



## **U.S. DEPARTMENT OF STATE**

*CHIEF FREEDOM OF INFORMATION ACT OFFICER  
ANNUAL REPORT  
MARCH 2018*

## 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 foreign government relations, diplomacy, terrorism, armed conflicts, and security; they can require multiple searches throughout many of the Department's approximately 270 domestic offices and overseas posts. In many of these cases, searches locate voluminous amounts of paper and electronic records, often containing highly classified or otherwise sensitive information that must be reviewed by subject matter experts within the Department, as well as other U.S. Government agencies or foreign governments. These reviews are required to determine whether the release of the information could harm U.S. national security or damage relations with foreign governments, or reveal other sensitive information.

The Department makes every effort to respond to FOIA requests within the statutory response period. To implement its statutory responsibilities under FOIA, the Department has established a centralized and comprehensive FOIA Program, in which a single office receives and coordinates the processing of 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 (A/GIS/IPS).

During this reporting period (March 2017 to March 2018), the Department's FOIA program experienced several major changes that have either resulted in significant improvements or positioned the Department for improvements in the next few years. New leadership and management approaches as well as additional resources provided to support the program, have positioned the Department's achievements in significantly reducing the FOIA backlog.

The Department continues its efforts to reduce the FOIA backlog, increase use of the FOIA website through the adoption of the "Release to One, Release to All" approach to posting documents, increase and improve FOIA training of agency staff, and comply with orders in FOIA litigation cases.

Despite the progress and improvements made to the FOIA program, the Department consistently had more than 100 FOIA litigation cases throughout the year, continuing its streak of unprecedented FOIA litigation demands for another year. These 100+ cases account for approximately one percent of the Department's FOIA caseload. For most of this reporting period, court ordered document production schedules required A/GIS/IPS,

which manages FOIA litigation cases working along with and in conjunction with the Department's Office of the Legal Adviser, to allocate about 70 to 80% of its FOIA review resources to meet these court-ordered productions. With so many resources being committed to processing FOIA litigation cases, it had been challenging to respond quickly to other FOIA requests that are at risk of becoming FOIA litigation cases if not processed in a timely manner.

In late September 2017, the Department undertook a major Department-wide FOIA backlog reduction initiative known as the FOIA Surge. In order to further the core FOIA goals of transparency and accountability, the State Department has temporarily committed more resources and workforce to address this backlog. Accordingly, the Department has implemented new processes designed to improve our FOIA review in the short term during the Surge and is working on solutions for the long term. The Surge was developed with the intent that the Department will clear the backlog while still maintaining the highest standards of quality. This initiative is providing the Department with the opportunity to incorporate what we learn and further improve our processes in the future.

In sum, the Department's FOIA program is now better poised to process requests and efforts continue to further improve our response to the public. We will continue with our efforts to reduce the backlog and to make records available to the public through the FOIA website. The Department will continue to use its online presence to promote transparency and provide information to the public. Feedback is welcome and can be provided at <https://foia.state.gov/Contact/Feedback.aspx>.

**Name and Title of your Agency's Chief FOIA Officer**  
Assistant Secretary of Administration, Bureau of Administration  
U.S. Department of State  
Nicole R. Nason

#### 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ'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.

## A. FOIA Training

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

Yes, the Department both attended and conducted FOIA training during this reporting period.

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

The Department offered a variety of different training sessions in the form of in-person and conference-call briefings to hundreds of Department employees who are working on FOIA cases. A new online module is under development that will be part of required records and FOIA training for all Department employees; the deployment of this online training is expected later this calendar year.

The Director of the Office of Information Programs and Services (A/GIS/IPS or IPS) and the Department's FOIA Program Manager, who works in IPS, conducted several all hands briefings for IPS and other Department employees working on FOIA. New IPS employees, including those working on FOIA, undergo an orientation that introduces them to the organizational structure of the State Department, IPS, and information management and access mandates such as the FOIA, the Federal Records Act, and Executive Order 13526 on Classified National Security Information, among others.

Additionally, the Department of Justice's (DOJ) Office of Information and Policy (OIP) conducted FOIA training on-site at Department facilities. IPS FOIA staff participated in a Dispute Resolution Skills training presented by the Office of Government and Information Services (OGIS) at the National Archives and Records Administration (NARA), Washington, DC. These briefings and training sessions were tailored to each different audience.

The IPS Director and FOIA Program Manager also conducted several all hands briefings for all IPS employees working on FOIA. Topics of these sessions included an overview of the FOIA in general, a review of the recent amendments to the FOIA, reminders about annual training requirements for classified and privacy information, updates on efforts to implement records management mandates which may affect FOIA, a review of efforts to address existing FOIA processing issues, an update on efforts to increase postings to the FOIA website, and ongoing conversations about the processing priorities including expedited requests.

IPS continued to hold briefings to provide all Department staff with training regarding FOIA and to advise staff of their roles and responsibilities in the FOIA process. IPS also continued to provide information to all FOIA staff regarding other briefings that are provided by the American Society of Access Professionals (ASAP), DOJ, and OGIS.

For example, a session was held for IPS employees to share with their colleagues what they learned at an off-site FOIA event that all IPS staff could not attend.

Additionally, IPS Leadership including the FOIA Program Manager along with attorneys in the Office of the Legal Adviser held training sessions for IPS FOIA reviewers; IPS employs analysts and reviewers to process FOIA requests, the latter regularly conducting nearly all of the substantive review of documents in response to requests. To ensure that IPS staff had knowledge of the statute, a “Back to Basics Campaign” was deployed with a series of FOIA training briefings. Sessions covered a variety of topics including briefings on the use of FOIA exemptions b1, b4, b3, b4, b5, b6, and b7, classification, and records management.

During the FOIA Surge, at least three different FOIA briefings were provided to the hundreds of employees engaged in that effort.

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

Approximately 90% percent of the Department’s FOIA professionals attended substantive FOIA training during this reporting period.

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.

## **B. Outreach**

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

Yes. During the reporting period, the Department regularly interacted with numerous requesters regarding the processing of the Department’s pending FOIA cases.

The Department’s FOIA Public Liaison (FPL) attended the American Society of Access Professionals’ events, which provide opportunities to communicate with the requester community.

The Department used social media to connect with requesters. We used Twitter to provide updates regarding our monthly web postings of records that were released the previous month responsive to FOIA requests.

## C. Other Initiatives

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

The Department conducted agency-wide outreach on several occasions from March 2017 to March 2018. At least two Department Notices, disseminated to many Department employees and available to all employees on our intranet network, provided information about all employees' responsibilities under the FOIA, as well as information about monthly briefings on FOIA held in 2017.

The Secretary of State sent an email to all Department employees about the FOIA Surge effort that was underway by October 2017.

The FOIA Office regularly interacts with employees throughout the Department regarding FOIA issues. It also provides training regarding employee's FOIA responsibilities and about any changes to the Department's policies implementing the FOIA. Department personnel have access to individualized FOIA briefings by the FOIA Office including its FOIA Program Manager.

We continue to brief outgoing officials and reminded them in writing and in individual briefings of their responsibilities to complete their outstanding FOIA searches and to preserve their records so that they can be searched in the future. Incoming officials were also briefed on their records and classification responsibilities with additional briefings on FOIA.

From March 2017 through September 2017, the Department held a monthly FOIA briefing for all Department employees in the Ralph J. Bunche Library. These briefings were meant to provide an overview of the FOIA and the responsibilities of Department employees in searching for and providing potentially responsive records for requests.

After September 2017, dozens of FOIA briefings were held for hundreds of Department employees working on the Department-wide FOIA Surge initiative.

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

The Department continued the policy of "Release to One, Release to All" during this reporting period through a series of monthly postings made to the public FOIA website ([foia.state.gov](http://foia.state.gov)) including records released in FOIA cases over the past couple years. Documents are posted from all productions (non-litigation and documents that were ordered to be released in FOIA litigation) of documents released to requesters during the previous month (excluding any Privacy Act or first person requests involving privacy information). Additional documents are posted online each month for FOIA litigation cases.

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

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

Please answer the following questions to describe the steps your agency has taken to ensure that the 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.

1. For Fiscal Year 2017, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2017 Annual FOIA Report.

In FY 2017, the average number of days for adjudicating requests for expedited processing was 10.31 days, slightly up from 10 days the year before.

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.

The Department will continue its procedures for expedited requests to ensure that processing times meet the statutory timeframe. The Department will discuss this issue with its various FOIA employees and offices working to conduct FOIA searches and reviews, as well as provide written guidance on the need to adjudicate expedited cases within ten calendar days or less. The Department will also discuss methods to identify when 10 days have passed for these cases so that they can be identified for immediate action.

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

•Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

Yes, the Department has assessed its FOIA program on more than one occasion during this reporting period.

During the rating period, the Department established an internal State Department FOIA Working Group comprised of employees from the centralized FOIA office, other Department offices that regularly receive FOIA cases, and all other Department offices that play a role in the Department's FOIA process. This new governance body, chaired by the Office of Information Programs and Services (A/GIS/IPS) in the bureau overseen by the Chief FOIA Officer, reviews the results of the OIP annual reports and discusses how to address any deficiencies or areas for improvement.

The two self-assessment exercises that began in FY 2016 involving the FOIA process were completed in 2017. As a result of the two studies completed, we plan to acquire a Department-wide IT system with Department-specific requirements that will enable us to better respond to requests and make necessary changes to the staffing structure of A/GIS/IPS to include how better to structure the FOIA offices within IPS to support an improved process.

A/GIS/IPS management conducted reviews of existing processes to identify short- and long- term solutions; the focus has been to improve the entirety of the Department's FOIA process so that responses to the public are provided in a more consistent and timely manner and more information is posted to the FOIA website. These efforts have included improved communication and coordination among offices in the Department working to process FOIA requests; these efforts have been successful as seen in the reduced backlog.

4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2017 (please provide a total number or an estimate of the number).

The FOIA Public Liaison, who also serves as the Department's FOIA Program Manager, was contacted 1605 times during FY 2017 (700 by phone and 905 by email), for an average of 134 times per month.

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

For FY17, the statistics are as follows:

- All FOIA cases, the estimated average number of pages per case is 386.
- All Direct (Search) FOIA cases, the estimated average number of pages per case is 786.
- All Referral/Consultation FOIA cases, the estimated average number of pages per case is 61.



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

To ensure that records are accessible to citizens and to promote the importance of government openness and accountability, IPS established the State Department FOIA Working Group. The group is composed of agency staff with FOIA responsibility representing various bureaus that participate in the agency FOIA process. The group meets monthly to discuss FOIA policy, process, and reporting matters.

Department-wide cables/telegrams, known as ALDACs, and the Bureau of Administration's Blog (A Bureau Blog) were used to promote a dialogue about the importance of open government and freedom of information, as well as advise agency staff of the FOIA and their responsibilities in the FOIA process as agency employees.

The Department of Justice, Office of Information Policy (DOJ OIP), conducted on-site FOIA training to DOS employees. The training provided basic information regarding FOIA procedural requirements, processing a FOIA request, litigation considerations, and Exemptions 5, 6, and 7(C).

Monthly FOIA Briefings for agency staff were held. The briefings, which include a session called "Intro to FOIA and Your Responsibilities as a Department Employee," are available to all Department of State employees. These briefings provide an overview of the FOIA, the FOIA Administrative Process, IPS FOIA responsibilities, bureau/office FOIA responsibilities, conducting searches in response to a FOIA request, responsive documents and a brief overview of the FOIA's nine exemptions

During this rating period, the Department also undertook a "Back to Basics" training campaign for its FOIA employees. "Back to Basics" included an overview of each FOIA exemption and key information about the FOIA in general for practitioners working to process cases.

In late September 2017, the Department undertook a major Department-wide FOIA backlog reduction initiative known as the FOIA Surge. In order to further the core FOIA goals of transparency and accountability, the State Department has temporarily committed more resources and workforce to address this backlog. Accordingly, the Department has implemented new processes designed to improve our FOIA review in the short term during the Surge and is working on solutions for the long term. The Surge was developed with the intent that the Department will clear the backlog while still maintaining the highest standards of quality. This initiative is providing the Department with the opportunity to incorporate what we learn and further improve our processes in the future.

### Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long 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.

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

The Department continues the “Release to one, Release to All” approach to posting FOIA documents online, which it did throughout the entire reporting period. With the exception of first-person requests (i.e., those involving privacy or personally identifiable information), the Department posts on its FOIA website those documents released to the public in the previous month. These releases include the posting of records released in response to FOIA and litigation cases. <https://foia.state.gov>. The adoption of this approach to posting documents online leads to the public’s access to thousands of documents that would otherwise only be available to individual requesters.

Collections of records pertaining to specific subjects may be found at: <https://foia.state.gov/Search/Collections.aspx>. Additional content has been proactively released on the Department’s FOIA website.

2. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

Yes, announcements of the monthly postings were released via Twitter.

3. 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?

Yes.

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

The Department continues to ensure that any material posted to the FOIA website is searchable by the public, not just posted online. We also work to group certain web postings to make it easier for the public to find records that we have posted online.

We continue to post documents released in non-litigation FOIA requests on the FOIA website. In some FOIA litigation cases, records are being posted, making them simultaneously available to both the plaintiff in those cases and the public. Below are links that would include documents proactively disclosed on the website in some instances:

<https://foia.state.gov/Search/Collections.aspx>

5. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

The Department continues to seek feedback from the public on its FOIA website and its content. We can be contacted via several means including through this site:

<https://foia.state.gov/Contact/Feedback.aspx>.

We have not used web analytics to inform proactive disclosures because we have adopted a presumption of openness through the use of “Release to One, Release to All” approach. Our current focus is reducing our backlog and getting information to those requesters and the public through continued online postings to the FOIA website.

#### Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. 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.

1. Has your agency identified any best practices to leverage technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes please describe the best practices, the types of technology used and the impact on your agency's processing.

Yes. The Department is undertaking short- and long-term efforts to improve how technology is used to facilitate FOIA requests. In the short term, new ways to use existing tools are being examined including evaluating the existing processes to identify steps that should be automated or eliminated. More specifically, the Department adopted the use of new tools during the rating period to track, enterprise-wide, the

status of FOIA cases. Through the use of these tools and online dashboards, the Department could better identify where cases were in the FOIA process. This allowed senior leadership to better understand where any potential or actual bottlenecks existed so that appropriate action could be taken, including making additional resources available for cases.

The Department continues in its efforts towards a Department-wide IT solution that will allow one platform to complete all aspects of the FOIA process electronically.

2. Did your agency successfully post all four quarterly reports for Fiscal Year 2017?

Yes.

3. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2018.

N/A

4. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2016 Annual FOIA Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report. DOJ/OIP request confirmation that raw data was posted on the web.

<https://foia.state.gov/Learn/Reports.aspx>

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

The Department is committed to better transparency inside the organization as well as with the public. Internally, we are working to make sure that there is improved accountability with regard to case processing. The use of new dashboards with the tools currently being used in the FOIA Surge is helping to serve as a prototype for longer-term IT solutions that are under consideration.

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

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of

numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2017 Annual FOIA Report and, when applicable, your agency's 2016 Annual FOIA Report.

#### A. Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

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

Yes. The Department identifies that a request should be categorized as a simple request that should be processed in the simple track. The Department's track for simple requests includes requests that the Department receives directly where the records are readily available for release and documents referred to the Department by other agencies for direct response to the requester. Nearly all of the Department's FOIA requests fall into the complex track.

2. If so, for your agency overall in Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer?

No.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.

14.23%

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

#### B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual

FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

## BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?

Yes. The backlog as of the close of FY 2016 was 22,664. The number of requests backlogged as of the close of FY 2017 was 13,021, a decrease of approximately 57%.

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

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

N/A

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2017.

169%

## BACKLOGGED APPEALS

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

Yes.

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

- An increase in the number of incoming appeals.
- A loss of staff.

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

N/A

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A."

156%

### C. Backlog Reduction Plans

11. In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2016 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2017?

Yes, the Department implemented a plan.

The Department improved coordination among the offices working on FOIA cases. This was done through more regular communication to all employees working on FOIA and the creation of the State Department FOIA Working Group in mid-2017. Working with available data on FOIA cases, the Office of Information Programs and Services (A/GIS/IPS) identified solutions working with other Department bureaus and offices to close thousands of cases. For example, the Department continued and completed its effort identified in the 2017 Chief FOIA Officer report involving the backlog of about 18,000 referral cases from the United States Citizenship and Immigrations Services (USCIS) agency. Partnering with the Bureau of Consular Affairs (CA), A/GIS/IPS and CA developed immediate and long term solutions that addressed this backlog and also new incoming referrals. The closure of the USCIS referral cases accounts for a majority of the Department's FOIA backlog numbers for this rating period.

In late September 2017, the Department undertook a major Department-wide FOIA backlog reduction initiative known as the FOIA Surge. In addition to the thousands of referrals that needed to be closed, the Department also had thousands of more complex FOIA cases that also needed to be addressed. In order to further the core FOIA goals of transparency and accountability, the State Department has temporarily committed more resources and workforce to address this backlog. Accordingly, IPS has

implemented new processes designed to improve our FOIA review in the short term during the Surge and is working on solutions for the long-term. The Surge was developed with the intent that the Department will clear the backlog while still maintaining the highest standards of quality. This initiative is providing the Department with the opportunity to incorporate what we learn and further improve our processes in the future.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018?

The Department continues its FOIA Surge effort in FY2018, to date, and is working to develop new, efficient processes for the FOIA program including new processes, technology, and organizational structures committed to compliance with the law and accessibility of released information to the public.

In FY 2018, the Department undertook a major Department-wide FOIA backlog reduction initiative known as the FOIA Surge. In order to further the core FOIA goals of transparency and accountability, the Department has temporarily committed more resources and workforce to address this backlog. Accordingly, IPS has implemented new processes designed to improve its FOIA review in the short term during the Surge and is working on solutions for the long-term. The Surge was developed with the intent that the Department will clear the backlog while still maintaining the highest standards of quality. This initiative is providing the Department with the opportunity to incorporate what it learns and further improve its processes in the future.

#### D. 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 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

#### TEN OLDEST REQUESTS

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

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 2016



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

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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?

N/A

#### TEN OLDEST APPEALS

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

Yes.

17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A

#### TEN OLDEST CONSULTATIONS

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

No.

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

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

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.

The demands of FOIA litigation and the resources required to support these court ordered production schedules detracted from our ability to work on other FOIA cases, including consultations, during this rating period.

The Department is reviewing how it manages its overall FOIA process, including appeals, consultations, and referrals. New processes are being considered for appeals, consultations, and referrals to provide more timely responses to requesters and other federal agencies working to close FOIA 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 2017.

The Department closed 7 of its oldest pending requests, 10 of its oldest appeals and 7 of its oldest consultations. The FOIA Surge effort includes a dedicated group that will work to close out the 100 oldest cases. The group will conduct research into each of the cases to determine where they are in the process and then focus on taking the next step(s) in the process to ensure that they are processed to closure. There is another dedicated group that is working solely on referrals and consultations with a focus on processing the oldest cases to closure. These efforts have been deemed priority and resources have been added so that there are no additional delays in the responses to requesters and other federal agencies.

## **F. Success Stories**

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

achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- The Department reviewed its FOIA process, governance, technology, and staffing in 2017. As a result, immediate changes were made to processes that achieved the closure of 57% of our backlog at the start of Fiscal Year 2017. The new governance model put in place through a Department-wide FOIA Working Group raised awareness of issues, upcoming training, and initiatives underway; this work allowed for increased collaboration among various Department employees working on FOIA cases. We leveraged this heightened awareness to develop, for the first time ever, Department-wide programmatic and technical requirements that were later used by a Department-wide working group to develop requirements for a new IT platform. Members of that working group participated in the review of potential IT solutions under consideration by the Department. The concurrent FOIA Surge effort that was launched in late 2017 complemented the already underway FOIA initiatives on process, governance, and technology, and has resulted in the closure of thousands of additional cases. In sum, the Department has reviewed and closed thousands of cases since March 2017 and is now considering longer term solutions that will eliminate its backlog and avoid the Department's acquiring new ones in the future through more efficient processes, technology, and staffing models.