



U.S. DEPARTMENT OF STATE

*CHIEF FREEDOM OF INFORMATION ACT OFFICER
ANNUAL REPORT
MARCH 2016*

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. The Freedom of Information Act (FOIA) requests received by the Department are often a mixture of complex subject matters regarding terrorism, armed conflicts, foreign government relations, security, and diplomacy that require multiple searches throughout many of the Department's 275 domestic offices and posts, often involving the review of classified or highly sensitive materials, as well as coordination with other federal agencies. In many of these cases, searches locate voluminous amounts of paper and electronic records that must be reviewed by subject matter experts within the Department and at various agencies in the U.S. Government to determine whether the release of the information would potentially harm U.S. national security or damage relations with foreign governments, among other sensitivities.

The Department makes every effort to respond to FOIA requests within the statutory response period. 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, due to a number of factors the Department's FOIA backlog increased by 105 percent. The number of FOIA and Privacy Act requests received during FY 2015 increased by 26 percent to nearly 25,000 requests. The Department experienced an 84 percent jump in FOIA lawsuits in comparison to the prior fiscal year. Additionally, the processing of the approximately 55,000 pages of former Secretary of State Hillary Rodham Clinton's emails that she provided to the Department in December 2014 (Clinton emails) required an enterprise-wide reallocation of significant resources to meet the monthly production deadlines ordered by the Court in the lawsuit associated with these emails; there are now roughly 300 requests – some in litigation – for records from this collection. The dramatic increases in the FOIA work load and the resource realignments made to address the many court-ordered deadlines associated with the increased litigation directly affected the Department's ability to process other FOIA requests within the twenty-day statutory response time. Throughout 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.

reporting period the Department struggled to keep up with the influx of new FOIA requests mostly due to the large volume of incoming requests, but also due to the reassignment of a substantial number of FOIA professionals from processing requests to processing the Clinton emails. This realignment of resources significantly hampered the Department's ability to process FOIA and Privacy Act requests and FOIA litigation cases, as 60 IPS employees from virtually every division within IPS were reassigned to work on processing the Clinton collection.

In prior years, the Department's ability to process FOIA requests within the statutory time period was negatively impacted by the receipt of the thousands of FOIA referrals coming into the Department even though the Department had dedicated a team to process only these referrals. With the realignment of resources to process the Clinton emails in May 2015, the Department was unable to continue processing new referrals and halted the entry of such referrals into the case management database. IPS estimates that the Department received over 16,000 referrals and consultations during the reporting period. Since May 2015 IPS estimates that the Department received 6,209 U.S. Citizenship and Immigration Service (USCIS) referrals that have not been entered into the case management database. In calculating the number of USCIS referrals received this fiscal year, IPS used the number of referrals received from October 1, 2014 through May 1, 2015 to estimate the number of referrals received for the remainder of the fiscal year.

Nevertheless, despite these challenges, the FOIA staff at the Department continued to manage high caseloads and provide quality responses to requests that have become predominantly complex in nature. IPS also continued to make interim releases of processed documents to provide information to requesters as it is processed. The information available on the Department's FOIA website reached to over 100,000 documents during the reporting period. In fiscal year 2015, the website has hosted, on average, over 1,000 visitors daily, up from approximately 400 daily visitors in FY 2014. In addition, in September 2015, the Department solicited 50 individuals to be temporarily assigned to IPS to assist in responding to FOIA requests and FOIA litigation. Given the nature of the Department's records, these individuals needed a TOP SECRET clearance. For this reason, this effort targeted Department employees, family members of Foreign Service Officers who could be brought on board quickly, former employees, and detailees from other agencies. As of February 2016, 33 detailees had begun work and IPS expects to have a total of 50 new employees to assist in State's FOIA-processing efforts in FY 2016.

The Department is committed to the 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.

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 several bureaus, posts and offices throughout the reporting period. This training included information regarding employee's FOIA responsibilities, the use of certain FOIA exemptions to protect exempt information, the foreseeable harm analysis, and the FOIA's procedural requirements. This training also provided information regarding the requirements of Executive Order 13526, Classified National Security Information, and the relationship between records management and FOIA.

In addition, IPS also has an established FOIA training program for its reviewers, which is scheduled to occur three to four times a year. The State Department's reviewers are retired Foreign Service Officers with the status of re-employed annuitants and are selected for their geographic and subject matter expertise in the material they will be reviewing. In this training, the reviewers receive instruction in the FOIA and Executive Order (E.O.) 13526, Classified National Security Information (a high percentage of the material reviewed under the FOIA at State is classified.) IPS also provides half day training sessions three to four times a year for reviewers. This training is designed to inform reviewers in the latest developments in FOIA law and practice, and developments in the application of E.O. 13526. The sessions also provide an opportunity for interchange with FOIA managers concerning goals and objectives of the program as well as with the information technology personnel who support the FOIA case management database that reviewers use to process documents in response to FOIA requests. An additional value of the sessions is the exchange of ideas on how to improve FOIA processing and to ensure that internal procedures are being applied consistently. During the reporting period, many reviewers were assigned to work on the HRC Project; therefore, the schedule for this training was changed and was provided only once during FY 2015. The Department plans to resume the

regular training schedule in April 2016.

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.

N/A

4. 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, some of 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. Some of the Department's FOIA professionals also attended training programs sponsored by the American Society of Access Professionals.

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.

Approximately ten percent of the Department's FOIA professionals attended substantive FOIA training during this reporting period.

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.

Traditionally, the Department holds 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. However, during the reporting period the Department did not hold the annual FOIA training program due to the need to focus all resources on processing the approximately 55,000 pages of emails the Department received from former Secretary of State Hillary Rodham Clinton to meet court-imposed monthly production deadlines. The Department anticipates that it will complete processing this material in February 2016, and will hold the annual FOIA training program in October 2016.

Department employees have access to videotaped FOIA training sessions covering a wide range of topics, which they can view on the Internet, a FOIA SharePoint site and on BNet, the Department's broadcasting station.

Outreach:

Agencies Receiving More Than 1,000 Requests

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?

- 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.
- Example: An agency receives numerous requests from one organization seeking similar types of records. The organization does not know how the agency organizes its records or how its FOIA professionals must conduct searches. When submitting FOIA requests, the organization often submits broad requests that take a long time to process and that result in the review of a lot of records that are ultimately of no interest to the requester. The agency holds a meeting with the organization to discuss its record keeping system, search capabilities, and overall FOIA process to assist the organization in the formulation of future FOIA requests. Because of the meeting, the organization now submits more targeted requests that result in the agency being able to provide the requester the records it is interested in more quickly.

During the reporting period, the Department regularly interacted with numerous requesters regarding the processing of the Clinton emails as this effort related to pending requests for access to this material that were not the subject of litigation. 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' 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, which provided an opportunity to interact with the requester community and open government groups.

8. 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

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.

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 Exemption 5. 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.

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

N/A

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? 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 routinely makes discretionary releases in response to FOIA requests, particularly under Exemption 5. For this reason, the Department routinely makes discretionary disclosures of draft documents after conducting the foreseeable harm analysis.

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.

See response to Question 11 above.

13. If your agency was not able to make any discretionary releases of information, please explain why. For example, you should note here if your agency did not have an opportunity to make discretionary disclosures because you provided full releases in response to all requests or the only exemptions that were applied were those that do not lend themselves to discretionary release (i.e. Exemptions 1, 3, 4, 6, 7A, 7B, 7C, 7F).

N/A

Other Initiatives:

Agencies Receiving More Than 1,000 Requests

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, etc.

The FOIA Program Manager regularly interacts with Department employees throughout the Department regarding FOIA issues. The FOIA Program Manager also provides training regarding employee's FOIA responsibilities and about any changes to the Department's policies implementing the FOIA. Through the FOIA Program Manager's Outreach Program with the Department's bureaus, Department personnel have access to individualized FOIA briefings. Experience has shown that this type of training is a great way to provide employees with 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. Throughout the reporting period, the FOIA Program Manager and an attorney from the Department's Office of the Legal Adviser, and in some instances IPS's Director and the Chief of the Programs and Policies Division, provided FOIA briefings to employees from five bureaus. These briefings also included information related to records management and the requirements of Executive Order 13526, Classified National Security Information.

Additionally, in January 2016, the Secretary of State issued a Department notice to all employees emphasizing the importance of FOIA.

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.

The public has access to a wealth of information about the Department's mission and activities on the public website, www.state.gov. 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 the FOIA.

The documents available on the Department's FOIA website reached to over 100,000 documents in FY 2015 and the average number of daily visitors to the website jumped to 1,000 this year. 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.

Processing Procedures:

Agencies Receiving More Than 1,000 Requests

1. For Fiscal Year 2015, 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 2015 Annual FOIA Report.

- Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2015.

In FY 2015, the average number of days for adjudicating requests for expedited processing was 10.49 days.

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

In FY 2015, several members of the team that adjudicates requests for expedited processing were assigned to work on the HRC Project. In FY 2016, these employees will return to this team and the Department anticipates that all requests for expedited processing will be adjudicated within ten calendar days or less.

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.

N/A

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.

The Department is in compliance with OIP's new guidance, and affords requesters 45 days to confirm continued interest in a pending request.

Requester Services:

Agencies Receiving More Than 1,000 Requests

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.

IPS has assigned an additional employee to respond to public inquiries regarding pending FOIA requests and the Department's FOIA processes. This employee serves as an alternate to the FOIA Public Liaison to improve the efficiency of our responses to public inquiries about the Department's FOIA process and to provide details about the processing of individual requests. This employee also assists in resolving disputes between FOIA requesters and the Department.

Other Initiatives:

Agencies Receiving More Than 1,000 Requests

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.

Many of the FOIA requests received by the Department seek access to documents relating to visa and passport matters. The Department also receives a very large volume of referrals from the U.S. Citizenship and Immigration Service (USCIS) each year that also relate to these matters. During the reporting period, IPS collaborated with USCIS in revising the procedures for processing I-590 forms. The I-590 form serves as registration for classification as a refugee. The new procedures allow for a streamlined review of the form by IPS for release to the requester without the need to refer the form to USCIS. The new procedure reduces the processing burden for USCIS and the Department, and also reduces the time needed to respond to a request.

In addition, several Department offices and bureaus have established shared drives for uploading documents that are located in response to FOIA requests, which provides an efficient way to provide the documents to IPS for processing.

During the reporting period, IPS also revised procedures for opening referrals from the National Visa Center (NVC) in an effort to reduce the time needed to process these documents. IPS processes most referred documents that are responsive to FOIA requests in a classified database, which requires several steps to prepare the documents for scanning into the system for review. The new procedure eliminates

the need to scan most of the documents referred from NVC into the case management database because they consist of screen shots from NVC's unclassified system that can be processed outside our classified database. This procedure allows these referrals to be assigned to case analysts more quickly and assists in reducing the number of documents that must be scanned into the case management database for processing.

IPS has also revised its procedures for tasking searches to embassies and posts located around the globe. The Department had a practice of communicating with embassies and posts through an automatic cable distribution system. IPS case analysts used this system when tasking embassies and posts to conduct searches in response to FOIA requests. The steps to preparing a cable to send to overseas personnel required reproducing the entire FOIA request in the cable. To reduce the time needed to prepare a cable tasking an embassy or post to conduct a search in response to a FOIA request, IPS eliminated the need to transmit search instructions by cable and implemented the use of electronic communications to send this information with the request letter sent as an attachment. This change has reduced the time needed to send search taskers overseas. The new procedure also ensures that any personally identifiable information associated with an access request is sent only to appropriate personnel at the embassy or post, and not distributed through the automated cable distribution system.

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. 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.

The Department continues to employ a well-established procedure for identifying records that have been processed under the FOIA for posting on the public website, www.foia.state.gov. 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 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.

See comment in #1.

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.

To prepare documents for posting on the Department's FOIA website, IPS's IT staff converts each document to a 508 compliant format known as PDF-A (portable document format) before the documents go through the optical character recognition process. This entire process is estimated to take between 1 and 5 hours to complete depending on the volume of documents being converted.

In addition, the Department processes FOIA requests in a case management database that is approved for classified material. To post documents online, IPS must move documents from the classified database to an unclassified network, which is a time consuming effort, and adds a potential for spillage of classified material.

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 those challenges.

The Department's international mission and the unpredictable pace of evolving world events combine to present concerns relating to the posting of documents that may quickly become sensitive as a result of both domestic and international events. To address this concern, IPS works closely with subject matter experts in determining which documents to post.

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

Given the considerable public interest in former Secretary of State Hillary Clinton's emails, the Department began an ambitious project to review this material for public release, consistent with the FOIA, to make the releasable portions of the approximately 55,000 pages available to the public by posting them on the Department's FOIA website at www.foia.state.gov. This plan aimed to make the maximum number of records available to the public in the shortest amount of time, while being considerably more efficient than reviewing the documents piecemeal, in response to multiple subject-specific FOIA requests.

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.

Each month during the course of processing the Clinton emails, the Department announced the proactive disclosure of this material on the Department's FOIA website in a daily press briefing.

Other Initiatives:

Agencies Receiving More Than 1,000 Requests

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

N/A

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 that describes your agency's efforts in this area.

Making Material Posted Online More Useful:

Agencies Receiving More Than 1,000 Requests

1. 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 FOIA website makes public information easier to find, and allows the public to file FOIA

requests more easily. The website features robust search functions and provides more detailed information and guidance on how to make a request for Department records and information. The FOIA website features include: (1) a “Learn” section that assists the public in determining whether the information they seek falls within the Department’s mission; (2) step by-step instructions for submitting requests, along with detailed checklists to help ensure that all the information necessary for filing a valid request is submitted and an enhanced tool for filing requests online; and (3) a Feedback Form to solicit comments to assist the Department in making refinements and/or improvements to the site.

By the end of Fiscal Year 2015, the website’s Virtual Reading Room contained over 110,000 documents already released to the public pursuant to FOIA, mandatory declassification review requests under Executive Order 13526 or other declassification reviews, and covers a wide range of topics. This number includes approximately 18,000 newly-posted documents, which is the largest number of State Department FOIA documents newly posted online in one fiscal year and an amount that allowed the Department to exceed one of its milestones under its Open Government Plan. The Department will continue to increase the amount of information available to the public on the FOIA website. There is also a wealth of other links to additional information resources in and outside the State Department, including a link to declassified Department records available online at the National Archives and Records Administration.

2. 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 Department currently posts documents to its FOIA website that are in PDF format and are searchable through metadata provided for each document or via full-text searches. All documents are put through an optical character recognition process and the public is able to search for key words and terms. The metadata provided for each document on the website includes subject (title), date, and to and from lines, which assists the public in locating documents of interest. The improvements made to the Department’s FOIA website allow the public easy access to PDF documents that are Section 508 compliant.

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?

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 to discuss ways to post information online.

Use of Technology to Facilitate Processing of Requests:

Agencies Receiving More Than 1,000 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 1 of your Chief FOIA Officer Report.

During the reporting period, IPS employees received updates on using the Department's FOIA case processing system, FREEDOMS2. This system allows the user community to track, redact, classify, declassify, and finalize all documents prior to releasing information to the public. It also allows the user to create all correspondence related to each individual case. The system tracks all potential duplicates within the system, which allows for more consistent review and gives the users a central location for all case documentation. This makes FOIA case processing more efficient and accurate.

During FY 2015 FOIA Staff participated in a User Group for testing the enhanced State Archiving System (SAS), which is an automated interface to the Department's Central Foreign Policy File (Central File). SAS allows employees to search the full text of millions of telegrams and other substantive correspondence documents in the Central File. SAS has the ability to store, search, retrieve, and manage mission-critical, historical and sensitive cables, record emails and written correspondence. IPS set up the SAS enhancement project to address over 100 user requests for changes to the system. The SAS User Group vetted and prioritized the requirements for these changes. IPS rolled out an enhanced SAS in early FY 2016.

5. Beyond using technology to redact documents, is your agency taking steps to use 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.

IPS has an outreach program with other Department bureaus to share information about the use of the FREEDOMS2 system to process FOIA requests. The IT staff has been gathering business requirements from decentralized FOIA processing bureaus to utilize in determining if the same FOIA processing platform can be used throughout the Department as a cost effective measure, and to standardize the Department's FOIA process. The FREEDOMS2 system tracks all potential duplicates within the system, allowing for more consistent review and providing users with a central location for all case documentation. All of these features make FOIA case processing more efficient and accurate.

The SAS enhancement project mentioned above also improved the efficiency of conducting searches of the Central File in response to FOIA requests.

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

IPS is looking toward designing and implementing a secure file transfer system, which will allow employees to share information with internal bureaus and posts and greatly facilitate the internal review of documents that are responsive to FOIA requests. In addition, IPS is developing a way to handle electronic delivery and ingestion of material in FREEDOMS2. Currently, for security reasons, material cannot be electronically ingested into the classified case management database. The development of this capability will allow for faster processing of material because it will allow IPS to receive documents via DVD for ingestion into the system straight from the electronic media versus having to print and scan documents into the system. Additionally,

IPS will provide requesters will the option to receive responsive documents via DVD rather than in hard copy.

Other Initiatives:

Agencies Receiving More Than 1,000 Requests

7. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

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.)

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 for ensuring that such reporting is successful in Fiscal Year 2016.

N/A

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?

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 effectively contact requesters by telephone and fax. Some of the Department's decentralized bureaus use electronic means 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.

10. 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.*

- 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.

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 2015 Annual FOIA Report and, when applicable, your agency's 2014 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 requests that the Department receives directly and documents referred to the Department by other agencies for direct response to the requester.

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?

No

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

In FY 2015, 81 percent of the requests that the Department processed were in the simple track.

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

The backlog increased in Fiscal Year 2015.

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

The following reasons contributed to the increased backlog this year.

- The number of requests received by the Department increased in Fiscal Year 2015 to 24,837, a 26 percent increase from 19,696 requests received in Fiscal Year 2014.
- Over one-third of the requests received in Fiscal Year 2015 were placed in the complex request track. This represents an increase of approximately 27 percent over the number of complex requests received by the Department in FY 2014. Complex requests require searches in multiple bureaus/posts/offices, which result in large quantities of potentially responsive documents to review, and involve sensitive documents that may have multiple agencies' equities, as well as foreign government equities.
- During this fiscal year the Department experienced an 84 percent increase in FOIA lawsuits over those received in Fiscal Year 2014.
- To meet court-imposed production deadlines associated with the processing of former Secretary of State Hillary Clinton's emails, IPS reassigned IPS employees from working on processing FOIA requests and FOIA litigation cases to working on the HRC Project.

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.

The backlog consists of 83 percent of requests received in Fiscal Year 2015.

BACKLOGGED APPEALS

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

No

9. 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
- Any other reasons – please briefly describe or provide examples when possible.

The Department's backlog of FOIA appeals increased in Fiscal Year 2015 because the reviewers who process appeals were reassigned to work on the HRC Project, and the Appeals Officer was reassigned to work on FOIA litigation cases to assist with a large increase in the number of new litigation cases.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.

In Fiscal Year 2015, 155 percent of the appeals received during the fiscal year make up the appeal backlog.

Backlog Reduction Plans:

Agencies Receiving More Than 1,000 Requests

11. In the 2015 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2014 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year?

In light of the reallocation of significant resources to process the emails of former Secretary of State Hillary Clinton, IPS did not implement a Office-wide backlog reduction project in FY 2015. In FY 2015, IPS did collaborate with the U.S. Citizenship and Immigration Service (USCIS) to streamline the referral of the I-

590 form, which assisted in processing these documents more quickly. In addition, IPS continued to implement backlog reduction strategies that were utilized in FY 2014 with limited success due to resource reallocation to work on the HRC Project.

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?

The Department is implementing the following plan in Fiscal Year 2016:

Late in Fiscal Year 2015, IPS and the Bureau of Consular Affairs (CA) began to collaborate on a plan to reduce the FOIA backlog. Approximately one third of the Department's FOIA backlog consists of requests that seek access to CA-related records. Unlike other Department bureaus, CA has three decentralized FOIA components - the Office of Overseas Citizens Services, the Office of Passport Services, and the Visa Office - which process requests for access to records originating in, or most closely associated with, these components. This project included augmented teams of employees in each component working to process backlogged cases. CA worked with IPS to ensure that IPS's case management database was properly annotated when a case is closed. We anticipate IPS's Department-wide efforts, and CA's efforts in particular, to improve the efficiency of FOIA operations and reduce or avoid backlogs will be enhanced significantly by the work of the State Department's new Transparency Coordinator, appointed in September 2015. The Coordinator is leading cross-bureau collaborative efforts to build more efficient internal FOIA administrative processes throughout the Department and taking best advantage of available technology.

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 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

Agencies Receiving More Than 1,000 Requests

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?

No

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2014 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.

In FY 2015, the Department closed nine of the ten oldest pending requests. The Department closed the tenth oldest pending request less than two weeks into FY 2016.

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

Among the nine oldest requests that the Department closed in FY 2015, three requests (one direct request and two referrals) were withdrawn by the requester. IPS did not make an interim response prior to the withdrawal of the direct request.

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

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. If you had less than ten total oldest appeals to close, please indicate that.

- 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.

The Department closed four of ten of the oldest appeals.

TEN OLDEST CONSULTATIONS

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

Yes

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.

- 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

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.

The Department closed nine of the ten oldest requests, but faced challenges with closing the last of the ten oldest requests because this request involved a large volume of highly classified documents that could not be scanned into IPS's case management database, which is approved up to the level of SECRET, or maintained within IPS due to the level of classification. In addition, IPS has only a few reviewers with the appropriate security clearance who could visit the off-site location to review the documents.

The Department's efforts to close the ten oldest appeals in Fiscal Year 2015 were impacted by the enterprise-wide reallocation of IPS personnel from processing appeals to working on meeting the court-imposed production deadlines relating to the processing of the emails of former Secretary of State Hillary Clinton. In addition, with the large increase in FOIA litigation cases, the Appeals Officer was reassigned to handle litigation cases.

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.

N/A

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 Department anticipates that the employees who were reassigned to work on the HRC Project will return to processing requests and reviewing appeals. Similarly, the Appeals Officer will be able to focus on processing appeals on a part-time basis during FY 2016.

Interim Responses:

Agencies Receiving More Than 1,000 Requests

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 made 1,124 interim releases directly to requesters in Fiscal Year 2015.

Use of the FOIA's Law Enforcement Exclusions

Agencies Receiving More Than 1,000 Requests

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

No

2. 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 2015 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 2015 show the commitment each FOIA professional displays on a daily basis:

- The Statutory Compliance and Research (CR) Division made the following process improvements: (1) a working group of division branch chiefs revised a case-processing worksheet to standardize processing methods across the division and built efficiencies into the processes; and, (2) the institution and use of standardized status reports to assist in tracking cases, analyzing pending cases, and to increase the use of statistics to manage the workload.
- During the reporting period, the Department's FOIA Office addressed unique challenges in processing approximately 55,000 pages of former Secretary of State Hillary Clinton's emails. The Department has made large monthly productions of tranches of emails publicly available on the Department's FOIA website. The effort to process this large volume of records from a very recent

Secretary of State is unprecedented and required an enterprise-wide reordering of priorities and goals for the fiscal year. The need to reassign 60 employees from working on FOIA requests, appeals and litigation to work on this effort had a significant impact on IPS as a whole. In some program areas employees were asked to continue program operations while also contributing to the HRC Project on a daily basis. In other program areas, the employees who continued to process FOIA requests and FOIA litigation were required to assume additional responsibilities to handle the duties of reassigned employees. In the divisions that process FOIA requests and FOIA litigation, the number of cases each employee handled increased significantly as they were asked to manage the cases of a reassigned employee. At the same time, IPS experienced a substantial increase in the number of new requests and litigation cases, which the employees were also asked to manage. Many employees have worked very long days and weekends to address the increased work while continuing to have a “can-do” attitude in getting the job done. While the above reordering of priorities during FY 2015 negatively impacted the Department’s overall ability to reduce the backlog of FOIA requests and appeals, the hard work of all of IPS’s employees is a clear demonstration of their personal dedication and commitment to FOIA.