

**U.S. DEPARTMENT OF STATE
CHIEF FREEDOM OF INFORMATION ACT OFFICER
ANNUAL REPORT
MARCH 2019**

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 the programs and activities that support this mission. The Department's mission is global in nature as are the records that document that mission. As such, the Department maintains its records at dozens of locations domestically and at hundreds of posts located around the globe.

Freedom of Information Act (FOIA) requests received by the Department involve a complex mix of issues related to foreign government relations, diplomacy, terrorism, armed conflicts, and security; they can require multiple searches throughout many of the Department's approximately 425 overseas posts and domestic locations. 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, the Office of Information Programs and Services (A/GIS/IPS), receives and coordinates the processing of the majority of the FOIA requests made to the Department. Only two other offices, the Law Enforcement Liaison Division of the Office of Passport Services and the Office of the Inspector General, are authorized to accept FOIA requests submitted to the Department. The coordination with the Department's domestic offices and bureaus, its posts overseas, other federal agencies, and foreign governments is managed by the FOIA programs in these three Department components.

During this reporting period (March 2018 to March 2019), the Department completed a major FOIA initiative – known as the FOIA Surge – and started to build its future FOIA program based on lessons learned from that initiative. The FOIA Surge, which began in September 2017, ended in April 2018, just at the start of this Chief FOIA Officer reporting period. By the end of Fiscal Year (FY) 2018, the Department decreased its backlog (from the start of FY18) by 20%.

Technology will play a critical role in the future success of the FOIA program. In late 2018, the Department acquired FOIAXpress, which will be deployed in 2019 as the Department's new FOIA case management system. FOIAXpress will be interoperable with the Department's eRecords archive that captures all state.gov emails and will contain millions of other State Department records as existing archives and datasets are migrated to eRecords. Additionally, FOIA managers continue to review program processes with the intention of implementing new

end-to-end procedures this year. In the meantime, the Department continues its “Release to One, Release to All” approach to posting documents on its FOIA website, increasing and improving FOIA training of agency staff, and complying with court orders in FOIA litigation cases.

Despite the progress and improvements made to the FOIA program, the Department maintained an average of 134 FOIA active litigation cases at any one time, involving 195 FOIA requests, continuing its streak of unprecedented FOIA litigation demands for another year. These account for just two percent of the Department’s FOIA caseload, but for most of this reporting period court ordered document production schedules required A/GIS/IPS, which manages FOIA litigation cases in conjunction with the Department’s Office of the Legal Adviser, to allocate over 80% of its FOIA review resources to meet these court-ordered productions. The majority of these reviewer resources are currently part-time employees. With so many resources being committed to processing FOIA litigation cases, it is challenging to respond quickly to other FOIA requests that are at risk of becoming FOIA litigation cases if not processed in a timely manner. The Department is in the process of transitioning to more full-time FOIA support to address both its FOIA and FOIA litigation demands.

In order to further the core FOIA goals of transparency and accountability, the State Department is committed to continuing aggressive measures to address our backlog while still maintaining the highest standards of quality and to further improve our processes in the future.

In sum, the Department’s FOIA program continues to improve its ability to process FOIA requests and remains committed to improving our response to the public. We will continue with our efforts to reduce the backlog, improve response times, and make records available to the public through the FOIA website. The Department will also 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

John W. Dinkelman, Acting
Assistant Secretary of Administration, Bureau of Administration
U.S. Department of State

Section I: 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 Leadership

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

Yes.

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

Acting Assistant Secretary of Administration, Bureau of Administration
U.S. Department of State
John W. Dinkelman

B. FOIA Training

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

Yes, the Department's FOIA professionals and personnel both attended and conducted FOIA training during this reporting period.

4. 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 mandatory training course for all Department employees, Records Management for Everyone (PK217), includes a module regarding FOIA. Over 58,000 Department employees completed this program during the reporting period.

A new online course on classification of information per Executive Order 13526 was also deployed at the Department during this reporting period. All Department personnel who hold a security clearance are required to complete Mandatory Training for Classifiers and Users of National Security Information (PK400) on an annual basis. The course trains Department personnel how to properly identify, classify, safeguard, and declassify national security information. Compliance with the standards described in this course is particularly important due to the prevalence of Foreign Government Information within State Department records. Over 40,000 employees completed the course during the reporting period.

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.

The Director of the Office of Information Programs and Services (A/GIS/IPS or IPS) and the Department's FOIA Program Manager conducted briefings for IPS analysts and reviewers and other Department employees working on FOIA. These briefings contained reminders about annual training requirements for classified and privacy information, updates on efforts to implement records management mandates that 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.

The IPS Director, the FOIA Program Manager, and attorneys in the Office of the Legal Adviser conducted briefings for IPS analyst and reviewers and other Department employees working on FOIA. (IPS employs both analysts and reviewers to process FOIA requests, the latter regularly conducting nearly all of the substantive review of documents in response to requests.) Topics of these sessions included an overview of the FOIA in general, FOIA processing requirements, including guidance on expedited requests, a review of the recent amendments to the FOIA, overview of the FOIA's nine exemptions, best practices when redacting documents, the FOIA and Privacy Act interface, classification and declassification of national security information, and records management.

Additional training was provided on the Exemption 5 privileges, with an emphasis on the attorney work product privilege and the attorney-client privilege. The Department of Defense (DoD) held several sessions for IPS analysts and reviewers on identifying DoD equities, the DoD organizational structure, and the referral and consultation process.

IPS leadership continued to encourage and approve funding for FOIA staff to attend off-site briefings and training provided by the American Society of Access Professionals (ASAP), the Department of Justice (DOJ) Office of Information and Policy (OIP), and the Office of Government and Information Services (OGIS) at the National Archives and

Records Administration (NARA), Washington, DC. IPS also held sessions for employees to share with their colleagues who could not attend what they learned at the off-site events.

Starting in February 2019, the Department conducted a series of briefings for FOIA staff on the organizational structure of the State Department, including sample records from the bureaus discussed in the briefings. These briefings enhance FOIA employees' understanding of where specific records might be located in the Department so that they can task appropriate offices/bureaus to conduct searches. This will help ensure that the Department is conducting the most thorough possible searches for records sought in response to FOIA and other records requests.

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 95% 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.

N/A

C. Outreach

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

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

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

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

D. Other Initiatives

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In 2018, the Department of Justice publicized FOIA-

related performance standards for employees for employees that have any role in administering the FOIA, including non-FOIA professionals. Please also indicate whether your agency has considered including FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA.

The Department conducted agency-wide outreach on several occasions from March 2018 to March 2019. In March 2018, as part of Sunshine Week, the Department held a FOIA Town Hall meeting for all Department employees and issued guidance on the use of electronic messaging applications, to ensure that all official business conducted on electronic messaging devices is captured and incorporated into the Department's central filing system in compliance with federal records management laws, regulations, and policies. The Department deployed a new online mandatory training for all Department employees, "Records Management for Everyone (PK217)," which includes a module on FOIA that reminds all employees about their shared records and FOIA responsibilities; as previously noted, over 58,000 Department employees have completed this course.

The FOIA Office regularly interacts with employees throughout the Department regarding FOIA issues. It provides training regarding employees' FOIA responsibilities and about any changes to the Department's policies implementing the FOIA. Department personnel have access to individualized briefings by the FOIA Office including its FOIA Program Manager. IPS maintains an internal website where Department employees can view and download guidance on the FOIA.

IPS continues to brief outgoing officials and remind them, in writing and in individual briefings, of their responsibilities to complete any outstanding FOIA searches before departure 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.

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 regular postings made to the public FOIA website (foia.state.gov) of records released in FOIA cases, excluding any Privacy Act or first person requests involving privacy information.

In February 2019, the Department started posting releases from its Mandatory Declassification Review requests on its FOIA websites. While other MDR releases have been posted in the past, the Department will now post MDR releases as part of its regular postings, often at the end of the month.

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 2018, 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 2018 Annual FOIA Report.

In FY 2018, the average time for adjudicating requests for expedited processing was 11.58 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.

The Department continues to review its procedures for expedited requests with the aim of meeting the statutory timeframe. The Department has reviewed its intake and case processing procedures and is trying new methods to move cases approved for expedited processing more quickly.

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.

The Department's FOIA Working Group is comprised of employees from the central 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. The governance body, chaired by the Director of A/GIS/IPS in the bureau overseen by the Chief FOIA Officer, reviewed the results of the OIP annual reports and discussed how to address any deficiencies or areas for improvement.

The Department acquired, and is in the process of implementing, a Department-wide IT system that will enable us to better respond to requests and make necessary changes to the staffing structure of A/GIS/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. The Department has established FOIA contacts, including a senior level point of contact and working level FOIA liaisons, within the various Department components to ensure that processing at the Department receives the attention it deserves. 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 2018 (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 an estimate of 2000 times during FY 2018 (600 by phone and 1200 by email), for an average of 158 times per month.

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

Identifying the processing requirements for a new FOIA IT system and better overall electronic records management have allowed for improvements and future improvements to the FOIA program. With the acquisition of FOIAXpress, the Department will have an enterprise-wide FOIA IT solution for the first time, meaning that all FOIA employees can more easily coordinate on cases, which is intended to result in processing efficiencies. FOIAXpress is being developed to be interoperable with the Department's eRecords archive containing hundreds of millions of records, mainly emails, and is on schedule to deploy during the next reporting period.

To promote government openness and accountability, IPS established the State Department FOIA Working Group. The group is composed of agency staff from various bureaus that participate in the agency FOIA process. The group meets monthly to discuss FOIA policy, process, and reporting matters.

IPS held monthly FOIA briefings for agency staff, and included a session called "Intro to FOIA and Your Responsibilities as a Department Employee." These briefings provided an overview of the FOIA, the FOIA administrative process, IPS FOIA responsibilities, bureau/office FOIA responsibilities, guidance on conducting searches in response to a FOIA request, and an overview of the FOIA's nine exemptions.

During the rating period, the Department made changes to its FOIA intake process, developed strategies to make searches of electronic and other records more consistent, and further developed the knowledge of FOIA employees to ensure the best possible search results.

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.

Throughout the reporting period the Department continued the “Release to one, Release to All” approach to posting FOIA documents online. With the exception of first-person requests (i.e., those involving privacy or personally identifiable information), the Department endeavors to post 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 FOIA 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>.

2. Please describe how your agency identifies records that have been requested and released three or more times (and therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a)(2)(D)).

The Department goes beyond the statutory requirement to make publicly available copies of all records that have been requested three or more times. The Department posts on its FOIA website those documents released to the public in the previous months without regard to the number of times the records have been requested.

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 make sure that any material posted to the FOIA website is searchable by the public, not just posted online, and work to group certain web postings to make it easier for the public to find records.

We continue to post documents released in non-litigation and litigation FOIA requests on the FOIA website. In some FOIA litigation cases records are made simultaneously available to both the plaintiff and the public, with public access via the following link: <https://foia.state.gov/Search/Collections.aspx>.

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

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>.

The Department has not used web analytics to inform disclosures because we have adopted a presumption of openness through the use of the “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. Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used. If not, please explain why and please describe the typical search process used instead.

Yes, there have been major improvements in the Department’s management of electronic records in a centralized, cloud-based eRecords archive that will be interoperable with the recently acquired FOIAXpress. FOIAXpress will allow one platform to complete all aspects of the FOIA process electronically, including searching for records previously provided responsive to FOIA requests contained in its document storage component.

2. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes.

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

Yes.

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

N/A

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2017 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report. DOJ/OIP request confirmation that raw data was posted on the web.

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

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

There have been major improvements in the Department's management of electronic records in a centralized, cloud-based eRecords archive that will be interoperable with the recently acquired FOIAXpress. FOIAXpress will allow one platform to complete all aspects of the FOIA process electronically, including searching for records previously provided responsive to FOIA requests contained in its document storage component.

In order to deal with wide variety of electronic records generated and the volume of the resulting electronic data and information, the Department has found it useful to consider process and technology together in responding to FOIA requests, specifically, scoping requests and search results to find information being sought by requesters and avoiding the review of non-responsive search results.

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 2018 Annual FOIA Report and, when applicable, your agency's 2017 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. Nearly all of the Department's FOIA requests fall into the complex track.

2. If so, for your agency overall in Fiscal Year 2018, 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 2018 that were placed in your simple track.

14.5%

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 2017 and Fiscal Year 2018 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 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

Yes. The backlog as of the close of FY 2017 was 13,021. The number of requests backlogged as of the close of FY 2018 was 10,400, a decrease of 20%.

6. If not, did your agency process more requests during Fiscal Year 2018 than it did during Fiscal Year 2017?

N/A

7. If your agency's request backlog increased during Fiscal Year 2018, please 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

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2018.

123%

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

Yes. The backlog as of the close of FY 2017 was 422. The number of requests backlogged as of the close of FY 2018 was 367, a decrease of approximately 13%.

10. If not, did your agency process more appeals during Fiscal Year 2018 than it did during Fiscal Year 2017?

N/A

11. If your agency's appeal backlog increased during Fiscal Year 2018, please 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

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2018. If your agency did not receive any appeals in Fiscal Year 2018 and/or has no appeal backlog, please answer with "N/A."

188%

C. Backlog Reduction Plans

13. In the 2018 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2017 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 2018?

Yes. The Department completed the FOIA Surge initiative and developed plans to improve its FOIA program. The Department made changes to its FOIA intake process, developed strategies to make searches of electronic and other records more consistent, and further developed the knowledge of the agency and its offices among FOIA employees to ensure best possible search tasking.

Acquiring new technology was part of the plan. Technology will play a critical role in the future success of the FOIA program. In late 2018, the Department acquired FOIAXpress, which will be deployed in 2019 as the Department's new FOIA case management system. FOIAXpress will be interoperable with the Department's eRecords archive that captures all state.gov emails and will contain millions of other State Department records as existing archives and datasets are migrated to eRecords.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2018, what is your agency's plan to reduce this backlog during Fiscal Year 2019?

The Department will continue to implement the steps noted above, including updating its FOIA process and executing the deployment of FOIAXpress.

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 2017 and Fiscal Year 2018 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

- 15.** In Fiscal Year 2018, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

No.

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

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- 17.** 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

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

IPS has established a specialized team to work on closing out the 100 oldest cases. The team will conduct research of each of the cases to determine where they are in the process and then focus on taking the next step(s) to ensure that they are processed to closure. This effort will continue as a priority and resources will be added so that there are no additional delays in the responses to requesters.

TEN OLDEST APPEALS

- 19.** In Fiscal Year 2018, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

No.

20. 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 2018 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

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

The Appeals Officer and the Appeals Review Panel continue to work on the oldest pending appeals. The Department is in the process of completing a plan to change the appeals process to ensure that in the future appeals are reviewed and the processing is completed so that there are no additional delays in the responses to requesters.

TEN OLDEST CONSULTATIONS

22. In Fiscal Year 2018, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

No.

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

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

24. 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, non-litigation FOIA cases, including appeals and 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.

25. 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

26. 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 2018.

The Department closed four of its oldest pending requests, eight of its oldest appeals, and seven of its oldest consultations.

The Department is developing a new FOIA process to focus energy and resources on the Department’s oldest cases, following the First in, First out standard. It is revising its procedures for handling appeals to streamline the review and decision process. This includes ensuring that the FOIA appeals panel meets more frequently. The Department is also shifting internal resources to a group of employees who will focus specifically on consultations following the First in, First out standard.

F. Success Stories

Out of all the activities undertaken by your agency since March 2018 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.

- **New Records and FOIA Training:** A new online mandatory training course for all Department employees, Records Management for Everyone (PK217), includes a module that identifies what the FOIA is and employees’ responsibilities. Over 58,000 Department employees completed this program during the reporting period.
- **New Technology:** In late 2018, the Department acquired FOIAXpress, which will be deployed in 2019 as the Department’s new FOIA case management system. FOIAXpress will be interoperable with the Department’s eRecords archive that captures all state.gov emails and will contains millions of other State Department records as existing archives and datasets are migrated to eRecords.
- **New Classification Training:** A new online training course on classification of information per Executive Order 13526 was also deployed at the Department during this reporting period. All Department personnel who hold a security clearance are required to complete the online course, Mandatory Training for Classifiers and Users

of National Security Information (PK400), on annual basis. The goal of the course is to train Department personnel on how to properly identify, classify, safeguard, and declassify national security information. Over 40,000 Department employees completed this program during the reporting period. This is particularly important due to the prevalence of Foreign Government Information within State Department records.