expedited requests and all cases pending prior to 2010 by the end of the fiscal year. Full implementation of this plan will result in addressing some of the longest pending requests in the Department.

Status of Ten Oldest Requests, Appeals, and Consultations: Section VII.E, entitled “Pending Requests – Ten Oldest Pending Requests,” Section VI.C.(5), entitled “Ten Oldest Pending Administrative Appeals,” and Section XII.C., entitled “Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency,” show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

Agencies Receiving More Than 1,000 Requests

TEN OLDEST REQUESTS

11. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Yes.

12. 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 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed six of them, you should note that you closed six out of seven “oldest” requests.

N/A.

13. 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?

One request was withdrawn by the requester. An interim response was not provided prior to the withdrawal of this request.

TEN OLDEST APPEALS

14. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No.

15. 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 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

The FOIA Program closed nine out of ten of the oldest appeals.

- For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C.(5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.

TEN OLDEST CONSULTATIONS

16. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Yes

17. 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 2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

- For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.

N/A.

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

Agencies Receiving More Than 1,000 Requests

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

The one appeal that remains open involved multiple obstacles, including reassignment upon the departure of a reviewer and intra-agency coordination between the bureau that originated the information and the Office of the Legal Adviser. Currently, this case is in the close out stage.

It is very difficult to ascribe one factor as the biggest obstacle in closing cases. Each case presents a unique situation and requires the careful analysis of the law to specific facts and circumstances that do not always produce predictable results on a scheduled time table. This case is a good example of the need to review each case on its distinct set of facts. The case presented itself as deceptively routine, yet proved to be legally complicated with numerous administrative obstacles along the way.

19. 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.

N/A

20. 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 2015.

The Department plans to work more closely with bureaus and the Office of the Legal Adviser on complex appeal issues to increase understanding of the application of FOIA exemptions.

Interim Responses:

Agencies Receiving More Than 1,000 Requests

21. 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.

22. If your agency had a backlog in Fiscal Year 2014, 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 has made interim releases directly to requesters in 317 cases in Fiscal Year 2014. Further, the Department provided 405 separate releases within those 317 cases because multiple interim releases were appropriate in certain cases.

Use of the FOIA’s Law Enforcement Exclusions

Agencies Receiving More Than 1,000 Requests

Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014?

No.

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

N/A.

Success Story

Agencies Receiving More Than 1,000 Requests

Out of all the activities undertaken by your agency since March 2014 to increase transparency and improve FOIA administration, please briefly 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.

The success stories of Fiscal Year 2014: show the commitment each FOIA professional displays on a daily basis:

- The Department's FOIA Appeals Officer, with the help of a dedicated reviewer and the Appeals Review Panel, managed to once again exceed the 10% annual backlog reduction goal. The Appeals Officer achieved this milestone by communicating with requesters to build rapport and to provide information about the Department's administrative process, by carefully analyzing the facts of each appeal in connection with the FOIA Program's search methods, by coordinating with offices all over the world, and by working within the FOIA office to have cases reviewed in a timely manner. In addition, the Appeals Officer checked in frequently with bureaus and set deadlines which assisted in exceeding the Department's goal.
- The Department's team that focuses on closing the oldest and most complex pending requests once again reached the milestone of closing the ten oldest pending FOIA requests. The creation of this team has proved successful each year in reaching the goal of closing the ten oldest FOIA requests and consultations. Their dedication to working on some of the most complex cases, involving large volumes of records and multiple agency equities is commendable and has allowed for the sharing of best practices in case management.
- The Department has an excellent group of FOIA professionals who handle a very large case load. This fiscal year to enhance case management skills the Department's FOIA professionals attended a one-day cross-training program that focused on best practices for efficient case management and conducting adequate searches for records. The instructors for this cross-training were some of the FOIA Program's most seasoned professionals. In the afternoon, the FOIA professionals applied the practices discussed in the morning session to review pending cases with the goal of determining how best to move cases to completion. The training was well-received and FOIA professionals expressed appreciation for having the opportunity to learn from the experts who have a wealth of practice experience in the Department.